



Northern Ireland
Assembly

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

Volume 135

(18 January 2021 to 8 February 2021)

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Assembly Members

A

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

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Barton, Mrs Rosemary (Fermanagh and South Tyrone)
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Beggs, Roy (East Antrim)
Blair, John (South Antrim)
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Bradley, Ms Paula (North Belfast)
Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
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Buchanan, Keith (Mid Ulster)
Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)

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Carroll, Gerry (West Belfast)
Catney, Pat (Lagan Valley)
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Dolan, Ms Jemma (Fermanagh and South Tyrone)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)

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Ennis, Ms Sinéad (South Down)

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Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)

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Gildernew, Colm (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley)

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Hargey, Ms Deirdre (South Belfast)
Harvey, Harry (Strangford)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hunter, Ms Cara (East Londonderry)

I

Irwin, William (Newry and Armagh)

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Kearney, Declan (South Antrim)
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Kelly, Gerry (North Belfast)
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Long, Mrs Naomi (East Belfast)
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Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)

O

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

P

Poots, Edwin (Lagan Valley)

R

Robinson, George (East Londonderry)
Rogan, Ms Emma (South Down)

S

Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
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Official Report (Hansard)

Assembly Sitings

Northern Ireland Assembly

Monday 18 January 2021

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Before we commence business today, I want to record the fact that I wrote to all Members on Friday with an update on discussions on the management of Assembly business during the current COVID-19 restrictions. Last year, as Members will be aware, the Assembly made very significant changes to how it did business, and it is right and proper that we again respond in the current serious circumstances.

Although it is welcome that the figures show an improving picture, we all know from experience at this point that we cannot be complacent in dealing with the virus and the emergence of new variants. Given the role and functions of the Assembly, it is crucial that we have remained able to carry out our responsibilities, but the business that we do and how we do it cannot be in the normal way.

I acknowledge the cooperation that I have had from all party Whips, the Business Committee and the Assembly Commission in dealing with these issues. Although we may have to take decisions to introduce changes that, I understand, are far removed from how individual parties or Members would ordinarily wish to conduct business, we are dealing with extraordinary challenges that require us to move beyond our normal preferences.

That is not unreasonable, given the nature of the changes that we have required be made to many aspects of daily life for our whole community or, indeed, the exceptional efforts being made by key workers, particularly our Health and Social Care (HSC) staff, whom we cannot praise highly enough. The cooperation and understanding of all Members will make it significantly easier, particularly for officials, as we adapt in the weeks ahead. I therefore ask all Members to keep in mind why changes are being made.

Finally, we are at the end of the first full year since the return of the Assembly. It has been an exceptionally busy year, dealing with issues that we could not have envisaged last January. That is particularly the case for the staff of the House. Again, I acknowledge their efforts and commitment, as was demonstrated by the fact that the year ended with their being recalled from leave on a number of occasions over the Christmas period. When we have to be in the Building to do business, it requires many staff also to be here rather than working from home.

I am not sure that all Members, or most people, were as conscious of that as they might have been over recent weeks, so I ask Members to be especially mindful of the support that they are given at this time by the staff of the House.

I have received notification from the First Minister and deputy First Minister that Ms Carál Ní Chuilín has resigned the office of Minister for Communities, effective from 15 December 2020. I have also been informed by the nominating officer for Sinn Féin that Ms Deirdre Hargey has been nominated as Minister for Communities. Ms Hargey accepted the nomination and affirmed the Pledge of Office in the presence of the Speaker and the Clerk/Chief Executive on Wednesday 16 December 2020. I am satisfied that the requirements of the Standing Orders have been met.

Matter of the Day

Belfast Multicultural Association

Mr Speaker: Mr Gerry Carroll has been given leave to make a statement on the destruction of the Belfast Multicultural Association building that fulfils the criteria set out in Standing Order 24. If other Members wish to be called to speak, they should indicate so by rising in their place and continuing to do so. All Members called will have up to three minutes to speak on the subject, and I remind Members that I will not take points of order on this or any other matter until the item of business has finished.

Mr Carroll: Last weekend, we witnessed harrowing scenes of a building, which in many ways represents the new multicultural and diverse Belfast and society that we want to see, set alight. Members of the Belfast Multicultural Association (BMCA), who, just last week, were collecting food to assist the local community in the middle of the pandemic, had the building that they worked in set alight and destroyed. Had this attack been carried out at any other time, we could be talking about tragedy, death and lives lost. Therefore, we need to send a resolute message to those who engaged in that hate-filled attack that they are in the minority and will not win. A clear message of solidarity and support should go out to those who volunteer for and use the BMCA that we stand with them and will do everything that we can to support them.

I commend the BMCA, all those who offered solidarity in the aftermath of this attack, people like Patrick Corrigan of Amnesty International, who set up an online fundraising drive, which has raised over £50,000 so far, and everybody who quickly donated over the weekend in a sign of solidarity.

We have to recognise and understand that this attack did not come from nowhere. For years, members of the migrant community, and in particular people from the Islamic community, have been vilified, profiled and attacked by Governments across the world. We have been told that we must be suspicious and unwelcoming of them, because they may have different religious beliefs or come from different parts of the world. This attack is the result, tragically, of decades of Islamophobia and racism. Whilst we must stand against these attacks, we must also vigorously challenge and oppose the ideas that give them fuel and cover.

It is disgusting beyond words to think that an organisation that carries out such excellent work was targeted in this way by narrow-minded bigots and racists. It is worth noting that the BMCA has, in the recent past, contacted the PSNI, as well as other statutory organisations, about instances of intimidation, and it has stated that those warnings were not taken seriously enough or, worse, were met with a response based on victim blaming. Belfast and our society clearly has a racism problem, with racist attacks now, tragically, outnumbering sectarian ones. Recent PSNI discrimination against anti-racist protesters and a long-term failure by the Executive to implement a racial equality strategy means that tackling this institutional racism must be an immediate task. I offer my solidarity to everybody in the BMCA.

Mr Stalford: I thank the Member from West Belfast Mr Carroll for bringing this issue before the House and, thank

you, Mr Speaker, for allowing the House to discuss the matter.

Since 2005, it has been my great privilege to represent Donegall Pass, first as a member of Belfast City Council serving alongside you, Mr Speaker, and then, latterly, as an Assembly Member. The people responsible for this disgraceful attack do not speak for the community of Donegall Pass or the people who live there. We are very fortunate, in South Belfast, to be the most diverse constituency in Northern Ireland. People from every background, religion and nationality choose to make their home in South Belfast and contribute to the society and general amenity of that constituency by their presence.

What happened at the weekend was disgraceful, and those responsible should be rightly condemned on the Floor of this House. I am sure that all Members will agree with me in that regard.

It is particularly galling that the building that was attacked was being used to benefit the community through the delivery of food parcels to vulnerable people who are struggling at this very difficult time in the middle of a pandemic. Therefore, I am grateful to you, Mr Speaker, for allowing us the opportunity to place on the record of this House our revulsion, our disgust and our absolute condemnation of those responsible for this heinous criminal act.

Mr Sheehan: I welcome the opportunity to speak to this Matter of the Day, and I thank Gerry Carroll for bringing it before the Assembly. I condemn in the strongest possible terms the arson attack on the Belfast Multicultural Association building. What is that building? First of all, it is a refuge for those strangers who come to this city who do not know many people and may be frightened and apprehensive about what faces them in a strange new land. So, it is a refuge for people like that. It is also a place that has been working for the community. As the previous Member to speak pointed out, it has been involved in distributing food parcels to the most vulnerable in society during the public health emergency. It also operates a clothing bank for people who are in financial difficulties and cannot afford to buy clothes. It was also in the process of setting up education programmes for people in the community.

It beggars belief that anyone could think that anything could be achieved by attacking a building and an organisation like that. I agree with the previous Member to speak that there is no support that I can see anywhere in our community for that type of action. It should be stamped out and stamped out now. The people who carried out this action have nothing to offer society.

The Minister for Communities, Deirdre Hargey, met the Belfast Multicultural Association two days ago and is helping it to get back on its feet. It is heartening to see the crowdfunding exercise that Gerry Carroll mentioned. The initial objective was to raise £10,000, and, at the moment, the fund is sitting at just shy of £60,000. That shows the true spirit of the people of Belfast, who are disgusted by this type of attack. I welcome the fact that so many people have, clearly and without hesitation, condemned this attack, and others are helping financially to ensure that the association gets back on its feet as soon as possible.

Mr O'Toole: Mr Speaker, thank you for taking this Matter of the Day. We are debating this appalling incident on Martin

Luther King Junior Day. As people will know, one of Martin Luther King Junior's statements was:

"Life's most persistent and urgent question is, 'What are you doing for others?'"

Over the last number of years and, particularly, during the pandemic, the Belfast Multicultural Association has been doing an enormous amount for others. That is what it is at its core. It is an organisation dedicated to helping people from all corners of the community, particularly those who are new to our society.

As others have said, including my constituency colleague, South Belfast is not just proudly diverse, it is gloriously diverse. Mr Speaker, you will know that as one who represented the area for many years. Diversity, tolerance and pluralism are at the core of South Belfast. It is fundamental to the constituency. It is why I am so proud to represent it. That is why people across South Belfast, and, indeed, across this city, have been utterly appalled by the act that took place at the Belfast Multicultural Association.

It is shameful, and it is shocking. Not only does it not represent local people, it does not represent our city. I am glad that, today, the Assembly is taking a clear stand against this appalling attack. However, we need to go further. We need to investigate the roots of hate crime in our society. We need to be serious when thinking about why these attacks are happening. As Gerry Carroll correctly said, most years, hate crimes consistently outrank sectarian crimes in Northern Ireland. We need to understand why that is happening, and we need a coordinated strategy to tackle that. In the past year, we have been thinking a lot about issues of racial inequality and prejudice. We cannot let those statements be just part of debates in the Assembly. It is welcome that we, today, are standing up and making our voices heard. As legislators, we need to take clear action to tackle this cancer in our society, and we need to do that consistently.

12.15 pm

As Gerry Carroll said, the Belfast Multicultural Association has, in the past, raised concerns about threats. We will need to understand how the threats were handled and the circumstances around this particular attack. However, for now, and for today, let us be clear and firm in our utter revulsion at and rejection of this attack and stand united in seeking to stamp out such attacks happening in the future.

Dr Aiken: I thank Mr Carroll for bringing this matter before us today. I stand here as the chairman of the all-party group on ethnic minority communities and the leader of the Ulster Unionist Party, and we wholeheartedly condemn this racist attack on the most vulnerable in our society.

I want to raise the question of why hate crime legislation in Northern Ireland is not in step with that in the rest of the United Kingdom. As an Assembly, we should be pushing very strongly for the legislation, rules and recommendations of the Macpherson report to be brought in in Northern Ireland. This community, and all our communities, have been calling for that for some considerable time. I want the Assembly to call on the Justice Minister to action rapidly the changes needed to bring hate crime legislation in Northern Ireland in line with that in the rest of the United Kingdom. We cannot afford to allow our citizens, wherever they are from, or the most

vulnerable who come to Northern Ireland seeking safety to feel as though they are being undermined or to be terrified in their own communities. Northern Ireland needs to be a place of refuge. It needs to be a place of tolerance. It needs to be a place in which we look at these people from the rest of the world and welcome them into our society.

Furthermore, anyone who has looked at our National Health Service will see that many of our doctors and other medical professionals come from these societies. We should be reaching out to them and welcoming them with open arms. Perhaps the best way we can do that is to make sure that our hate crime legislation is rapidly brought into line with legislation in the rest of the United Kingdom.

Ms Armstrong: I thank Mr Carroll for bringing forward this Matter of the Day. I also thank all the other Members who have spoken, because they have shown that there is unanimous support in the House for people in our society who have been attacked in this vicious and vile way.

On behalf of the Alliance Party, I wish to express my sadness at the blaze at the Belfast Multicultural Association, which damaged the building extremely badly. My sadness is because I am so disappointed that it happened. More than 50 of our firefighters were needed to bring the fire in Donegal Pass under control. Investigations are, of course, ongoing to identify those who carried out the attack. My thoughts are with the Belfast Multicultural Association. Normally, my colleague Paula Bradshaw would speak about matters such as this, but she has, unfortunately, had to go to a funeral today. However, she confirmed that she has worked with the volunteers who have worked extremely hard to establish their premises and who do amazing work for many sectors of the South Belfast community. No one was hurt in this attack, but this was not the only attack. Cars have been damaged, and there have been spates of attacks around this centre and many other multicultural centres across Northern Ireland.

Unfortunately, there has been experience of it in my constituency, where people dressed up in KKK outfits or left pigs' heads outside the doors of some centres. It is disgusting and disgraceful. An attack on a centre like that is an attack on us all. We are one society. We are working our way past being a divided society.

I must acknowledge the overwhelming support that shows that our society does not want that type of behaviour. As others have mentioned, the funds that have been raised voluntarily by the community have reached almost £60,000. Islamophobia, racism and hate crimes are disgusting. They are a blight not only in South Belfast but across Northern Ireland. I condemn the attack wholeheartedly. I ask anyone who has any information about the people — if they can be called that — who carried out that attack to go to the police with that information so that we can get those people off our streets.

Ms Bailey: Thank you Gerry for bringing the Matter of the Day to the House. The Green Party also condemns that arson attack and more so the people who carried it out. I want to put on record that, in the light of that attack, the community response to help BMCA after that despicable hate crime against it has been quite phenomenal. We should not lose sight of that, because that is the core of who we are as a people.

It was an absolutely disgusting and seriously dangerous attack on a community association that is doing really

important work in the community. That arson attack could have resulted in death or serious injury. It is fair to say that the people who were behind it neither knew nor cared whether anyone was inside the building at the time. It was a savage fire, and it was started by savage people. That fire gutted an historic and beautiful building. I really hope that it has not gutted or damaged the aspirations for a better world of the staff and supporters of the cultural association.

In recent weeks, the cultural association had been putting together food parcels, for goodness sake. It has been helping people through the COVID crisis. Its volunteers have shown absolute selflessness in the middle of a pandemic that has disproportionately impacted on black and minority ethnic communities. Compare that with the reckless and disgusting behaviour of whoever was behind the attack. I urge anyone who has any information or saw anything suspicious in any way at all to contact the PSNI and have those people in front of the courts and held responsible for what they have done.

The vast majority of people in South Belfast are fair-minded and peaceful. I know that they are disgusted by that attack. That goes for people right across Northern Ireland, not just in my constituency. I look forward to helping the cultural association and seeing it get back on its feet and continuing its brilliant work. It can always count on my and my party's support whenever it is needed.

Mr Speaker: That concludes the item of business. I thank all Members who contributed to this particular discussion for their clear and resolute remarks, which, I think, reflect the views of all in this House.

Assembly Business

Public Petition: Remove Fines for Protesters Following Social Distancing

Mr Speaker: Mr Gerry Carroll has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr Carroll: Mr Speaker, I thank you and the Business Committee for allowing me to present the petition, which calls for fines that were issued after the 6 June 2020 Black Lives Matter protests to be dropped. I want to thank publicly Mr Reece Lawson for organising the petition, the almost 6,000 members of the public who signed it and everybody who shared and promoted it.

As the petition states, people who attended the protests on 6 June were standing against racism and joined with millions of others across the world who were repulsed and infuriated by the murder of George Floyd in America. Disgracefully, those protestors were targeted by last-minute rules that were brought in by the Executive at the eleventh hour, which gave the green light to the PSNI to target those who attended a protest that was widely commended for maintaining social distancing.

Racism, as we heard, is a horrible cancer in our communities, and, worryingly, it is on the rise. The issuing of such a disproportionate number of fines to people who took part in events that were not only righteous and important but safe should never happen again. Our cities should be places where minorities can express their rights, demonstrate and show their disgust at racial injustice. Never again should members of the BAME community or any other minority community here be frightened to take a stand for what they believe in.

Whilst the PSNI distributed fines to protesters for allegedly breaking social-distancing guidelines, we did not see the same approach being taken towards those who own care homes and who have let the virus rip, which has taken the life of far too many, or employers who have put staff at risk by forcing them into work when they can obviously work from home. Indeed, the week after the protest on 6 June, we saw a "defend the statues" protest at City Hall, with no social distancing whatsoever or widespread mask wearing, but not a single fine or legal threat was issued. That double-standard approach cannot continue.

The weekend's events and the statistics over the past number of years that show that racial crimes outstrip sectarian crimes clearly demonstrate that we have a problem with racism in society. Instead of enforcing legislation that criminalises anti-racist protests, the Executive need to ensure that the laws that they pass and police do not disproportionately impact on marginalised communities. They should not defend police action as proportionate, as the deputy first Minister and the Justice Minister did in this case. If the Executive have any intention of having even a modicum of racial equality in society, they must ensure that the fines are dropped. The Minister of Justice, the deputy First Minister and the Executive as a whole must do everything that they can to ensure that the fines are rescinded and work to rectify the hurtful damage that has been done by that approach. I commend the petition to the House. Thank you.

Mr Speaker: Normally, I would invite the Member to bring his petition to the Table and present it to me. However, in light of social distancing being in operation, I ask the Member to remain in his place, and I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister of Justice and send a copy to the Committee.

Committee Membership

Resolved:

*That Ms Carál Ní Chuilín replace Mr John O'Dowd as a member of the Committee on Procedures. —
[Ms Ennis.]*

Ministerial Statement

North/South Ministerial Council: Plenary and Institutional

Mr Speaker: I have received notice from the First Minister and deputy First Minister that they wish to make a statement. Before I call the Ministers, I remind Members that, in 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 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. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during the statement or the question period that follows. I call the deputy First Minister.

Mrs O'Neill (The deputy First Minister): Before I start my statement, may I add my words of condemnation to those spoken in a previous item of business on what happened to the Multicultural Association building at the weekend? Obviously, we all condemn it in the strongest possible terms and send a strong signal from the Executive and the Assembly that it is vital that all in society take a stand against such hatred and intolerance.

In compliance with section 52 of the 1998 Act, I wish to make the following statement on the twelfth institutional meeting of the North/South Ministerial Council (NSMC), which was held on 16 December, and on the twenty-fifth NSMC plenary meeting, which was held on 18 December. The First Minister and I have agreed that I will provide the report.

The twelfth North/South Ministerial Council institutional meeting was held at the NSMC joint secretariat offices in Armagh on 16 December 2020. The Executive were represented by the First Minister and me, and the Irish Government were represented by the Minister for Foreign Affairs, Simon Coveney TD. The First Minister and I chaired the meeting.

12.30 pm

We discussed a number of priorities, and, given its importance at this time, we focused on the impact of and response to COVID-19. The Council noted that COVID-19 issues were discussed at all NSMC sectors, including the impact on those sectors and how to promote economic and social recovery from the impacts of the COVID-19 pandemic. Ministers welcomed the engagement and commitments to date across both jurisdictions in responding to COVID-19, particularly in health cooperation, and noted that both Administrations will continue to cooperate, whenever it is practicable to do so, to ensure the best response to the challenges posed by COVID-19.

We discussed Brexit. Ministers noted that the Council has included the implications of Brexit and areas for cooperation in each of the NSMC sectors and that Ministers agreed that they and their officials will continue to engage to ensure that cooperation is maintained following the end of the transition period. The Council noted that senior officials from the Executive Office,

the Department of the Taoiseach and the Department of Foreign Affairs will meet regularly to discuss issues arising from Brexit and will provide regular updates to both Administrations and the NSMC.

Our next priority was the New Decade, New Approach (NDNA) commitments. The Council noted that discussions have taken place on a number of New Decade, New Approach commitments with a cross-border dimension at the NSMC sectoral meetings and bilaterally among Ministers. A group of senior officials from both jurisdictions has been established to maintain strategic oversight and progress delivery of the projects, focusing on connectivity and infrastructure, research and innovation, and investment in the north-west and border communities. The group will meet regularly and provide updates on its work to both Administrations and the NSMC.

Ministers noted the Shared Island initiative and the associated Shared Island Fund of €500 million to be made available up to 2025. It has been established by the Irish Government to support investment in new shared initiatives, including the delivery of commitments outlined in 'New Decade, New Approach'. Updates on the various NDNA commitments with a cross-border dimension will be provided to future NSMC plenary meetings.

We discussed matters relating to North/South bodies. The Council noted that the North/South bodies continue to deliver on their remit, as outlined in the agreement of 10 March 1999, and that the NSMC maintains oversight of the work of the bodies. Ministers noted that the bodies have now been in existence for over 20 years and recognised that there have been changes to their operating environments during that time. It was agreed that officials should review the operating framework of the bodies to explore whether they remain appropriate and bring forward recommendations if required.

Ministers noted the discussions that have taken place at NSMC sectoral meetings with the aim of ensuring that the work programmes in the various NSMC areas for cooperation remain up to date and reflect the priorities of the Executive and the Irish Government. The Council will continue its consideration of work programmes at sectoral meetings in early 2021. The Council agreed that Ministers should regularly review work programmes to ensure that they reflect the priorities of both Administrations. It was noted that the NSMC had previously agreed that consideration of longer-term sectoral priorities was required and that a paper on this will be brought to a future institutional meeting. The Council then approved the appointment of a number of board members to the North/South implementation bodies.

The next section of the meeting dealt with corporate governance matters for a number of North/South bodies. The Council approved the following plans: the North/South Language Body corporate plan for 2017-19; the North/South Language Body business plans for 2018, 2019 and 2020; Waterways Ireland business plans for 2020 and 2021; InterTradeIreland's corporate plan for 2020-22; and InterTradeIreland's business plan for 2021. All plans had been completed in accordance with agreed guidance issued by the Department of Finance and the Department of Public Expenditure and Reform and had been agreed by the sponsor Departments and Finance Ministers. Ministers noted that the annual report and accounts for the North/South Language Body for 2016 and 2017 had been laid

before the Assembly and both Houses of the Oireachtas. The Council was advised that the North/South Language Body accounts for 2018 had been certified and would be submitted to a future meeting and that the field audits for the 2019 accounts had commenced in both agencies.

The NSMC agreed to meet again in institutional format in May or June 2021 as required.

That concludes the report on the institutional meeting. I will now continue with the report on the plenary meeting.

The twenty-fifth plenary meeting of the North/South Ministerial Council was held by videoconference on 18 December 2020. The Executive were led by the First Minister and me, and we jointly chaired the meeting. The Irish Government were led by the Taoiseach, Micheál Martin TD.

Ministers welcomed the resumption of NSMC sectoral meetings and noted that meetings have taken place in all NSMC sectors since the last plenary meeting in July 2020.

We noted that, having regard to COVID-19 restrictions in both jurisdictions, meetings took place via videoconference and that in-person meetings would resume as soon as public health conditions permitted. The Council noted that each sector had considered a wide range of issues, including COVID-19 recovery, priorities and work programmes and the implications of Brexit, as well as various sector-specific matters.

The Council was briefed by the Chief Medical Officers (CMOs), Dr Michael McBride and Dr Tony Holohan, on the public health situation and the ongoing close cooperation in the response to the COVID-19 pandemic. Ministers discussed the measures being implemented in the two jurisdictions to protect public health and to limit the transmission of the virus. The Council expressed its sympathy to all those who have lost loved ones as a result of the pandemic and commended citizens in both jurisdictions who have complied with the restrictions imposed as a result of the pandemic and their efforts and perseverance in helping to manage the outbreak. The NSMC expressed its gratitude to all those who have contributed to the response to the COVID-19 pandemic, particularly front-line health and social care workers. It expressed its appreciation to the wider workforce of essential workers who have kept various services and facilities operational even in the most challenging of circumstances. Ministers recognised the impact of the pandemic on society and the economy in both jurisdictions and welcomed the measures put in place by both Administrations to support communities and businesses affected by the crisis and to assist economic recovery. The recent progress made in the development and roll-out of the vaccine was welcomed. The Council noted the NSMC health sector meeting on 2 October to review ongoing cooperation in responding to the pandemic. It noted that the impact of and response to COVID-19 has been considered at all NSMC meetings. Ministers agreed that future Council meetings would continue to consider how agreed collaborative approaches can contribute to the promotion of economic and social recovery in a COVID-19 context.

The Council then discussed the implications of Brexit. Ministers recalled that, at its previous plenary meeting, on 31 July 2020, the Council recognised that the jurisdictions have a common interest in minimising disruption to

trade and economic activity on the island and noted that discussions have taken place across the various NSMC sectors on the implications of the UK withdrawal from the EU. We noted at that time that, in the light of the ongoing negotiations, full clarity of the impact on cooperation in a number of areas was not yet available. The Council agreed that, irrespective of the outcome of negotiations, engagement between the Administrations on the matter should continue within the structures of the Council and elsewhere, taking account of the evolving position. Ministers noted the role conferred on the NSMC to submit proposals to the Specialised Committee concerning the implementation and application of the protocol. It was agreed that officials should work to develop an appropriate mechanism for Ministers to agree for referring proposals to the Specialised Committee.

The New Decade, New Approach commitments were discussed at the plenary meeting. The Council noted that the NSMC plenary meeting held on 31 July 2020 outlined a way forward on aspects related to the commitments. It was requested that the relevant Ministers and their officials take forward discussions on the commitments, including, where appropriate, through the work of the NSMC sectors. Ministers noted that discussions on commitments had taken place at NSMC sectoral meetings and bilaterally between Ministers where the commitments are being advanced outside NSMC structures. They noted the commitment of both Administrations to the delivery of the A5 western transport corridor and that the next steps for the project would be informed by the interim report from the public inquiry. The Council noted that both Administrations continue to work together to progress the Ulster canal restoration project and the Ulster canal greenway. Phase 1 of the restoration is now complete, and phase 2 will commence in 2021. The design, engineering feasibility and pre-construction stages of phase 3 will also commence in 2021. Ministers welcomed the strategic approach that is being taken to the review of the rail network across both jurisdictions and the engagement that has taken place on the development of the terms of reference for the review, with a view to launching the tender process in the first quarter of 2021. Ministers noted that both Administrations were considering the next steps to progress the Narrow Water bridge project. They will explore further how that project might be advanced, including at the next NSMC transport meeting. Ministers noted that the Department of Transport has commenced a review of air connectivity and is engaging with stakeholders, including the Department for the Economy and the Department for Transport. The review will consider the potential impacts on regional connectivity, sustainability and climate change. The Council welcomed the work being undertaken by Leitrim County Council and Fermanagh and Omagh District Council to take forward the development of the Sligo-Enniskillen greenway as a joint project.

Ministers noted that senior officials from the Department of Further and Higher Education, Research, Innovation and Science and the Department for the Economy will meet early in the new year to discuss higher education provision in the north-west region.

Ministers invited Derry City and Strabane District Council and Donegal County Council to develop a statement of updated strategic priorities for the north-west region to

inform the ongoing engagement of both Administrations with the north-west strategic growth partnership.

Ministers welcomed the recent cooperation between both Administrations in relation to supporting research through Science Foundation Ireland's COVID-19 rapid response call and noted that further discussions will take place between Ministers and officials on cooperation in the area of research and innovation.

The Council agreed that New Decade, New Approach commitments should remain on the agenda of the relevant NSMC sectors and that further updates will be provided to the Council at future NSMC plenary meetings.

Finally, the Council approved a schedule of NSMC sector meetings that was proposed by the joint secretariat. It was agreed that, at upcoming sectoral meetings, Ministers will consider priorities and work programmes in the relevant sectoral areas. The Council agreed that the next NSMC plenary meeting will be held in June or July 2021. That concludes the NSMC plenary meeting statement.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I thank the Minister for her very detailed report on the institutional and plenary meetings. I echo the remarks that she made about the attack on the multicultural association building. We must redouble our efforts to tackle racism in our society. I know that the Committee will stand by to help in any way that it can to develop those strategies and initiatives and to do all that we can in society to try to stamp out racism.

Most people will accept that those who are best placed to tackle coronavirus are those who are on islands, given the specific measures that can be put in place. There may have been some hesitancy at the beginning by the Executive to embrace this approach. However, now that we have a requirement in the North and South for those who land on the island of Ireland to have a test completed, can I get an update from the Minister about the sharing of that information North and South? That is so that we can do all that we can to tackle the virus and its spread, and it is for those who would try to use the differences that we have on this island as a way to work around that requirement.

Mrs O'Neill: First, I concur with the Member and am happy to work with the Chair of the Committee in tackling sectarianism and racism and making sure that we send out a very clear signal that it is not something that we will tolerate in society.

On the issue of travel, it is a very pertinent question to raise, particularly given the fact that we are in a very similar place across both jurisdictions in the pressures on our health services. We know that that will be immense over the coming weeks, and we are, to say the least, very grateful to all our healthcare staff who are working on the front line for us at this moment.

My view has always been that there needed to be an all-island approach to the issue of travel. In fact, I think that there should be a two-islands approach to it. The First Minister and I have raised the issue that there has not been the sufficient sharing of data, and it is unfortunate that that has not been resolved at this stage. We have raised it with the Taoiseach, directly at NSMC meetings and at the Executive. It is unfortunate that it has still not been agreed. Last week, as you will know, the First

Minister and I urged both Governments to get involved. The way to go is for there to be a two-islands approach to the issue of travel, because, unfortunately, when the two Governments — the two guarantors of our Good Friday Agreement — diverge, issues like this become orange and green ones. This is clearly not an orange and green issue: this is a public health issue. We urge the Taoiseach and the British Prime Minister to have that conversation, and we are happy to play our part.

I am glad to say that we have a meeting on Wednesday of this week with Brandon Lewis and Simon Coveney, and, again, travel is a key issue that will be discussed. Hopefully, we can make some progress on the issue of travel, which is still outstanding.

Mr Clarke: Minister, you outlined that your preference would have been a two-islands approach to travel. However, given that the R number is doubling at a much higher rate in Southern Ireland, what is your message to us now about movement between the South of Ireland and here? We are 12 months in to COVID-19; unfortunately, it has been horrific for most people in terms of deaths and illness. Will you give us an indication of what COVID-19 recovery looks like?

12.45 pm

Mr O'Neill: My message is very clear to everyone: stay at home. That is the message across both islands. That should be the message that everybody hears. There should be no unnecessary journeys. Go out only if you must. Go out only for essential reasons. No matter where you are from, people should stay at home and not travel unless it is absolutely necessary.

I do not have an awful lot more to say about COVID-19 recovery at this stage. The crisis facing our health service is immense, and the best thing that we all can do for people who work in the health service, and for people who develop COVID-19 and who may need the health service, is to stay at home.

On recovery, the Executive are focused very much on what comes next. We have put together a task force that is about the here and now but also about looking towards societal recovery, health recovery and wider economic recovery. We have a huge amount of work to do. The pandemic has disproportionately impacted those on lower incomes and women. Those are challenges that the Executive, as a whole, will have to face as we start to build to brighter days in the future, but it will be extremely challenging for everybody.

Mr Sheehan: Gabhaim buíochas leis an chomh-Chéad Aire as an ráiteas. I thank the deputy First Minister for the statement. It is clear that COVID-19 does not recognise or respect borders. That speaks to the need for enhanced collaboration and greater working together. Will the Minister explain the practical benefits of the North/South Ministerial Council in managing our response to this public health emergency?

Mrs O'Neill: I thank the Member for the question. I welcome the good collaboration across the island. Personally, I do not think that we have made enough of the fact that we live on an island; there were advantages to be had for us all in terms of the spread of the virus. However, there has been significant cooperation across the island; the Chief Medical Officers, for example, and

health officials meet regularly. We have had numerous North/South Ministerial Council meetings, at which we progressed cooperation. We had the memorandum of understanding, which set out very clearly areas in which we can have collaborative working. We need to see that continuing as we come out of the other side of this wave and in to economic, societal and health recovery. We have a big job of work to do, and we will be faced with the same challenges. Therefore I look forward to working at North/South Ministerial Council level with Ministers from across the island to see what else we can do to build on the collaborative work that has happened to date.

Dr Aiken: I thank the deputy First Minister for her comments. North/South bodies, as laid out in the Belfast Agreement, are probably the most primary method of improving relationships across this island and these islands. Bearing in mind the comments about the shared island unit, what is the relationship between the bodies laid out in the Belfast Agreement, which are the things that we all should be supporting, and what seems to be an additional layer of bureaucracy increasingly mentioned by the Irish Government?

Mrs O'Neill: I am not quite sure what the Member's question is. Travel, for example, has not been satisfactorily resolved; I have made that very clear. I have said to the Taoiseach, the Tánaiste and to Minister Coveney directly that we need to see a sharing of information, particularly when it comes to travel locator forms. I hope to see that being improved.

The bodies of the North/South Ministerial Council infrastructure have done tremendous work throughout the year on different issues and will continue to do so. We looked at their *modus operandi* at the meeting and considered whether things could be done to improve their operational nature. We will certainly come back to that. More needs to be done by the Irish Government on the issue of travel locator forms.

Mr Dickson: Thank you, Minister, for your statement. In paragraph 26 you said in respect of Brexit that the Council wants to see minimal disruption to trade and economic activity, but, as we have seen over the past few weeks, Brexit has brought us anything but that.

It has brought us friction and red tape and few of the so-called benefits, a situation that was warned about and flagged up. What discussions, if any, were there on ferry routes to Ireland, North and South, and the consequences of any delays, particularly at the port of Larne in my constituency?

Mrs O'Neill: The two meetings took place before there was a Brexit deal, before the end of the transition period, so those issues were not discussed. However, you have summarised correctly the challenges that we now have. The NSMC's commitment was to make sure that disruption would be minimised, but that is clearly not happening. There have been trading adjustment shocks and delays in journeys back and forth. Our ports are under pressure. I hope that we can find solutions to many of these things. I welcome the fact that the Specialised Committee will be able to examine some of the issues that will be identified as needing resolution. I will certainly play my part in all of that.

I am glad to say that some of the commentary around food shortages, for example, is not correct. We have

a very good flow of trade in food. It is restored almost to how it was prior to the end of the transition period. However, obviously, there are other issues. For example, the tariffs on steel being imported are having implications for manufacturing businesses. I hope that there will be a positive resolution to that, maybe even today. We still have to work our way through a number of other areas and work with colleagues to get resolution on them.

Mr Stalford: Yesterday was my birthday. As you can tell by the look of me, it was a hard paper round — I am only 38 *[Interruption.]* That is enough chuntering, Mr McGrath.

At this time, people need to be given hope and a sense that we are coming towards the end of this situation. Will the deputy First Minister outline what the Executive's communication strategy will be to give people a bit of encouragement?

Mrs O'Neill: Happy birthday.

Mr Stalford: Thank you.

Mrs O'Neill: Maybe we will start singing to you in the Chamber *[Laughter.]* Hope is really important. As with everything in life, you always have to give people hope. It has been a hugely challenging year for everybody. It has been so difficult on so many fronts. The separation, the fact that people have not been able to get together and all those things have challenged every one of us. Now that we have the vaccine, the hope is that we can see light at the end of the tunnel. The hope is that we are rolling it out at speed. As of last week, 5% of the population had been vaccinated. Something like 97% of our care home residents have received their first dose; almost 70% have received the second dose. All those things are really positive. The hope is that, if we can continue in that vein and pull out all the stops to get the maximum number of people vaccinated as quickly as possible, all of us can get back to some semblance of normality. Whilst we are still restricted right now — we still have to keep doing this, we cannot take our foot off the pedal and we have to keep working at it — we have to keep reminding people that something brighter is mere months away.

Ms Anderson: With your indulgence, a Cheann Comhairle, I wish Christopher a belated "Happy birthday".

I thank the Minister for her two statements. Given the commitment in 'New Decade, New Approach' to enhance cross-border cooperation and, indeed, the £500 million Shared Island Fund that has been announced, will the Executive, in conjunction with the Irish Government, ensure the acceleration of the priority projects for the north-west strategic growth partnership? I think of the A5, the expansion of Magee, rail connectivity, the A2, tourism projects and all that is needed in Derry to address regional inequalities.

Mrs O'Neill: I thank the Member for her question. I know that she is passionate about this — I acknowledge that on the record — and has led the way on regional equality and disparity. She has raised a number of projects that are under way and on which we are seeing some progress. She referenced the Shared Island Fund, which is an Irish Government initiative amounting to about £500 million over the next five years. That brings great potential for addressing some of the inequalities and projects that she identified. It will help to support the delivery of cross-border infrastructure initiatives. The Irish Government have

indicated that there will be further engagement with us on the fund, and we will have that over the next number of weeks and months.

On the north-west strategic growth partnership, that fund is still up and running, with funding approved up until 2022. That includes a six-month extension to the funding period because we had to take into account COVID pressures on some of the projects. That will bring a total committed investment by the Executive on that initiative to £2.15 million. The Member will also know that the north-west development fund has delivered a number of successful projects, some of which are, for example, developing economic growth through trade and investment missions, developing the physical environment by contributing to the INTERREG greenways project and, through north-west sports development, strengthening community cohesion and well-being. Their

Both Governments remain committed to the A5 western transport corridor scheme, and the Irish Government continue to reaffirm their £75 million commitment to the project. The next steps for the scheme, as I said in the report, will be informed by the consideration of the interim report from the public inquiry. I am aware that Minister Mallon and her officials are looking at this as we speak. As you know, the scheme has been a priority for us for a considerable time, and I really hope to see progress being made.

The Member referenced high-speed rail connectivity, and, particularly in the context of 'New Decade, New Approach', the Irish Government have noted their support for serious and detailed joint consideration through the feasibility study of the high-speed rail connection from Derry to Belfast and Dublin to Cork. I look forward to seeing that being progressed even more.

Mr Robinson: Does the deputy First Minister share the views of the elected representatives in the north-west that any investment there must impact positively on the broader north-west in small towns such as mine, Limavady, and not simply the city of Londonderry or the urban area?

Mrs O'Neill: I thank the Member for his question. I absolutely concur with that. It is important that we address years of regional imbalance and make sure that there is a fair distribution of investment across the north-west. That will benefit not only the city of Derry but the hinterland and will include the constituency that you represent.

Ms Sheerin: I thank the Minister for her statements. Earlier, you responded to Mr Dickson, across the Chamber, by telling him that the current problems that we are experiencing as a result of Brexit were not discussed in detail at the last NSMC meeting because it was held on 18 December, before we left the EU. Can you clarify whether the potential effects of Britain's exit from the EU were discussed at that meeting and say what those conversations were?

Mrs O'Neill: The focus of the conversation was, I suppose, to have a shared objective to minimise disruption. The focus was around how we will address the issues that are identified. I welcome the fact that the NSMC will have a role with the Specialised Committee, and I welcome that we will have a chance to bring issues of concern for consideration and, hopefully, resolution through those vehicles. It is really important that the NSMC will keep the implementation and application of the protocol under

review. The work of the NSMC, in light of Brexit and its implications, is more important than it has ever been.

Mr O'Toole: Further to that last answer and specifically relating to disrupted supply chains as a result of Brexit, many of the issues facing Northern Ireland businesses will be the same as those in the South. There is an obvious and natural need for North/South joined-upness when it comes to resolving those issues, whether that is at Dublin port or finding new supply routes via Rosslare to Cherbourg. What specific actions will the North South Ministerial Council take to mandate InterTradeIreland to properly communicate to businesses across the island about new supply routes? Specifically, what will they do about forming a working party to make those representations to the Specialised Committee and engage with London where that is appropriate?

Mrs O'Neill: I thank the Member. As I said, the meeting was held before the end of the transition period, so a lot of the issues that we have identified will need to be addressed. There will need to be a planned roll-out of meetings across all sectors, because there are issues relevant to transport and to all the sectors.

As I said at the end of my previous answer, the NSMC's role is evermore important now as a way of raising those things. The Council now has a role. I made it very clear, even when the negotiations concluded, that we need to keep the issues under constant review and that the NSMC's role in identifying issues with the implementation of the protocol will be vital. That was discussed.

1.00 pm

As for where we go from here, it is very clear that there will need to be very strong collaboration and communication between the Executive, the Executive North/South and then east-west. That is how we will find solutions to the problems that are identified.

Mr Beggs: I thank the Minister for her statement. The statement refers to the Shared Island Fund of some €500 million. Originally, in 2011, a commitment of £400 million was made to get a single project, the A5, approved. Given the increased inflation and design costs, what money, if any, in that original commitment will be left over in this new amount of €500 million? How are all the additional projects listed to be funded if the A5 absorbs it all?

Mrs O'Neill: I welcome the Irish Government's recommitment to the A5 project. That project has been in the making for so long, and we have made progress. There is no doubt that both Governments remain committed to the scheme. The Irish Government have also reaffirmed their commitment to provide €75 million, which is outside the €500 million that is in the shared island fund. The public inquiry information, which, as I said, Minister Mallon will now examine, will help to inform the next steps for the A5 project. We continue to have conversations with the Irish Government about the shared island fund and what projects can be prioritised to meet our NDNA commitments and priorities and the Irish Government's priorities.

Mr G Kelly: The Minister has dealt with this to a fair extent in some of the other answers, but will she detail the NSMC's role in the withdrawal agreement?

Mrs O'Neill: On its formal role, article 165 of the withdrawal agreement established the Specialised

Committee to address issues that are related to the implementation of the protocol. As you know, the protocol provides a specific role for the North/South Ministerial Council in identifying issues with the implementation and the application of the protocol. Article 14 states that the Specialised Committee:

“shall ... examine proposals concerning the implementation and application of this Protocol from the North-South Ministerial Council and North-South Implementation bodies set up under the 1998 Agreement”.

Therefore, it is really important that the NSMC keeps the implementation and application of the protocol under constant review. As I said in my opening remarks, officials have been asked to develop an appropriate mechanism for Ministers to refer proposals to the Specialised Committee if it were necessary to do so. We recognise that it is important that there are good communication channels between both jurisdictions, and that is especially true with Brexit.

Ms Dolan: I thank the Minister for her statement. Will she provide an update on Executive nominees to the boards of the North/South implementation bodies?

Mrs O’Neill: The Executive have agreed that responsibility for nominating members to the boards of the North/South bodies should be allocated between the parties on a d’Hondt-type basis, drawing nominations from all the parties in the Executive. Parties proposed nominations to the bodies in line with the agreed allocation, and the members were appointed by the NSMC at the institutional meetings. Those appointments do not fall under the remit of the Commissioner for Public Appointments, with whom the Executive have agreed targets to address gender imbalance on the boards of all public bodies.

Mr Chambers: The deputy First Minister alluded to what seemed to be quite robust representations from her, along with the First Minister, on the importance of sharing travel information, particularly for Dublin Airport arrivals. What was the response to those representations? What is the basis of the Irish Government’s apparent reluctance to release information given that, I understand, their Attorney General has said that there are no legal barriers to sharing data from the travel locator forms? Does the Minister agree that the Republic of Ireland is not demonstrating a great appetite for a North/South, east-west approach to fighting COVID?

Mrs O’Neill: As the Member recognised, we have raised this issue on every occasion that we had an opportunity to do so. It is really regrettable that there has not yet been a resolution. I hope that Wednesday’s meeting will allow an opportunity for a way forward. Issues have been raised about the legal implications of data sharing. We believe that those issues have been resolved, so I do not see any barrier now to information being shared. That works both ways: it is North/South, South/North and east-west. It is really important that those things are looked at purely from a public health point of view and that no one plays politics, because it is far too serious. A conversation at the highest level of government is the way to resolve these things. There is a political solution to the travel issue, and I hope that that can be found.

Miss Woods: I thank the deputy First Minister for the statement and for her attendance and that of the First Minister. What consideration was given to creating an all-island strategy through the NSMC meetings and outside those discussions since 18 December?

Mrs O’Neill: I assume that the Member refers to an all-island COVID strategy. As I said, there has been strong cooperation across the island on many fronts. At different times, we have been at different stages with the waves of the pandemic. At times, we had similar positions on restrictions, and, at other times, we have differed. The memorandum of understanding helped to bring more cooperation and collaborative working across the island. A focused discussion is now needed on where we go next, because recovery will be vital when we try to pick up the pieces in the aftermath of the pandemic. When it comes to economic recovery, societal recovery and health, it is really important that we work together. A whole range of North/South sectoral meetings will happen over the coming months, and all Ministers will participate in those discussions. There is a lot to be discussed and planned for the future across each of the sectors, whether it be health cooperation, education cooperation, infrastructure, climate and everything else that is discussed at North/South Ministerial Council meetings.

Mr Allister: When it suits the deputy First Minister and her party, they like to embrace the mantra that the Belfast Agreement must be respected in all its parts. Given that the equilibrium of east-west and North/South relationships has been trashed by the iniquitous protocol, why should anyone, such as the First Minister, who values and seeks to maintain the Union of the United Kingdom continue to operate the “North/Southerly” when a coach and horses has been driven through the east-west relationship?

Mrs O’Neill: I remind the Member that he is elected to the Assembly, which is one leg of the Good Friday Agreement. When it comes to the totality of relationships — first, in the North and in this body to which he is elected, secondly, across the island, North and South, and, thirdly, east-west — they are all fundamentally important.

Mr Carroll: I thank the Minister for the statement. She will be aware of ambulance services from the South being supplied to assist the COVID effort in the North. As was mentioned, there have been problems around sharing data. My question is similar to Miss Woods’s question. Was there any discussion during the meeting on long-term cooperation on health and specifically on the establishment of an all-Ireland NHS?

Mrs O’Neill: The Member will know that there are individual sectoral meetings and that there is a health format at which the Health Minister and his counterpart discuss a range of cooperation issues. Health is a natural cooperation issue. As a former Health Minister, I witnessed at first hand some amazing developments across this island, particularly with children’s cardiac care and cancer services, and people can see how cooperation has worked there. I look forward to collaboration across a whole range of issues. Personally, as an elected representative and as the Sinn Féin vice president, of course I want to see a national health service across the island of Ireland, free at the point of delivery for all the people who live on the island. The NSMC will continue to work on the areas of collaboration. There has been some excellent work done, and I look forward to that work being enhanced even more.

Mr Beattie: I thank the Minister. Apologies that I am going to ask a question that has already been asked, but I will just pop it in. It follows on from what Miss Woods and Mr Carroll said about cooperation. Given the fact that the vaccine roll-out in Northern Ireland has been exceptional and that the Irish Republic is behind, we could end up with a situation in which, because it has to follow the EU rules, the Irish Republic is well behind while we are well ahead. How are we going to balance that? Is there any way in which we in the UK can help the Irish Republic, or is it hampered completely by EU rules?

Mrs O'Neill: I am very glad to say that, with the vaccine roll-out, the North is, I think, number one and the South is number four on the world stage. We are therefore doing very well as an island on the vaccine front.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease for a moment or two as we prepare for the next item in the Order Paper. Thank you.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

Executive Committee Business

Protection from Stalking Bill: First Stage

Mrs Long (The Minister of Justice): I beg to introduce the Protection from Stalking Bill, which is a Bill to provide protection from stalking, and from threatening or abusive behaviour, and for related purposes.

Bill passed First Stage and ordered to be printed.

Domestic Abuse and Civil Proceedings Bill: Final Stage

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

That the Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) do now pass.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on the debate.

Mrs Long: I am delighted to present the Final Stage of the Bill to the Assembly today. Introducing this legislation to support victims of domestic abuse who are suffering non-physical abuse has been a key priority, not only for me as Justice Minister but for the Justice Committee, Members right across the House and former Justice Ministers.

Today, as that pledge becomes a reality at Final Stage, I find myself with some mixed emotions.

1.15 pm

I am, of course, immensely grateful to everyone who has worked hard to get us to this point. Passing the first major piece of justice legislation — in fact, the first major piece of legislation generally — in this mandate is an important and positive landmark for the Executive, the Assembly and my Department. However, I am particularly delighted that we will achieve that landmark with this important piece of legislation, given the impact that the Bill, when set alongside our other work in the area, will have on victims and survivors of domestic abuse.

Many of those who have suffered domestic abuse have found their voice in the process and used it to relay their often harrowing experiences to me, as Minister, to my officials, to the Justice Committee and to other Members, directly and through voluntary- and community-sector representatives who provide vital support to them. For that, we are hugely grateful. Hearing from victims and our voluntary-sector partners has been key in shaping the legislation, not just over recent months but over the many years during which they campaigned for change.

It is for those many years that I feel some considerable sorrow and regret today. I feel that I must apologise to victims and survivors for it ought not to have taken so long to reach this point. Although I am glad that we have reached Final Stage, I am genuinely sorry that we did not do so in 2018, when it could have been passed had the Assembly not collapsed in 2017. While the Assembly was suspended, the abuse that victims of domestic abuse face — the violence, torture, fear and psychological wounds inflicted by perpetrators — was not suspended. Sadly, it continued unabated throughout that period, and we were not here, where we needed to be, to make the changes to the law that would have offered them protection and shelter from that abuse. That is what happens when politics does not work. When we talk about the cost of the failure of politics, we should remember that that cost has too often been borne by people when they were at their most vulnerable. Although we are all rightly pleased that the Bill will pass quickly into law, we should be sobered, reflect on the impact of that delay and redouble our efforts, as parties and individuals, to ensure that we work better together, consistently and persistently, for the good of those whom we represent, not least the most vulnerable.

In contrast, with the Assembly up and running for only a year, and despite the fact that this has been a year unlike any other, filled with challenges that none of us could have imagined, the Bill will move from this place today and will, in a few weeks, become a reality. A reality that will make a tangible difference where and when it is most needed.

The Bill creates a new domestic abuse offence in Northern Ireland that closes a gap in the law and ensures that protection is not limited to physically violent behaviour alone as it is at present. It sends a clear message that domestic abuse, in all its forms, physical and non-physical, is wrong and will not be tolerated by our community and, crucially, by the law. At the heart of the new offence is ensuring that as wide a range of abusive behaviours as possible can be captured. We want to ensure that there can be no escape from the law for individuals who seek to abuse and terrorise those who are closest to them. The new offence will cover behaviour that is controlling or coercive or that amounts to psychological, emotional or financial abuse of another person. Abusive behaviour may also include sexual abuse and technological or digital abuse. It will also capture patterns of two or more occasions of physical and/or psychological abuse by a partner, ex-partner or close family member and will include behaviour that is physically violent, threatening or intimidating. Domestic abuse will also be recognised in other offences, with the potential for increased sentencing.

We are all too aware of the devastating impact that domestic abuse can have on a child and of the impact of adverse childhood experiences on emotional and educational development. We know that such impacts, if not quickly addressed, can have lifelong detrimental effects on a young person. For that reason, a range of measures is contained in the Bill that are particularly focused on children, including extending the scope of the current child cruelty offence. The domestic abuse offence can also be aggravated where the victim is under 18 or by reason of involving a relevant child if, at any time in the commission of the offence, the accused directed, or threatened to direct, behaviour at the child or made use of them in directing abusive behaviour. It also applies where the child saw, heard or was present during an incident of abuse. The aggravator will also apply if a reasonable person would consider the abusive behaviour likely to adversely affect the child.

Having worked closely with the Justice Committee, we have also sought to further protect children through providing powers to introduce an Operation Encompass model. That will allow a designated person at the child's place of education to be informed that there has been a domestic abuse incident that is impacting on the child or young person. That will ensure that schools and colleges are in a better position to understand and be supportive of that young person's needs.

As a result of amendments introduced at Consideration Stage and refined at Further Consideration Stage, the Bill will provide protection for victims of domestic abuse who need legal representation in family law cases in the courts. Legal aid is an important part of our welfare provision, ensuring that access to the law for those with limited access to finance is not unfairly restricted. I am pleased that the provisions that now stand part of the Bill have added to and complement the existing legal aid provisions and that that support is delivered in a way that ensures

that it cannot readily be misused to perpetuate abuse. I am grateful to members of the Justice Committee and the Members of the Assembly who worked constructively with me to achieve that aim. The provisions that we have adopted together will also provide a foundation for developing more and stronger protections for victims, and I look forward to working with the Justice Committee and stakeholders to make the best possible use of the opportunity that that provides.

A range of other provisions reflecting the work of the Committee has been included to improve the Bill, including more detailed provision on training, reporting and independent oversight of the new offence as well as associated guidance.

From experience elsewhere, we know that while legislation is hugely important, the effectiveness with which it is operationalised depends on training in, and awareness of, the new legislation and how it can be applied. I am grateful to our justice partners, who are already looking at how this legislation, and the training for their respective organisations, can ensure that the Bill delivers meaningful change for victims.

The Bill also provides for protective measures for victims, allowing domestic abuse notices and orders to be brought forward through secondary legislation if required. Those notices will provide a further and important safeguard for those who are subjected to abuse. Again, I look forward to updating the Committee and working with it on progress to deliver the notices as swiftly as possible.

The legislation also prevents perpetrators of domestic abuse directly cross-examining their victims in criminal and family proceedings and ensures that special measures are available to them. It will enhance the protection available to victims who are giving evidence in other civil proceedings. Collectively, those provisions will give greater protection to victims in court proceedings across the criminal and civil jurisdictions.

I hope that we can secure Royal Assent by March, and, along with our criminal justice partners, bring the offence into operation before the end of the year — sooner if possible — subject to the completion of the training and awareness raising to which I referred. That is being considered by our core statutory partners, and a multi-agency task-and-finish group is looking at how best awareness raising can be progressed between now and the time of the offence coming into operation later this year.

A multimedia public advertising campaign will be crucial to raising awareness of what constitutes domestic abuse behaviours and ensuring that they are captured by the new offence. I hope that it will also encourage the public to recognise that, while domestic abuse may be committed behind closed doors, it is not a private matter. We need not only victims of abuse but those who are aware of abuse or suspect that it is taking place to recognise the signs and feel confident in reporting their concerns.

A lot of hard work has gone into bringing us to this point, and I, along with my officials, pay tribute to everyone who has helped us to reach this stage. This was done on behalf of and for all those affected by domestic abuse. I thank my predecessors David Ford, who consulted on the new offence, and Claire Sugden, who made drafting the Bill a priority during her time in office. I also put on record my

sincere thanks to the Justice Committee and, in particular, to the Chairperson and Deputy Chairperson for their stewardship of the Committee's detailed scrutiny of and comprehensive report on the Bill. I thank the Committee's officials for the work that they do, including behind the scenes, to make the Committee Stage run smoothly. I am also very grateful to the Bill Clerk and her team for their support to the Committee as well as their invaluable guidance and direction to my officials as the legislation progressed.

Huge thanks are also due to our statutory and voluntary sector partners and, in particular, to the victims of domestic abuse whose input and continued work shaped the legislation both at its inception and as it passed through the House. I look forward to working with them over the coming months to operationalise it. I thank the Office of Legislative Counsel (OLC) for its work in crafting such detailed and comprehensive legislation. I thank the Departmental Solicitor's Office and the OLC for their efforts in responding to a number of challenging drafting demands, particularly as we moved rapidly through Consideration Stage and Further Consideration Stage. That has served to ensure that the Bill is as robust as possible. It is no exaggeration to say that we are at this stage only as a direct result of their expertise and contribution in assisting me, as sponsor of the Bill, and my officials.

Whilst it is not the convention to name officials in the Chamber, I pay a very special tribute to Dr Veronica Holland and her team in the Department of Justice for their work on this legislation. Veronica led on the Bill since its inception, and she has shown that she is willing to go way above and beyond the call of duty. That team has displayed a commitment not only to the delivery of this legislation but to the protection of and support for victims, which, for me, exemplifies public service at its best. I am hugely indebted to her and the wider DOJ team for their passion for this issue, their empathy with the plight of victims and their unwavering commitment to deliver a robust, effective Bill that will have a positive impact on the lives of those who live with abuse.

I will move towards concluding my remarks by saying that this significant legislation will help thousands of people, regardless of gender, sexual orientation, age, race, religion or disability, right across Northern Ireland who are experiencing domestic abuse and fear in their own home. Abusers are wielding power over their victims because it is not currently an offence to do so. The Bill is our chance to change that by criminalising abusive behaviour and sending out a clear message that it will not be tolerated and that perpetrators will be punished. It also marks an important step in not only encouraging more people to talk to someone about domestic abuse but in changing the conversation.

There can and must be no shame in being a victim of domestic abuse. It can happen to anyone and is not a result of the actions or inactions of those who are abused. The only shame lies with the abuser — the bully, the controller — who never wants their victim to have the courage to talk about what is happening to them or to reach out for help. The completion of this legislation will play a crucial part in giving victims the courage that they need to report and to seek help, the courage to know that they are not in the wrong, have nothing to be ashamed of

and, importantly, that they will be believed, the courage to know that they will be supported and the courage to know that the justice system works and that it has their back. On that basis, I commend the Domestic Abuse and Civil Proceedings Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): Here we have it, Members, the Final Stage of the Domestic Abuse and Civil Proceedings Bill. When we started on this legislative journey, the Bill was not as weighty or as substantive as the finished product that we have at Final Stage. That is testimony to the work of Assembly Members in producing comprehensive legislation that will, I believe, provide greater support to victims of abuse.

That is at the heart of what Members considered throughout the process: how best do we provide that support? Do I believe that the Bill will eradicate domestic abuse and solve all the problems in our family courts? I do not, but it will provide much greater support and a better justice system and will give confidence to victims of abuse to take that vital step and reach out in the first instance. Then, they will find that there is a much more responsive system in place. I hope that it also sends a message to the perpetrator that, when it comes to coercive control, the new offence of psychological abuse, financial abuse and the myriad forms that abuse takes, the law can now prosecute you for it. I hope that that will deter them from carrying out this kind of heinous crime in the first instance.

1.30 pm

Members, we are at the Final Stage, and, on behalf of the Committee for Justice, I welcome this stage of proceedings. During the first debate on the Bill, at Second Stage, I said that home was the place where most people felt safe and secure, a haven where you can relax with your loved ones. Yet, for many people — women and men, young and old — home becomes the worst place to be. It is a prison and a living nightmare, and the crime is committed by someone who, supposedly, loves them and whom they should be able to trust. The most recent PSNI statistics on domestic abuse and the fact that cases involving domestic abuse generally account for nearly 20% of the Public Prosecution Service (PPS) caseload each year, is an indication of the prevalence of this crime. We have also seen an increase in the number of calls to the Police Service during the COVID-19 pandemic and the resultant lockdowns. Those figures are staggering and unacceptable, and they clearly illustrate the need for the legislation, which is long overdue. Domestic abuse can affect anyone, regardless of gender, age, class or sexual orientation, and can never be excused or tolerated. It is absolutely right that the legislation will provide the necessary tools for the justice statutory agencies to tackle domestic violence and abuse, take into account patterns of such behaviour over time and bring the perpetrators to justice.

The Bill has undergone extensive and detailed scrutiny and debate in Committee and in the lengthy debates at Consideration and Further Consideration Stages, and that is a good thing. The Assembly is here to make legislation on behalf of the people of Northern Ireland, and it is vital that we spend time and effort to ensure that any legislation is as good as it can be. As a result of that scrutiny, a large number of amendments were made and a range of new

provisions added that have improved and strengthened the legislation.

Psychological abuse, in the form of coercive and controlling behaviour, can be just as pernicious as physical violence. The Committee heard at first hand from victims about the devastating impact that coercive and controlling behaviour has and how it can continue to affect their life even after they have found the strength to leave such a relationship. Victims say that the impact of psychological abuse can be much greater and longer-lasting, and there is usually a slow transition, with victims only realising afterwards that the abnormal has become normalised to the extent that they do not recognise it as abusive behaviour. The controlling behaviour leads to a lack of self-worth, a loss of identity and a dependency on the perpetrator that they exploit with impunity. The new domestic abuse offence now criminalises that behaviour and captures domestic abuse in its myriad forms, enhances the protection and access to justice provided to victims by the criminal justice system in Northern Ireland and will enable the Police Service and the Public Prosecution Service to take more effective action in prosecuting perpetrators. The legislation will also provide an opportunity to raise awareness of the existence and unacceptability of psychological abuse and coercive control and, in the longer term, assist in changing societal attitudes towards domestic violence and abuse. While concerns were raised about the inclusion of a defence on the grounds of reasonableness, it provides the necessary balance and safeguards, given the scope of the new offence and the wide personal connection provided for in the legislation.

Domestic abuse can also have a devastating impact on the children involved, and experience shows that such behaviour can be replicated across generations, if the cycle is not broken. The provision of aggravators in the legislation in relation to a child is, therefore, particularly welcome. The amendments made in relation to these provisions also provide better clarity that the non-physical ill-treatment of a child by someone with parental responsibility for them is an offence and ensures that such matters as isolation and humiliation are captured. The solution that was necessary for 16- and 17-year-olds is, however, suboptimal, and, as the Committee highlighted, work is required with the Department of Health to ensure that there is better alignment across the board in these areas.

One of the key issues raised with the Committee in written and oral evidence and directly by victims of domestic abuse was how abusers used the legal system and the court process to continue the abuse of victims even after they had left the relationship and were trying to build a new life for themselves. It is, therefore, essential to ensure that victims of domestic abuse are not re-abused during either the criminal or civil justice process. The original provisions in the Bill that provided for automatic eligibility for consideration of special measures for the protection of witnesses in domestic abuse criminal proceedings and prevented the cross-examination of witnesses by persons accused of domestic abuse in criminal proceedings and in family proceedings have been enhanced by including provision for special measures in family and civil proceedings and the prohibition of cross-examination in person in civil proceedings. The Department proposed those amendments as a result of the evidence received

by the Committee from key stakeholders and victims of domestic abuse, and the Committee supported them. The amendments should assist and support victims to give their best evidence, whether it is in a criminal case or in a family or civil matter.

The civil legal aid provisions now in the Bill also seek to militate against financial abuse by perpetrators in article 8 proceedings. While the amendments were tabled by Ms Rachel Woods and not the Justice Committee, once supported by the Assembly, the Committee devoted as much time as it could, in the limited window of opportunity between Consideration and Further Consideration Stage, to facilitate discussions between Members and the Department and Minister to ensure that there was a clear understanding of the intention behind them. The Committee formed the view that a commencement clause for the provisions should be included in the Bill. Despite two separate amendments being tabled, the Minister was unable to support the Committee's position, and, ultimately, they were not made to the Bill. The Minister has, however, given an undertaking in Committee and on the Floor of the Assembly that she intends to commence the legal aid provisions at the same time as the offences, provided that they prove not to be repercussive. The Department was seeking legal advice and was beginning the process of undertaking due diligence before Christmas, and the Committee looks forward to receiving an update on progress on the issue in the near future.

I turn to the six Committee amendments that were made to the Bill following the support of the Assembly, which, in my view, greatly enhance the legislation. Two of the provisions allow for additional support and protection for adult and child victims of domestic violence and abuse. Clause 27 places a duty on the Minister to provide for domestic abuse protection notices and orders or a similar scheme within 24 months of the commencement of the legislation in order to give short-term protection to victims for a period of time after an incident, giving them time and space to consider their next steps. While that was opposed by the Minister on the ground that she intends to bring forward such a provision at the amending stage of the Justice (Miscellaneous Provisions) Bill, the Committee very much appreciated the support of the Assembly in making such provision in the legislation. There is now certainty that such a scheme will be introduced in Northern Ireland within a specific period.

Clause 26 provides for schools to be notified where a domestic abuse incident has occurred the night before in which police have been called out. That approach has been adopted successfully in England and Wales, putting schools in a better position to understand and support a child's needs and possible behaviours and helping to safeguard children against the short-, medium- and long-term effects of domestic abuse. The tenacity of the Committee has ensured that the legislative basis for that scheme is available now.

One of the consistent themes running through the evidence that the Committee received related to the importance of ensuring that the legislation, once passed, was implemented properly and effectively. Many organisations and individuals expressed the view that the legislation would be only as good as its practical implementation and that how the legislation was implemented was as important as what it covered.

The Committee supported that position, believing that, for the legislation and, in particular, the new domestic abuse offence to be effective and to achieve the desired result of better protection and criminal justice outcomes for victims of domestic violence and abuse, getting the implementation of training right for those involved in gathering evidence, prosecuting, enforcing, monitoring and reporting on the new law is crucial. The provisions proposed by the Committee that now form part of the Bill on robust data collection, regular mandatory training for all Police Service, Public Prosecution Service and Courts and Tribunals Service (NICTS) staff who are involved in taking such cases forward and on regularly reporting on the implementation of the new offence, including independent oversight, should enhance transparency and provide reassurance regarding the full and effective implementation of the legislation.

The Committee welcomes the fact that the Minister took on board its views on what was clause 25 and is now clause 30 and tabled the amendment sought by the Committee and subsequently supported by the Assembly to ensure that the Department "must" provide guidance on the new domestic abuse offence rather than "may" provide guidance. The provision of guidance is a vital component in training the criminal justice agencies to ensure a common understanding of how the new offence should be applied and to assist in the consistent and robust implementation of the legislation. Given its importance, the Committee requested the amendment so that there would be no room for doubt about the provision of guidance.

A wide range of other issues on the provision of support and assistance to victims of domestic abuse and the need for progress in those areas in conjunction with the legislation has repeatedly been brought to the attention of the Committee. While the legislation is significant and there is no doubt that we will now be in a much better position to tackle this heinous crime, it will not solve all the issues relating to domestic abuse. Any effective response will also require adequately resourced support to facilitate a victim's exit from a relationship and maintain their safety, together with preventative measures such as education programmes. The Committee will continue to make that a priority.

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 its attention fully and thoroughly. At times, it proved challenging. I thank Committee members for their diligence and for the time and effort that they gave to scrutinise the process. I will not repeat previous commentary about Consideration Stage, in which the Committee invested a huge amount of effort, but I again pay tribute to members for the way in which they scrutinised the legislation. For some members, it was their first time dealing with a legislative process, and they acquitted themselves in an excellent manner and discharged their duties in a way of which we can all be proud.

I thank our Committee staff, in particular Christine Darrah, for her work to support Committee members and the work that she carries out with all Justice Committee staff. I thank Assembly staff, the Speaker's Office and the Bill Clerk for the advice that was given to members. At times, it may not have been advice that we wanted to hear, as we wanted to do more things, but we had to be kept on the

straight and narrow about what we could and could not do. I thank them for the professionalism of how they conducted themselves. I again place on record the Committee's appreciation to all the organisations. There are too many to start singling out individuals for fear of missing some, so I do not intend to do that. However, I thank all the organisations for the way in which they engaged with the Committee, for their contributions to our scrutiny and for taking the time to provide written and oral evidence. I particularly thank the victims of domestic abuse who shared their personal experiences, despite the difficulties in reliving such experiences. I know that it was difficult for members, and the Minister outlined that difficulty when she heard directly from people as well. It was difficult to listen to, but how much more difficult was it for those people to relive such horrendous experiences? Their contributions were invaluable to the Committee.

I thank the Minister and the Department for bringing the legislation through the Assembly and for the work and commitment that has brought us to Final Stage today. The legislation started its journey in David Ford's and Claire Sugden's time, and I agree with the Minister that it should have happened in 2018. Never again should these institutions be brought down. Never again is there a justification for the institutions being brought down when such important work was being taken through the Assembly.

The Minister namechecked her official, Dr Veronica Holland: I also thank Dr Holland for engaging with the Committee through many hours of scrutiny, when she was put through the wringer on the evidence and the testing of it. Engaging with Committees is not an easy job during a scrutiny process, but Dr Holland carried it out professionally and with all the due courtesy and respect that officials give to this place.

Dr Holland certainly embodied all of that, and I join the Minister in paying tribute to her for that.

1.45 pm

Taking the approach of bringing the Bill through the Assembly rather than using the Westminster Domestic Abuse Bill, as was originally considered, has allowed organisations and victims to help shape the legislation. I hope that they have seen the value of that. Our legislative process will also be completed ahead of the Westminster Bill's, which is currently at Committee Stage in the House of Lords. On behalf of the Committee for Justice, I am delighted to support the Final Stage of the Domestic Abuse and Civil Proceedings Bill, and I commend it to the House.

Ms Dillon (The Deputy Chairperson of the Committee for Justice): I associate myself with much of the Chairperson's commentary, particularly the thanks given to the Minister, her officials in the Department, our Committee and our Committee staff, in particular Christine. They worked really hard, even over the summer months, to prepare the report. It is very much appreciated.

Today is a good day for victims and a bad day for perpetrators, we hope. Many victims out there do not have good days, however. That is what the Bill is about, and we need to deliver for those people. The Chair pointed to the work of the Assembly and, as I said, that of the various Departments and the Committee. I point to the

hard work of victims and survivors of domestic abuse in giving their personal testimony to Committee members, all the stuff that they have done in the background and the campaigning that they have done for many years, as the Minister outlined. Many of those who work in organisations that support victims of domestic abuse were victims themselves, and they now see their role being to support others. When we look at organisations, very often but not always, we see that many of the people involved have come from a background of having been an abused person themselves.

When the Assembly returned in January 2020, it was made clear by all that new domestic abuse legislation was an absolute priority. I am grateful to the Minister for bringing it forward so early and for all the work that was carried out by everyone involved. To be frank, however, we do not need congratulating for doing our job. It is our job to pass legislation through the House. That is what we are here to do. I am glad that I took part in the passage of this legislation, and I hope that I was able to bring something to it. As, I am sure, the other Committee members, the Minister and her staff did, I felt the weight and importance of what we were doing and that we had to get it right. I believe that we did our very best to get it right. Undoubtedly, however, there will be things that have to be improved. We will all work to ensure that that is done.

I commend the victims who, as I said, have worked tirelessly and campaigned on the issue for a long time. Their courage should be applauded. Today, we send a message that the abuse that they have suffered at the hands of their abusers will not be tolerated. To the abusers, I send a message, and it is a simple one: stop. The law no longer protects you. You must end your abuse. You will be caught, you will be arrested and you will be prosecuted. Your abuse must stop now.

I thank the many organisations and agencies that played a key role in the development of the Bill by providing written submissions; engaging directly with the Committee and with MLAs individually; giving presentations to the Committee; sharing research and evidence; amplifying the voices of victims; and being a constant source of help and assistance to us all. I know that the Chair and the Minister did not name any organisations for fear of leaving some out, and we will, but some organisations that have engaged closely with us all should be named. As such, I thank the Women's Aid Federation, the Women's Policy Group, the Men's Advisory Project, La Dolce Vita Project, the NSPCC, the Bar, the Safeguarding Board, HERe NI, Cara-Friend and the Rainbow Project.

Most importantly, I thank the victims, whom I mentioned earlier. They courageously told us about the horrors of their abuse and what they experienced. The Committee Chair is right: it was very, very difficult to listen to. We cannot, therefore, imagine what it was like for those who had to give that testimony and what it was like to have to live through those experiences. Hopefully, we will never be able to understand that, but, as I said during a previous debate, you can be sure that there are people in the Building who do know. There are victims and perpetrators in the Building. The figures that the Chair outlined are testimony to that. If 20% — one in five — have been affected, this Building, and everybody here, is not exempt. We need to look around us; we need to look after those around us; and we need to give leadership on the issue.

The new domestic abuse offence marks a step change in how society views domestic abuse. It makes it clear that domestic abuse is not restricted to physical violence and that coercive control is equally devastating and intolerable in its impact. The new offence covers behaviour that is abusive because it is controlling or coercive or amounts to psychological, emotional or financial abuse. Such behaviour is used to harm, punish or frighten a victim, and it is designed to make a person dependent by isolating them from support, depriving them of independence and regulating their everyday behaviour.

Members will, no doubt, be aware of my particular interest in Operation Encompass. My party and I have been raising and hammering home its importance since we heard of its existence. The Safeguarding Board raised it with me when I was on the Policing Board. Operation Encompass is an information-sharing mechanism that allows PSNI personnel to communicate with a designated person in a school or educational setting to inform them of any domestic abuse incidents involving a pupil. It will help to safeguard children against the lasting effects of domestic abuse by facilitating the provision of rapid support within the school or educational environment by providing a secure and sympathetic environment for the child. Practical examples of that might include the provision of a hot meal, when the child may not have eaten, supporting rather than scolding a child who may not have completed homework, or emotional or psychological support for a child who is clearly vulnerable. I look forward to seeing the roll-out of that with the PSNI and the Education Department, and I greatly welcome the fact that the Education Minister has already piloted a scheme in that regard. I do not think that we can overemphasise its importance. It may seem to be a very small matter, but it will be massive in a child's life. It will also be informative to staff in schools. When a child comes through the school gates, or the gates of any educational setting, the staff will be thinking about what that child has been through or what they might be going through at home. The staff will be thinking about their responsibility to support them emotionally and look after them when they are there.

As a former member of the Policing Board, I am well aware of the vital role that the PSNI will play in the implementation of the legislation. As has been outlined by the Minister and the Chair, and as we outlined in previous debates, the implementation of the legislation is important. The Bill will not be worth the paper that it is written on unless the implementation is right and unless we, the PSNI and all justice agencies fully understand our roles, what the Bill is about and who it serves.

It is easy to spot physical violence. It leaves marks, bruises, cuts and scars. However, much of the abuse that will form part of the new domestic abuse offence will be more subtle and difficult to spot. That is why the training will be vital. Police officers who are responsible for gathering and collecting evidence, along with prosecutors and the judiciary, must have a clear and thorough understanding of the behaviours associated with non-physical abuse. Effective and regular training will, therefore, be one of the most crucial aspects of the Bill, as we ensure that the PSNI, prosecutors and judiciary are supported in their efforts and are equipped with the proper tools to tackle domestic abuse. The Bill also includes provision for enhanced protective measures for victims of domestic abuse by enabling the Department of Justice

to make regulations for steps to be taken or measures imposed to protect a person from domestic abuse. We now know that the Justice Minister intends to legislate for those, and I welcome that.

The DOJ is consulting on the proposals for the introduction of domestic abuse protection notices and orders. We are examining the proposals and will prepare a party response. It is important that everyone who has an interest in this responds, particularly those who have been most impacted. The present protective measures available to victims are not good enough and can often be difficult or costly for victims to access. Nonetheless, between 2016 and 2019, more than 16,000 applications for non-molestation or occupancy orders were made to the courts. That gives us some idea of the scale of this.

I am glad that the Bill includes provision for expanding the eligibility criteria for civil legal aid for victims of domestic abuse. I do not intend to rehearse the many arguments presented in the previous stages of the Bill, but I will highlight that this could turn out to be a very important step for victims. I thank my colleague on the Justice Committee Rachel Woods for bringing forward the amendments on this issue. Whilst there remains huge confusion around whether clause 28 will be recursive in effect and, therefore, whether the Minister will be in a position to commence this clause, clause 29 now puts a duty on the DOJ to bring forward new proposals within two years to reduce the financial burden on victims of having to go through court proceedings with their abusers. There is still a huge amount of work to be done in this area, and the Committee will certainly play its part. I think that I speak for most Members when I say that we are all keen to carry out this role and ensure that we have the best possible protections in place, as quickly as possible. It is important that we get this right.

I have already outlined the important next steps for training staff in the policing and justice system and in getting the legislation commenced and implemented. However, a lot of work remains to be done in tackling domestic abuse. As outlined by the Minister, domestic abuse is a societal problem; it cannot be tackled by the justice system alone. As in all these things, prevention is always better than cure. We do not want to have to use this law. It is there for those who get to that point. However, we want to protect people from becoming victims in the first place.

There is a huge role for the education system in building an effective curriculum to teach children about healthy relationships. I urge the Education Minister to look at a model of uniformity across our schools. We are currently relying on —

Mr Principal Deputy Speaker: I ask the Member to resume her seat. I am loath to interrupt the Member on an extremely important issue and one that she clearly cares very strongly about. However, Question Time is scheduled to commence at 2.00 pm. We will return to this item of business after Question Time and the question for urgent oral answer, which has been tabled by Mr John Stewart. The Member will then be invited to conclude her remarks. I ask the House to take its ease for a moment while we change the top Table. Thank you.

The debate stood suspended.

2.00 pm

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

Oral Answers to Questions

Justice

Prisons: Positive COVID-19 Tests

1. **Mr Nesbitt** asked the Minister of Justice for an update on the number of positive COVID-19 tests for both prisoners and staff in Northern Ireland's prisons. (AQO 1389/17-22)

Mrs Long (The Minister of Justice): The care of the people who work and live in our prisons is paramount, and it is taken very seriously by my Department.

The Northern Ireland Prison Service (NIPS) was quick to respond to the threat posed by the COVID-19 pandemic, and it introduced a range of measures to minimise the risk of transmission of the virus within prisons. Testing of staff and people in our care was introduced in April 2020 through the Belfast Trust and the Northern Trust, with the South Eastern Trust introducing testing of people in custody, and it was bolstered by the implementation of contact tracing procedures across the organisation in May 2020.

Since the introduction of testing arrangements, 1,822 prisoners and 485 staff have been tested at Maghaberry, 51 prisoners and 231 staff at Magilligan, and 242 prisoners and 167 staff at Hydebank Wood. Some 132 prisoner escort and court custody staff have been tested, as have 20 staff from the Prison Service College and 30 from Prison Service headquarters. In addition, we facilitated testing for 274 family members of Prison Service staff.

As a result of those tests, seven prisoners who were in quarantine on committal and three in the general population have tested positive. One prisoner tested positive prior to committal into NIPS custody, and two tested positive during long-term hospital stays. All 94 members of staff who tested positive have received the necessary support and advice from NIPS.

As a collective, the measures implemented have succeeded, in extreme conditions, in minimising the transmission of COVID-19 within our prisons. This is another example of how, by working together, we can provide good outcomes for those in our care and those who work in their service.

Mr Nesbitt: I thank the Minister for the detail. How, within the confined space that is a prison, do you effectively conduct track and trace and isolate people who have been in close contact with those who tested positive?

Mrs Long: We have within each prison establishment an isolation unit where all members committed to our care, or who leave our care and return, have to reside for a period of not less than 10 days. If they develop symptoms during that time, they go through the normal testing process.

With test, track and trace, all providers of care and support who enter and leave the prison system have their movements in the prison tightly controlled. Therefore,

track and trace is much simpler within the prison system than it may be within the general population. In addition, we ensure that anyone who develops symptoms moves to the isolation unit. There, staff are in full PPE, thereby minimising the risk to those who work in the unit.

All who arrive at the prison, whether to provide services or visit, have to take the additional precautions that have been introduced. During the last number of months, we have had to limit in-person visits on a number of occasions. Whilst that is regrettable, we have been able to implement virtual visiting to protect prisoners and their families at what is a difficult time for both.

Ms Dolan: We are all aware of the concerning rise in positive COVID cases over the past couple of months. Minister, are you satisfied that the highest possible health and safety protocols are in place to protect prisoners and staff?

Mrs Long: Yes, I am. We have managed to maintain a very low level of positive COVID tests among those in our prisons. Of course, we are affected, as is every institution in every part of society, by the increased rates of COVID in the community. Prison Service staff who live in the community, and their families, are particularly affected by that, so we keep a very careful watch on the need for people to self-isolate and the need for people who may have symptoms to be tested, in order to achieve the best possible protection for them, their families and the people in our care. It is not a simple process. However, we, of course, have responded to the recent outbreak and the more stringent measures by, for example, stopping in-person visiting in order to take account of the higher prevalence in the community.

Prisoners: COVID-19 Early Release

2. **Ms Flynn** asked the Minister of Justice, given the continuing COVID-19 crisis, whether her Department has any plans for a further release of prisoners with three months or less remaining on their custodial sentence. (AQO 1390/17-22)

Mrs Long: The COVID-19 temporary release scheme that I introduced at the end of last March has allowed the temporary release, on an ongoing, month-by-month basis, of certain categories of prisoners who have three months or less of their custodial sentence remaining. The improving health situation allowed me to pause the scheme at the end of August for two months, but an increase in public infection rates led me to reintroduce the scheme from the start of November. I also agreed to further releases at the start of December, in the Christmas week and at the beginning of this month. Given the ongoing public health crisis, I intend to agree to further releases at the start of February. Thereafter, I plan to keep the scheme under review on a month-by-month basis.

Ms Flynn: I thank the Minister for her answer. She mentioned the public health crisis that we are in, and she will be aware of the complex health needs among the prisoner population as we have spoken about that before. On that basis, can the Minister give an update on whether she has had any conversations with the Minister of Health on the vaccine roll-out among the prisoner population and prison staff?

Mrs Long: It is a matter that I have raised with the Minister of Health. As the Member will know, the roll-out of the vaccine is governed by the Joint Committee on Vaccination and Immunisation (JCVI) on a UK-wide basis, and, at this stage, it not planned that that will be rolled out in the prisons. However, I have raised my concerns in that regard with the Minister of Health because I believe that, as it is a residential setting, there are particular risks to those who work and reside in the prisons. As the Ulster Unionist Member who asked question 1 indicated, we have very close quarters, although, as a result of the work that we have done, we have, for example, managed to reduce the number of people who are sharing cells. I think that there is a strong case for protecting prisoners, prison officers and their families by rolling out the vaccine there more rapidly than, perhaps, in the rest of the community. Given the lack of stability of some of the vaccines, there may also be an opportunity in that large-scale immunisation in a facility like a prison may actually be of benefit with regard to driving the process forward.

Mr Beattie: I thank the Minister. I think that I will get a positive response to this, but can the Minister outline how many of those who were released early on that scheme have reoffended and been returned to prison?

Mrs Long: I thank the Member for his question. As he will be aware, it is a decision that was fairly difficult for me to make because I did not think that it was something that I would be comfortable with releasing. However, the numbers of people who have reoffended whilst they are on temporary release are relatively small. As he will be aware, some of those people will have been accused of a crime, been committed back to our custody on remand, and they may, therefore, face further charges; whereas others will have been returned to prison by dint of them having broken the regulations around their release. However, at the last check, I think that the proportion was somewhere around 10%, but I will give the Member the full and detailed figures in writing.

Mr Lyttle: What community intervention has been provided for those who were released under the scheme?

Mrs Long: In respect of those who are released under the scheme, the first thing that we have to check and ensure is that, when we release a prisoner, they have somewhere to go. Therefore, we take the opportunity to work closely with housing providers and others to make sure that they have secure accommodation in place. We also make sure that we are in a position to give them the support that is required. Of course, a prisoner who is in the last three months of their sentence will, in most cases, have gone through some pretest release. Indeed, they may have been preparing for their eventual release. Therefore, they are at an advanced stage in the prison system before being considered for release.

We also consider the vulnerability of prisoners before release, because, obviously, we are conscious of not wanting to release into the community people who may have specific needs that could not be met by, for example, the health service during this particularly difficult time. We try to ensure that those who are released from our custody are those who are most likely to rehabilitate successfully.

I have just found the figure for the Member. Around 7.5% of prisoners who were released temporarily — that is less than I indicated, which was around 10% — under the

scheme have been returned to prison as a result of alleged further offending due to their early release period. That compares favourably with the figures for prisoners serving a determinate sentence who are released on licence more generally. That is a positive experience in how we selected the prisoners and shows that the right support was in place for them in the community.

Domestic Abuse and Family Proceedings Bill: Repercussive Effects

3. **Ms S Bradley** asked the Minister of Justice for an update on any legal advice she has sought from senior counsel regarding the possible repercussive effects of the Domestic Abuse and Family Proceedings Bill. (AQO 1391/17-22)

Mrs Long: My Department instructed senior counsel seeking advice on the possible repercussive effects of the legal aid provisions in the Domestic Abuse and Family Proceedings Bill on 11 December 2020. Advice was provided to the Department in response to that instruction on 13 January 2021, which was last Wednesday, and supplementary advice was received on 15 January 2021, which was last Friday. The advice received is under consideration in the Department. It will inform the development of an economic appraisal of the provisions of the Bill.

Ms S Bradley: Thank you, Minister, for the update so far. Given that we do not have the detail of that advice, will the Minister at least give an assurance that, in the event of there not being a repercussive effect, costings have been carried out in the Department on the effect of the Bill as it stands on the legal aid bill as a whole?

Mrs Long: The legal advice to the Department is, of course, protected by legal privilege. That is an important principle that enables the provision of frank and clear advice by legal representatives to their clients. However, I want to be open and transparent with Members about the decisions that will be taken about those important protections and about the basis on which they are taken. Therefore, I will ensure that the Justice Committee is fully briefed on those issues as they progress. I have already given my word in the Chamber and, indeed, in other places that, where possible, we will commence the legal aid provisions at the same time as we commence the rest of the Bill.

Ms Dillon: Will the Minister indicate whether she has a time frame for when the due diligence may be completed?

Mrs Long: I hope to meet officials in the next few days to discuss further with them the legal advice that I have received. As you will appreciate, additional due diligence will need to be undertaken, but I will write to the Justice Committee to apprise it of the detail of that in due course.

Miss Woods: Will the Minister detail what the economic appraisal that she referenced entails? Has she discussed with Executive colleagues the resource requirements of the Bill?

Mrs Long: The resource requirements were discussed with Executive colleagues in December when the provision was originally made and subsequent to the Bill's Further Consideration Stage. We will, of course, look at the wider implications of repercussiveness in the rest of the UK and in other parts of the legal aid system. Once we

have completed that due diligence, we will write to the Committee with further updates.

Prison Officer Welfare and Support

4. Mr Lyttle asked the Minister of Justice for an update on the reviews her Department commissioned concerning serving and retired prison officer welfare and support. (AQO 1392/17-22)

Mrs Long: I very much recognise the value of the work that prison staff do on behalf of our community. While their work is largely unseen, we should never underestimate how demanding it is as they challenge and support some of the most complex, difficult and vulnerable members of our community, who have been placed in their care. I am grateful to the Member for the interest that he has taken in the issue over a number of years and for the support that he and other Members have given to serving and retired prison staff.

I very much recognise that the role of prison officer and of governor can be stressful, and I have been very clear since taking office that we need to do more to support them. That is why I appointed Siobhan Keating and Gillian Robinson to undertake a review of support services for operational staff and Graham Walker to do likewise for retired staff. I was pleased to receive their reports on 16 December, and it is my intention to publish both documents along with a detailed action plan outlining how we will implement the recommendations next week. Both reports are well researched, and it would be difficult to disagree with the conclusions reached by the authors. There is recognition of the considerable work that the Prison Service has been doing under its Prisons 2020 programme to support staff, but it is clear that we must support the Prison Service to do more. I am grateful to Siobhan, Gillian and Graham for undertaking this important work. They deserve considerable credit, not least because they have busy full-time jobs and therefore had to do much of the work in their own time. I have no doubt that the value of their work will be recognised by Members when the reports are published. I assure the House that I am committed to supporting the Prison Service as it implements the recommendations and ensuring that prison staff, past and present, receive all the support that they deserve.

2.15 pm

Mr Lyttle: I echo the Justice Minister's recognition of the work of prison officers in our community. I thank her for the priority that she has given to prison officer welfare, for commissioning the reviews of serving and former prison officer welfare and support so promptly in her tenure and for the speedy reporting of the review recommendations. Will the Justice Minister outline the timescale for the implementation of the recommendations of both reports?

Mrs Long: Many of the recommendations will be relatively straightforward and can be implemented within a few months. Others will take more time and will require additional funding. That funding will have to be secured. It will be necessary to procure some of the additional services that have been recommended. A small number of recommendations will also require careful discussion with the Department of Finance. As I said, I will publish the reports to the Assembly next week. I will also publish an action plan that will set out indicative dates for

implementation. I hope that, as a result of that, we will be able to work with the Justice Committee to ensure that it is swiftly implemented and that the benefits of the work that has been done will be felt by prison officers very soon.

Mr Givan: I welcome the Minister's announcement that she will reveal all of this next week. I met both the review teams as part of their investigations. I registered an interest, as I do now, that my father served for 36 years and is now retired, and an uncle of mine also served. In speaking to both teams, I relayed, for operational staff, issues around shift patterns, social club access exclusive to prison officers and access to counselling services akin to what we have for the police through the Police Rehabilitation and Retraining Trust (PRRT). The Minister may not want to reveal so much ahead of next week, but will those areas be taken forward by the review team? Will greater assistance be given to retired officers who continue to suffer the mental trauma of what they experienced, particularly at the Maze?

Mrs Long: The Member will be very much aware, more than most in the Chamber, of the challenging and unique role carried out by prison officers. The people strand of Prisons 2020 is dedicated to ensuring that staff receive the well-being, support, recognition and development opportunities that are deserving of such a role. We will continue to do so. I hope that, when the report is published, it will provide the Member with encouragement that there will be opportunity for those who are currently in service to receive the bespoke support that they need, recognising the challenges and threats that prison officers face, and that those who have been traumatised over many years as a result of working in the prisons but who no longer work in the Prison Service will also have access to the appropriate support, particularly around trauma and recovery from it.

Mr Butler: I thank the Minister for her words of support for Prison Service staff and her recognition of how difficult a job it is. For the record, I again declare an interest in that I am a former prison officer. I thank Mr Lyttle for his work in bringing the review forward and Mr Beattie from my party. The collective work has been excellent and is well received by the Prison Service. Can the Minister give an idea of how many serving prison officers are receiving treatment for or are off work due to diagnosed mental health issues, given that that is one of the purposes of the review?

Mrs Long: I do not have those figures to hand to give them to the Member, but he is correct in saying that there are a significant number of issues around mental health and well-being. We recognise that that is a particular challenge for those who work in a front-line service like prisons, where they can be dealing with a really challenging cohort of individuals with complex needs. I have to say that they do so in an impressive manner. The report recommendations will build on the work that we already do to support officers. I will be happy to write to the Member with more detail on the numbers who are out at the moment. Of course, people are out because of COVID, in addition to those who are out as a result of trauma or stress. I will write to the Member with those figures.

Digital Justice Strategy 2020-2025

5. **Mr McGuigan** asked the Minister of Justice for an update on the delivery of the digital justice strategy 2020-2025. (AQO 1393/17-22)

Mrs Long: I am pleased to advise that all six collaborative projects identified as delivery priorities for the first two years of the digital justice strategy 2020-2025 are under way and progressing well. The projects optimise the efforts of criminal justice organisations to work more efficiently through the use of digital platforms and technology and, ultimately, make things better for citizens. The delivery of the strategy has led to tangible improvements, such as the electronic sharing of digital evidence between the Police Service of Northern Ireland (PSNI) and the Public Prosecution Service (PPS), as well as the provision of pending case information to assist the management of Crown Court cases. I anticipate the further roll-out of digital evidence-sharing within the next year across courts and with the legal profession.

My Department is working in partnership with Victim Support NI and the NSPCC to scope out the needs, expectations and requirements of victims and witnesses in order to introduce a new solution to provide personalised information about the progress of their case. We will continue to review our progress against the digital justice strategy and work collaboratively to identify future priorities for the benefit of citizens who engage with the justice system.

Mr McGuigan: Gabhaim buíochas leis an Aire. I thank the Minister. I welcome the answer and the progress made so far on the roll-out of the digital justice strategy. As the Minister said, it is a five-year strategy, but there were commitments in the first two years to bringing about changes that would undoubtedly make a huge difference in speeding up the criminal justice system. Will the Minister confirm whether the progression of the constituent parts that she has outlined and the strategy as a whole will meet its target?

Mrs Long: It is certainly our intention that it will. Of course, we have been battling COVID, and that has provided significant challenges across the court system and for our partners in the justice system. While the COVID-19 challenges are well known, the opportunities that the crisis has presented for accelerating certain areas of digital justice are often overlooked. We have been working hard to ensure that the digital operation during the COVID crisis can be embedded in the system. Hopefully, we will be able to maintain much of the digital and remote working that we have been able to embed during the crisis. It will then provide further opportunities for flexibility.

Mr Chambers: Given the recent accidental but serious release of information on the identity of former police officers in the Neil McConville case, can the Minister confirm the security of information on the upgraded Causeway IT system?

Mrs Long: As the Member will know, the Causeway system is used by the PSNI and other justice partners to share information. The issue at fault in that case did not reside in the sharing system but was, I think, the result of human error on that occasion, and that has been addressed. I have previously explained to Members that the measures that were taken ensured that the accidental

but very distressing passing on of that information by the legacy inquest unit (LIU) was contained very quickly, that the information was recalled and destroyed and that further measures have been put in place to ensure due diligence so that such incidents are not repeated.

Organised Crime: Post-Brexit

6. **Mr O'Toole** asked the Minister of Justice to outline the post-Brexit challenges identified by the cross-border Joint Agency Task Force (JATF) with regard to organised crime. (AQO 1394/17-22)

Mrs Long: The Joint Agency Task Force is an operational task force led by senior officers from the Police Service of Northern Ireland and an Garda Síochána, the Revenue Commissioners and HM Revenue and Customs. A number of other organisations, including the National Crime Agency (NCA) and the Criminal Assets Bureau (CAB), are also involved in operational activity. The PSNI has confirmed that the negotiated agreement means that there are no identified issues brought about by EU exit for the cross-border Joint Agency Task Force. The ability to conduct coordinated joint operations and share information among the agencies in the JATF remains. The negotiated agreement reduces any obvious new emerging criminal threats within organised crime, although those issues will continue to be monitored by the partner agencies, which will, for example, be alert to any attempt to circumvent the arrangements required for the supply of highly regulated goods from GB to Northern Ireland. The justice and home affairs powers affected by EU exit do not inhibit the ability of the JATF to function effectively.

Mr O'Toole: I am grateful for that answer, and I am intrigued by what the Minister has said. Law enforcement has said that there are no identified issues: are there no issues around the slowing down of, for example, arrest warrants? Obviously, we are outwith the European arrest warrant (EAW) now, and we have no access to Schengen Information System (SIS) II. Is it the case that there are no broad, identified issues with crime enforcement, or is it just that things will be slower?

Secondly, is there a specific budget resource implication for the Department as a result of EU exit? Has she made a bid to the Finance Minister for extra money to deal with the consequences of Brexit?

Mrs Long: Those are two slightly separate issues. With respect to the issue of European arrest warrants, of course there will be some delay, because those will now operate under a different convention — the Lugano convention — and we have already identified that that will be a slower process than the European arrest warrant. That is recognised. However, I was answering with respect to the JATF's operational capacity, and that is a slightly different question. From our perspective, there are issues and challenges around EU exit. First, there is the opportunity for enhanced crime on a cross-border basis due to smuggling and other things. That has been mitigated somewhat by the fact that, at this stage, there are no differentials in the tariffs. The main area that, we believe, may be exploited is that of very highly regulated goods.

The other issue that the Member will, of course, be aware of is the ability to share data. We currently have a derogation for data adequacy. However, were the data adequacy agreement to come to an end, that would, of

course, be a major challenge not only for the JATF but, indeed, the PSNI and an Garda Síochána more generally.

Dr Archibald: Given the destructive impact of Brexit that we have already seen in the first two weeks of the new year, have there been any immediate challenges to the wider policing and justice system in 2021 as a result of Brexit?

Mrs Long: With respect to the withdrawal agreement that has finally been agreed, the future security partnership has been a much better part of the negotiation than perhaps the future trade arrangements have been. While there are clearly issues around the trading arrangements, there have been fewer issues around the future security partnership; indeed, if you look at the European tools with which we have been able to maintain our integrity and our operational capacity, you will see that we have much more access than we originally anticipated as a result of those negotiations. That highlights how important it is. Despite the frustrations that people may feel about the trade elements of the deal, without that deal we would be in a much more serious situation when it comes to security.

It is important to note, reflecting on the previous Member's question, that there will, of course, be challenges. At this point, we have not put forward bids around Brexit. We are, however, aware that the PSNI has made bids for additional resource, because it still believes that it needs additional officers to police Brexit. We now await Treasury coming back. The indications so far have been that it does not intend to extend Brexit funding into next year. That would be a serious matter.

Civil, Family and Criminal Justice Cooperation: Post-Brexit

7. **Mr Muir** asked the Minister of Justice for her assessment of how the United Kingdom's exit from the European Union will affect civil, family and criminal justice cooperation in Northern Ireland. (AQO 1395/17-22)

Mrs Long: Civil and family justice cooperation does not feature in the trade and cooperation agreement, and those areas are now largely governed by existing international agreements. In the family justice field, that leaves relatively few gaps, because Hague conventions, such as the 1996 Hague convention relating to cross-border contact, residence and child protection cases and the 2007 Hague convention that applies to cross-border maintenance cases, cover much of the same ground as the EU instruments. In relation to civil and commercial law, there are limited international cooperation mechanisms. The only substantial one is the Lugano convention of 2007, which the UK has applied to rejoin, and a decision on that is awaited.

In the meantime, other than in cases where there is an exclusive choice of court contract covered by the 2005 Hague choice of court convention — that is a commercial contract where both sides agree at the outset the jurisdiction in which a dispute will be heard — cross-border disputes will be left to the domestic rules of the relevant countries to resolve. That will, unfortunately, lead to a lack of clarity over which court has jurisdiction in a case and to potentially more expensive and lengthier parallel proceedings.

The trade and cooperation agreement includes provisions on law enforcement and judicial cooperation in criminal matters.

2.30 pm

Mr Deputy Speaker (Mr Beggs): I am afraid that our time is up and that you will not be able to get a supplementary on this occasion. That is the end of listed questions to the Minister; we now move on to topical questions.

ICC Belfast Nightingale Facility: Accessibility

T1. **Mr Irwin** asked the Minister of Justice for her opinion of the accessibility of the Nightingale facility at the international convention centre in Belfast for benefit appeal tribunals, especially for those who have a disability or who are unwell. (AQT 861/17-22)

Mrs Long: The creation of the Nightingale facility at the international convention centre at the Waterfront Hall is a major step forward in providing additional space and capacity for tribunals and for the routine business of courts. I understand, although I have yet to confirm it, that an inquest was scheduled to be held there today. It shows that with that extra space we can make real progress in the courts.

It is an accessible, modern facility designed for that purpose. It is, of course, located in Belfast, and Members may say that although it may be accessible to me in Belfast, it may not be so accessible for rural dwellers. Of course, we are looking for other opportunities to find breakout space to supplement the work that we do at the court hubs that we have reopened during the crisis. We have put in additional space by means of mobile buildings inside the court curtilage to ensure that, in all our premises, we can properly manage social distancing and all the other requirements to combat COVID and make our courts a safe place for people to attend.

Mr Irwin: I thank the Minister for her response. I am sure that the Minister will accept that for those living in the west of the Province it will necessitate a hundred mile journey each way. It will be imperative that another venue be found for people in the west of the Province.

Mrs Long: Yes, of course, and we are looking at other opportunities to roll out additional facilities. The Member will be aware that, as I said in my original answer, we will try to do that at each of the court hubs to create more space to help with business. However, some cases will only be able to be heard at the Laganside courts, simply due to the scale and capacity issues at our other courthouses. Indeed, the same may be true of some tribunals.

It is a disruption; we accept that. We are also increasing remote working and remote attendances, so many people who are engaged in proceedings may not have to be present in court in order to do business. We encourage people, before they present at court, to work with their representatives and with court officials to ensure that their presence is absolutely required. Otherwise it would be best for them not to attend.

Mr Deputy Speaker (Mr Beggs): I encourage Members when asking a question to face the Chair. The microphones are generally located so that they will pick

you up if you face the Chair. We want to ensure that Hansard has an accurate record of proceedings.

Police Officers: NDNA Commitment

T2. **Mr Newton** asked the Minister of Justice for an update on the progress of the outline business case for additional police officers, as agreed in New Decade, New Approach (NDNA). (AQT 862/17-22)

Mrs Long: The outline business case has been proceeding with the Department of Finance, and we have had permission to move now to a strategic business case, to be provided by the PSNI, and we are working with them in that regard. However, the Member's desire, as well as mine, is to find the additional funding to allow that to be not just a successful business case but actually operationalised.

The current financial environment and the fact that Treasury has not yet confirmed the COVID money that allowed the police to employ over 300 new officers in the run-up to Brexit create a significant challenge for the police in wishing to extend their numbers.

Mr Newton: It was back in August 2019 when the Chief Constable first raised the question of his need for an additional 800 officers. Given what the Minister has just said, some 14 months into her tenure, what confidence can she give to the Chief Constable that the 800 officers will be delivered, bearing in mind the critical health situation at the moment and, indeed, the number of officers who are not available to the Chief Constable at this stage?

Mrs Long: I know that last year felt like a long time, but I can assure the Member that it is not 14 months since I took up my position last January. There are only 12 months in a year, and it is 12 months, almost to the day, since I took up my position.

There is additional support for the PSNI. Indeed, the PSNI made and then withdrew a bid for additional funding to cover COVID overtime because it believes that it can meet that cost from within its current budget. We liaise with the PSNI regularly to ensure that it has capacity. Of course, the recruitment of new officers is not an overnight issue and would not do anything to mitigate the challenges that we face with COVID. However, I remain committed to trying to secure the funding. We know that the full-year costs are around £40 million once all officers are recruited and embedded in service delivery. The Member will be aware that we face a Budget that is likely to provide flat-cash budgets to all Departments, which gives us very little scope to be able to provide additional funding. It will, of course, ultimately reside with the Chief Constable to prioritise the resources available to him and decide whether they are for additional officers or for some of the other projects that he has said are a priority for the PSNI at this time.

Legacy Mechanisms

T3. **Ms Ni Chuilín** asked the Minister of Justice, now that it has been established that it has been a year since the formation of the Executive, and given that she will be aware of the commitment in New Decade, New Approach for the British Government to introduce legislation within 100 days to implement the legacy mechanisms contained within the Stormont House Agreement, what conversations

she and her departmental officials have had with the NIO and the British Government about the delay in introducing that legislation. (AQT 863/17-22)

Mrs Long: The Member will be aware that, whilst I, as a party leader and as a political leader, have had many conversations with the Secretary of State, I would probably best describe those as frustrating when it comes to the issue of legacy. The Department has continued to try to engage on this issue to make the Government aware of the urgency of dealing with this and the importance of dealing with it in a comprehensive way. It brings pressures on the Department of Justice's budget because, in the absence of a comprehensive strategy to deal with legacy, we find that more and more victims will take recourse in the courts through legacy litigation. They will seek inquests or other means of trying to meet their need for truth and justice, which they cannot currently receive through the Stormont House arrangements that it was anticipated would be brought forward.

At our review of the NDNA commitments last week, it was heartening to see how many of those have been progressed. I characterised many of those, though, as low-hanging fruit, where we were dealing with the easy things and not dealing with the difficult questions that have often blighted the Assembly. I have to say that legacy stands amongst the only issues, however, on which we have gone backwards since the NDNA agreement was signed. It is a shame, given the sensitivity of legacy issues, that that is the place in which we find ourselves.

Ms Ni Chuilín: I thank the Minister for her very honest and robust response, given that, like many parties, she probably bears the scars of the Stormont House Agreement six years ago. She outlined some of the negative impacts on all families, regardless of who they are or how they identify themselves. She also indicated some of the potential impacts on her budget. Will she outline the other impacts that the lack of significant progress, or any progress at all, and the refusal of the British Government to legislate on what was in the Stormont House Agreement will have not only on her Department but on the entire Executive?

Mrs Long: I think that it is well known that, if these issues have to be dealt with by the Department of Justice, and if the structures that were promised under the Stormont House Agreement are not put in place, a major question will arise about what happens to the funding that was set aside for legacy matters and anticipated to be used to set up the historical investigations unit (HIU) and the other structures that were in that agreement. We have been informed by the NIO that that money cannot be drawn down for any other purposes. Therefore, that money sits and waits for an alternative structure to be brought forward.

However, fundamentally, it is not about money. It is about people's confidence, first, in the Government's upholding of agreements that they made. We have all come back to this place and are working together through difficult times, often when we are not all of one mind on issues — that is putting it mildly. We have come back and have done what was required of us. It is time that the UK Government do what is required of them and what was promised by them when they said that they would take that forward within the first 100 days. More than our trust and confidence as parties in those negotiations, there is an issue about trust

and confidence in the system for victims who still await truth and those who have been accused of wrongdoings, want to be able to prove their innocence and have a sword of Damocles hanging over their heads constantly.

The only moral thing to do is to take it forward as a matter of urgency. Along with Executive colleagues, I will engage with the Secretary of State and the Tánaiste to ensure that we can do that.

‘Did the Right Man Hang?’

T4. **Mr Easton** asked the Minister of Justice, in light of Gordon Adair’s Radio Ulster investigation, ‘Did the Right Man Hang?’, and new evidence that has been presented in the 90-year-old case of the supposed murder of Minnie Reid and the supposed hanging of Harold Courtney, to give permission for all records held by PRONI on the court, prison and police services to be released for public research. (AQT 864/17-22)

Mrs Long: The release of records from PRONI is not a matter for the Minister of Justice. PRONI lies within the Department of Culture — I almost went backwards in time. It lies within the Department for Communities, and it would be for that Minister to have that engagement. Where we can be of assistance to the families, we will be happy to do so.

Mr Easton: I thank the Minister for her answer. Would she agree with me that, with such an old case, any records that could be released to help find out the truth would be welcomed?

Mrs Long: Irrespective of the length of time, justice is always welcome. That point has been made in this and the previous question. I do not think that the passage of time should deny people access to justice. It is important that that option is still available where practicable. I would hope that we would be able to be of assistance where that is possible and allow people to find out the truth behind those situations.

‘Ask for Ani’: Domestic Abuse Code Word

T5. **Ms Flynn** asked the Minister of Justice whether work is ongoing to introduce a similar local scheme to the initiative that was introduced in Britain last week, whereby domestic abuse victims can go to a pharmacy and use the ‘Ask for Ani’ code word to indicate that they need help. (AQT 865/17-22)

Mrs Long: I am delighted to be able to confirm to the Member that we are part of the ‘Ask for Ani’ scheme. If someone goes to their local Boots pharmacy in Northern Ireland and sees the literature on display as part of the Home Office scheme, they will be able to ask for assistance necessary immediately (ANI). They will be escorted to a safe place in the building and given the opportunity, through a trained counsellor who will be present, to phone and ask for help and assistance, as required. It is a hugely powerful scheme, and there will be opportunities for other pharmacies to sign up to that scheme and provide it in communities where a Boots pharmacy may not be available. It is hugely important given that, often, particularly during the current COVID crisis, going to a pharmacy may be one of the few private opportunities that someone may get to raise concerns about domestic abuse. It is a very powerful way forward.

Mr Deputy Speaker (Mr Beggs): Members, it is clear that a mobile phone is causing interference. I ask Members to check their phones.

Ms Flynn: I thank the Minister for her answer. It touched on some of what I wanted to raise in my supplementary question about how the scheme will be rolled out in the North, and it makes sense that it will be rolled out similarly across these islands. Maybe the work has already taken place, but I want to ensure that you have a consistency of approach. Is it something that you are discussing with other Justice Ministers?

Mrs Long: Yes, it is. Each of the pharmacies that have signed up to the scheme will display the literature and posters so that people will be able to see them. Many pharmacies have developed consulting rooms so that there is a private place where people can speak to a pharmacist if they have minor medical complaints and are seeking assistance.

They will make use of those consulting rooms in order to give an individual privacy so that they are able to contact either the 24-hour domestic abuse and sexual abuse helpline or, if required, the PSNI.

2.45 pm

Even if the scheme is not visible and the signs are not there, I encourage anyone who gets the opportunity when they are with their pharmacist to ask for help or for a private word. I know that many pharmacists would be more than happy to give people whatever assistance they need. I encourage the Member and all Members to encourage their constituents to be confident about asking for help.

Agriculture, Environment and Rural Affairs

Ports: DAERA Support

Protocol on Ireland/Northern Ireland: Implications

1. **Ms Dillon** asked the Minister of Agriculture, Environment and Rural Affairs what support his Department is providing to assist traders and haulage businesses to navigate the new checking systems at our ports. (AQO 1404/17-22)

13. **Mr Givan** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the implications of the application of the protocol on Ireland/Northern Ireland from 1 January 2021 on the movement of goods and livestock between Great Britain and Northern Ireland. (AQO 1416/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): With your permission, Mr Deputy Speaker, I will take questions 1 and 13 together.

My Department has made every effort to prepare traders and haulage businesses for implementing the new processes that are required to move goods from Great Britain to Northern Ireland. In November and December, the Department held a series of trader information seminars, during which presentations were made to a large range of stakeholders. The processes were

explained, and participants were able to put specific questions to an expert panel.

We are in the early weeks of working with the new arrangements that have been brought about by EU exit. There is a period of adjustment as everyone adapts. The regulatory checks under the protocol are particularly pronounced for agri-food. Those are long-term problems and are not easily solved, and many are proving to be intractable. However, we will continue to try to mitigate those and call on the EU to show pragmatism for Northern Ireland.

My officials are working with industry, logistics companies and hauliers to achieve compliance. I have also raised the matters with the United Kingdom Government (UKG) and the Commission's vice president to highlight the current difficulties and to press for better solutions.

I am clear that, while we are working towards solutions, the protocol is the main cause of the disruption in the internal market. As a result of the protocol, UKG and the European Union have ensured additional costs to businesses and Northern Ireland consumers and have impacted market chains, reducing choice and limiting supply from GB businesses. We also need to work to mitigate cliff edges at the end of the grace period in the next three to six months.

Ms Dillon: I thank the Minister for his answer. For clarity, Brexit is the main cause of the problems that we are having, if we are going to be honest about it.

The conclusion of the Trade and Cooperation Agreement came at a very late stage in the day, and the Minister will be aware of the concerns that were raised by the Chief Veterinary Officer, Robert Huey, about the lack of preparedness. Have you had any engagements, Minister, with HMRC in order to provide better support for businesses, including, for example, a dedicated telephone helpline?

Mr Poots: Our departmental officials have worked very hard with everyone to deal with issues that have arisen in the internal market as a consequence of the protocol, which was supported by Sinn Féin, the SDLP, Alliance and the Green Party, who all called for its rigorous implementation. What we are seeing at the moment is light-touch implementation, and the problems that we are facing are a consequence of light-touch implementation. Once we get the rigorous implementation that the parties requested, we will be in a considerably worse position.

DAERA hosted an end-of-transition webinar on 7 January, which targeted businesses in GB and Northern Ireland and was aimed at helping to implement the new arrangements. DEFRA colleagues and HMRC representatives participated in the event and extended the communication reach to GB businesses via their engagement channels. Members of the Trade and Agriculture Commission will also alert their counterpart representative organisations in GB to the opportunity to dial in to those events. Work is ongoing with DEFRA colleagues to develop complementary messaging around key issues and a structured approach to assisting businesses to adapt to ongoing changes following the end of the grace period.

Mr Givan: The unmitigated disaster that is the Northern Ireland protocol, propagated and delivered by the Alliance Party, Sinn Féin and the SDLP, which placed political ideology above the citizens of Northern Ireland, is causing

an appalling state of affairs for many people across our country. What mitigating efforts are being taken to engage with Her Majesty's Government, and do they include the invocation of article 16 to free us from the shackles under which the European Union and those in the House have placed us?

Mr Poots: I thank the Member for his question. Considerable discussions are taking place regularly at the highest level of government with Michael Gove, George Eustice, Brandon Lewis and the appropriate Cabinet Secretaries. In our regular meetings, Ministers and Members of Parliament are hearing about the issues. We need to recognise that those issues are significant, but the three-month and six-month cliff edges are where they become really problematic. That will have an impact on our hospitality sector, and, unless changes are made, it will lead to disruption of supplies to schools, hospitals and prisons.

I reiterate that, because some people were particularly disingenuous in the last week when I raised that matter. That is what the minute of the meeting describes; it is not my minute but the official minute of the meeting. The BBC, other media outlets and, indeed, other politicians may seek to undermine what I said and try to create a discrepancy around the veracity of the minute, but it is there.

Mr McGlone: I will just give the Minister a short reminder that, had there been no Brexit, there would have been no protocol; it is as simple as that. Anyway, to get back to the here and now and to where we are, I want to ask him about the Trader Support Service. His departmental officials have been very helpful to businesses, but that cannot be said of the Trader Support Service, where there seems to be varying degrees of experience. What liaison has there been between DAERA and the Trader Support Service to establish a more experienced wealth of information?

Mr Poots: DAERA has been working extremely hard with everyone that it can to indicate what is coming down the line with the implementation of the protocol and its legal ramifications. Consequently, there was not the same level of preparation on the Great Britain side than there was on the Northern Ireland side. Leaving that aside, even with all the preparations that had taken place on the Northern Ireland side, there would still have been considerable problems as a consequence of the quick implementation of the protocol. We need time to work that through, and EU officials need to recognise that forcing it on at a faster pace will cause massive problems for Northern Ireland. We need to be able to respond to the situation in a sensible way. My preference is that substantial elements of the protocol be reviewed, up to and including invoking article 16, because, at the moment, it is causing hardship to the community and could cause far greater hardship if it goes ahead as planned.

Mr Chambers: What additional information or administration is required for goods moving onwards to the Republic of Ireland, or other parts of the EU, compared with that required for those remaining in Northern Ireland?

Mr Poots: All the goods coming to Northern Ireland that require sanitary and phytosanitary (SPS) checks have those checks, so goods that have had the appropriate SPS checks should, in theory, be able to be moved to the Republic of Ireland without issue, because they have

entered the single market at that point, and that should not be an issue.

That having been said, the Irish Government seem to have created a problem of their own, in that fishermen who are landing fish can land them in only a small number of ports in Ireland. The remarkable thing is that they could bring the fish that they catch on the north and west coast of Ireland back to Lisahally port, put it on to a lorry and drive it to exactly the same port in the Republic of Ireland. We therefore need a bit of common sense to be applied on the Republic of Ireland side as well.

Mr Allister: While the Minister is absolutely right to call out the pan-nationalist front for its demands for rigorous implementation of the protocol, does he too, though, not have a credibility problem? He is the Minister who told the House on a number of occasions that he had no intention of facilitating infrastructure at the border, yet he is the Minister whose Department has built the infrastructure for the Irish Sea border. Having built the border, what does he now intend to do to get rid of it?

Mr Poots: The Member always likes to get one up on his unionist colleagues. He has been attempting to pin this one on me for a long time, unsuccessfully thus far, with the exception of among a small number of people. He knows full well that that is an element of the protocol; that the UK Government have demanded the infrastructure and are paying for it in its entirety; and that I have given no instruction whatsoever to any official to build anything at the ports, which, in any event, is land that does not belong to my Department.

I have the legal advice here. The Member is a Queen's Counsel, so he knows a bit about the law. He knows more about the law than any of us. He therefore knows how inappropriate it is for him to ask a Minister to break the law in the course of doing his job.

UK-EU Trade and Cooperation Agreement

2. **Mr Nesbitt** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the analysis of the UK-EU trade and cooperation agreement contained in the briefing paper from the Northern Ireland Fishermen's Federation of 28 December 2020. (AQO 1405/17-22)

Mr Poots: The analysis of the outcome of the UK-EU trade and cooperation agreement by the Northern Ireland Fishermen's Federation, in particular the part that deals with the fisheries agreement, reflects understandable disappointment from the industry that more was not achieved.

As the analysis points out, however, Northern Ireland fishermen will still have a greater share of Irish Sea fish stocks than they had previously. Those gains are not of the magnitude that they had hoped for, but they are gains nonetheless. They will save the industry financially, as it will not have to engage in expensive quota swaps to obtain the additional quota.

By 2025, we will have almost all the Irish Sea herring quota, and, from 2021, the much-hated Hague preference, which led to annual reductions in our shares of cod, whiting, plaice and sole, has gone. Overall, my assessment is that the increased shares for area VII nephrops and Irish Sea stocks will give security to the

Northern Ireland fishing fleet. They will allow it to fish to its current levels but without the added cost of securing additional quota to meet its needs.

The outcomes for the main Irish Sea stocks are as follows: the area VII nephrops share will go up from 33% to 42% by 2025; the Irish Sea herring share will increase from 74% to 99% by 2025; the Irish Sea cod share, previously at 29%, will rise to 45% by 2025; the whiting share will rise from 39% to 61% by 2025; and the Irish Sea haddock share will increase from 48% to 56%.

Mr Nesbitt: I thank the Minister. The Fishermen's Federation briefing paper, which is three pages long, could be summarised by this one line:

"The fishing industry had been led to believe that it would be much better off. We are not."

Looking forward, it is asking that the £100 million that the Prime Minister has pledged for modernisation be allocated on the basis of need and certainly not by the Barnett formula. What practical steps is the Minister taking to ensure Northern Ireland's fleet gets its fair share of that £100 million reserve?

3.00 pm

Mr Poots: From 2.00 pm to 2.30 pm, I had a meeting with Minister Prentis and her team from the United Kingdom Government, and we discussed those very issues. We expressed our disappointment, which she agreed with, with the actual outcome, and we raised the issue of the £100 million. We also raised the issue of the number of fish that we catch outside of the Irish Sea. A considerable amount of the traditional catch is outside of the Irish Sea box, and that needs to be taken into account when the UK quota is being distributed.

Northern Ireland has been taking around 8-4% of the UK fish catch traditionally. I am pressing for that to continue to be the case in the allocation of quota. As the Member rightly points out, the allocation of the £100 million should not be associated with Barnett, and, as I rightly pointed out to Minister Prentis, the need in Northern Ireland is slightly different from the need in Shropshire.

Mr McGuigan: The internecine combat between the TUV and the DUP is very interesting and it was exceedingly ironic to hear Paul Givan, who has just left the Chamber, accusing others of pursuing decisions on the dogma of political ideology. Brexit is a serious issue, and it was a serious issue when it was being pointed out to the DUP by businesses, traders and political parties in this Chamber over the last number of years.

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question, please?

Mr McGuigan: Yes. Does the Minister agree with me that weak labour protections within the trade and cooperation agreement could negatively impact on those involved in the fishing industry moving forward?

Mr Poots: A key aspect of fishing is that we provide the skippers and others man the boats. A lot of those folks come from other parts of Europe and, indeed, other parts of the world. Having it recognised as a skilled trade was critical. We welcomed the views of the migration advisory committee (MAC), but it is important that the Home Office fully accepts those views, which will allow us to bring in

high-quality fishermen. Many of them will probably be from the Philippines and some will be from Ghana. There is a really good pool of people out there who have particular expertise. You cannot just put any labourer on to a boat. It is very specialised work, and if we are to harvest the seas in a sustainable way, we will need people from other countries to assist us in doing that.

Mr O'Toole: I will not spend too much breath deflecting DUP claims about Brexit because no one really believes it, but, in the interests of being constructive, I will ask a question about fish. Langoustines are rotting in Scottish fish warehouses because they cannot get them to market on the continent quickly enough. That is not a result of the protocol; that is a result of Brexit. Northern Ireland is in a different position because we have a different kind of unfettered access to the EU market, which should mean that fishermen and fish producers here are at an advantageous position vis-à-vis the rest of the European market, unlike those in Scotland.

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question?

Mr O'Toole: Will the Minister confirm that he has had conversations about maximising those opportunities? Will he offer some thoughts on how to boost those supply chains directly from Northern Ireland to the continent?

Mr Poots: The problem that the Scots have is getting goods over the Dover-Calais strait and down from Peterhead to there in a reasonable time. They should not be letting langoustines rot; most people freeze them. That is what normally happens. In any event, we have full access to the single market and will seek to utilise that.

One of the problems that we had previously is that around £5 million of fish from Scotland was brought here for processing to be sold, and that will have a significant impact if we can no longer import those fish for further sale. On the internal market issue, over 50% of our trade is from Northern Ireland to GB, and over 50% of our imports come from GB, so those who advocated putting barriers in that market were advocating foolishness of the highest order.

Ms Armstrong: I will not waste my time talking about the fact that I voted against Brexit and that my party voted against the protocol. As the Minister outlined, Northern Irish boats are excluded from all but two ports in the South. As someone who lives extremely close to Portavogie, I am keen to find out what you are doing and what conversations you are having with the UK and Irish Governments to sort out that outstanding issue.

Mr Poots: That issue was also discussed with Minister Prentis today. Further to that, my Department has written to the Irish Government and requested meetings. I am waiting for Minister McConalogue to facilitate that meeting. I hope that it will be sooner rather than later. I had hoped that it would be last week, but I am in their hands. I have requested the meeting. I cannot force it.

Levelling Up Fund

3. **Mr Lynch** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the British Government's levelling up fund. (AQO 1406/17-22)

Mr Poots: The question is more appropriate for the Minister of Finance. However, I am aware that, as part of the spending review announced on 25 November 2020, the UK Government launched a new levelling up fund worth £4 billion for England. It will also attract up to £0.8 billion for Scotland, Wales and Northern Ireland. Funding to the Northern Ireland Executive will be in line with the Barnett formula and based upon allocations to Whitehall Departments, and that will follow a competitive process. The timing and quantum of the allocations remain uncertain. As with all allocations under the Barnett formula, funding will be unhypothecated, meaning that it will be for the Executive to determine how it is spent in Northern Ireland. The Minister of Finance should be able to provide an update on the fund when there is more clarity from the Treasury.

Mr Lynch: I thank the Minister for answering the question. Can the Minister clarify whether the levelling up fund will specifically focus on rural areas as defined in the Rural Needs Act?

Mr Poots: I am not in a position to do that. The Finance Minister did give some thoughts on the matter this morning. He thought that the main aim of the funding was to level up the south and north of England. However, if we do get our share through the Barnett formula, it will be ultimately for the Executive to decide how it is spent. I welcome any support from Sinn Féin Members to suggest that the Finance Minister should direct that funding to rural communities through DAERA. That would be an excellent suggestion.

Air Quality: East Belfast

4. **Mr Newton** asked the Minister of Agriculture, Environment and Rural Affairs to outline the monitoring of air quality in the inner city area of East Belfast. (AQO 1407/17-22)

Mr Poots: Air quality in the East Belfast constituency is monitored at an automatic monitoring station based at Ballyhackamore on the Upper Newtownards Road. At this stage, nitrogen dioxide pollution is monitored at that station. Additional nitrogen dioxide monitoring, known as passive sampling, is carried out at roadside locations using diffusion tubes located at a number of locations across East Belfast. There is also a diffusion tube co-location study, with three diffusion tubes located in close proximity to the Ballyhackamore automatic site. These two methods of monitoring complement each other and strengthen the data gathered.

Passive sampling using diffusion tubes takes place at a further seven locations across the East Belfast constituency at North Road; Short Strand; Knock Road; Station Road; Upper Newtownards Road and Hollywood Road; Titanic Quarter; and Upper Knockbreda Road. Historic data for the Ballyhackamore site, and all other monitoring stations in the network, is available on my Department's Northern Ireland air website.

I encourage everyone to visit the site, where you can download the new Northern Ireland air app, see the locations of the monitoring stations and receive the most up-to-date information on the quality of air across Northern Ireland.

Mr Newton: I thank the Minister for his detailed answer. The Minister will be aware that when a coroner in London recently ruled on the death of a nine-year-old girl, he said that air pollution had made a material contribution. Why is only one pollutant monitored in Northern Ireland rather than a variety of pollutants?

Mr Poots: That was a very interesting case. Whilst Belfast does not have to absorb the pollutants from anywhere near the number of vehicles that London does, the air does not change quickly because it lies in a series of hills. Therefore, pollutants tend to stay in the atmosphere.

Nitrogen dioxide, in particular, is a pollutant that was identified in a review and assessment process that took place in conjunction with the city council and was completed in early 2004. The assessment concluded that modelled and monitored exceedances of short- and long-term objectives for both nitrogen dioxide and particulate matter were occurring in the city and were likely to continue to do so in locations beyond 2010. As a consequence of the initial review and assessment process, Belfast City Council commenced an extensive monitoring programme of nitrogen dioxide because it was the main pollutant of concern in Belfast and, in particular, the east of the city.

Mr Blair: Further to the Minister's answers, can he make a commitment that the clean air strategy will be published and implemented this year?

Mr Poots: Certainly. Once I have considered the options and decided on a policy direction, officials will begin to draft the first clean air strategy for Northern Ireland. It will be a shorter and more focused document than the current discussion document, and it will contain specific proposals on policy and on other measures that can improve air quality. The draft clean air strategy will be subject to an additional public consultation due to its cross-cutting nature and policy area. Therefore, I will also seek Executive approval, and I trust that it will be forthcoming.

Mr O'Toole: In 2020, a report from Centre for Cities said that, per head, Belfast was the second-highest emitter of particulate matter of cities in the UK. We have a wonderful city and a great future. However, one thing that people want desperately is to live in a clean city where their kids breathe clean air. Does the Minister agree that, when he publishes the clean air strategy, making Belfast a cleaner, greener city to live in and improving its air quality should be right at the heart of that strategy?

Mr Poots: Certainly, the issues that relate to air quality are greater in Belfast, followed by Londonderry, which stands to sense, than in any other part of Northern Ireland. Therefore, much of our work to tackle the issue of air quality will relate to the city of Belfast.

Bovine TB Strategy: Update

5. **Mr Sheehan** asked the Minister of Agriculture, Environment and Rural Affairs for an update on plans to publish a new bovine tuberculosis strategy. (AQO 1408/17-22)

Mr Poots: Eradication of bovine TB remains one of my top priorities. I am well aware of the devastating emotional and financial impact a TB breakdown can have on farming families across Northern Ireland when disease is found in their herds. Therefore, I intend to move forward with

the strategy as soon as possible, although some of the strategy recommendations that are subject to my final approval are likely to require changes to existing legislation and further consultation. Officials are working at pace to finalise the strategy and its accompanying business case. Once that work has been completed, I will be in a position to make a final and informed decision on the elements of a bovine TB eradication strategy that will ensure a holistic approach and address all the key factors in the maintenance and spread of the disease in Northern Ireland.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for that answer. What new measures does he hope will be in the bovine TB strategy?

Mr Poots: There will be a series of measures relating to farming and farming practice. Considerable steps have already been taken on that front, right through to how we deal with the issue of other spreaders to the animal population. A responsibility will be placed on us all to ensure that we continue to drive down that disease in the bovine population and ensure that we have a healthier bovine and, indeed, wildlife population when that is concluded.

Mrs Barton: The Minister will be aware that the incidence of TB in calves that are under six weeks old is very low. Is it not possible that, in the event that a farm is closed due to TB, the farmer could get calves that are under six weeks old TB tested and sell them online or directly to another farmer, thereby not going through the mart system?

Mr Poots: The Veterinary Service will have to give advice on that matter. At the moment, our effort is to drive down the spread of TB.

I know that TB can be latent in animals, so animals that move might not show any signs of TB initially but do so later. It is, therefore, one of those difficult issues. We are looking seriously at moving animals in beef finishing units from one closed herd to another closed herd, as is already happening in England, and the possibility of people who specialise in rearing calves through to beef taking that on.

3.15 pm

Mr Deputy Speaker (Mr Beggs): I call Kellie Armstrong for a brief question.

Ms Armstrong: I will be quick, because I appreciate the time. What consultation has taken place with the wildlife and conservation sector? Will the Minister clarify whether the sampling of badgers that have been killed on the roads is carrying on through COVID?

Mr Poots: We have had engagement with Ulster Wildlife, and others, on the issue. The sampling of badgers that are killed on the roads continues, and a very high proportion of those are found to be carriers of TB.

Mr Deputy Speaker (Mr Beggs): That is end of the period for listed questions. We move now to topical questions. Question 4 has been withdrawn. I call Mike Nesbitt.

Food Supply Chain: Contradictory Statements

T1. **Mr Nesbitt** asked the Minister of Agriculture, Environment and Rural Affairs, after noting his two contradictory statements, in that although he has repeated

his warning about the security of the food supply chain, he previously posted on social media — “Cringeworthy comments from CBI in NI that there would be no food on the shelves. The bulk of the food on the shelves is produced within the UK. Embarrassing themselves and scaring people who don’t know the facts.” — would the real Edwin Poots please stand up. (AQT 871/17-22)

Mr Poots: That has obviously been identified by someone who did not pay much attention to what the first tweet was about. The first tweet was about food coming from the European Union. Were the Member to understand the subject well, he would realise that the rest of the European Union, as it is described, accounts for around 10% of the food imports to Northern Ireland, and that the food from GB accounts for over 50% of the food that comes to Northern Ireland. The first tweet was about the 10%, and the issue that we are facing today relates to the 50%. Some idiot decided to conflate two issues — two separate issues — and then claim them to be of great importance. I am sorry that the Member has built his question on the work of an idiot.

Mr Nesbitt: Thank you very much indeed. The issue seems to be the protocol. As the First Minister told the House, last month, the protocol was imposed upon us and negotiated by the UK Government. The Minister for Agriculture previously told the House:

“I am proud to be part of the United Kingdom and to put my faith in our national Government”. — [Official Report (Hansard), Bound Volume 117, p103, col 1].

That is in Hansard. Is the Minister still proud to put his faith in the national Government?

Mr Poots: I am not sure about whether the Member is, but I am still proud to be part of the United Kingdom. I will work very closely with everyone I can to ensure that Northern Ireland gets the best deal possible at all times. The deal that was negotiated is not the deal that I would have negotiated, and it is not the deal that many people in Northern Ireland wanted. The consequence of the deal is not so much a cultural barrier, and neither does it impact on our standing in the United Kingdom on many fronts, but it is one that creates a trade barrier, and that trade barrier causes problems to food processors, food retailers and consumers.

Ammonia Action Plan: Update

T2. **Mr Dickson** asked the Minister of Agriculture, Environment and Rural Affairs for an update on the ammonia action plan. (AQT 872/17-22)

Mr Poots: We have done considerable work in looking at the ammonia action plan. We are hopeful that we can make a real difference in dealing with the issue of ammonia. It is high in Northern Ireland, given the fact that we have high livestock numbers for the square miles that exist in Northern Ireland. That is not a bad thing, because it creates employment for around 100,000 people and brings £5 billion into the local economy.

However, we need to address the issue. As a result of the work that we are doing, we believe that we can considerably reduce the amount of ammonia going into the atmosphere. We believe that, over a relatively short time, we can make a real dent quite quickly; certainly in the first 20%. Some of the challenges beyond that will be greater

and will involve more significant investment. I have raised investment with the Finance Minister and the Executive so that we can meet our New Decade, New Approach commitments on the environment and on the issues arising out of ammonia.

Mr Dickson: I thank the Minister for his answer. Will the action plan address the bioaerosols that are released, particularly from pig rearing and its associated activities? It is a great source of nuisance to many residents in residential areas, not least in Monkstown, which is in my constituency.

Mr Poots: One of the best means of addressing those issues is animal housing. Tremendous progress has been made on housing and the reduction of ammonia coming from it. The more modern pig units are considerably better than the existing ones. It is with some alarm that I see planning permission refused for replacement pig farms, in spite of the fact that it was recognised that there would be a significant reduction in ammonia as a result of the construction of the new development over the one that currently exists.

Pet Passports

T3. **Mr Easton** asked the Minister of Agriculture, Environment and Rural Affairs whether he agrees that the need for a pet passport for travel between Northern Ireland and Great Britain is unnecessary and is a result of the protocol that was supported by the Green Party, Sinn Féin and the SDLP and was voted for at Westminster by the Alliance Party. (AQT 873/17-22)

Mr Poots: I thank the Member for his question. Pet travel is a vexed issue. This just should not be happening. I consider it cruel to put pets through the administering of unnecessary medication. Forcing pet owners to get a rabies or tapeworm vaccination when neither disease exists in the British Isles should not be happening. We have a common travel area for the people of the British Isles, and, in my opinion, the European Union should recognise that common travel area for human beings and have the same for pets. It has a particularly negative impact on guide dogs. As a consequence, fewer people who are blind or partially sighted will have access to guide dogs as a result of the protocol. That is cruel.

Mr Easton: I thank the Minister for his answer. Will he give a reassurance that his Department will continue to look at all avenues to try to resolve this issue, which has been imposed on our pet owners?

Mr Poots: I indicated the meetings that have taken place. We are in regular contact with Michael Gove, Brandon Lewis and George Eustice on a range of issues. I assure the Member that pet travel has been brought up regularly, and everybody recognises the madness of it. We need people who have the authority to deal with the madness and not just to recognise it.

Pesticides: Eradication

T5. **Ms Ní Chuilín** asked the Minister of Agriculture, Environment and Rural Affairs to detail what his Department is doing to eradicate harmful pesticides, particularly in regard to food and flowers here. (AQT 875/17-22)

Mr Poots: Pesticides are governed by the European Union, and we will still be under those regulations. There is a committee that deals with those issues, and it is made up of a range of experts who will advise on it. In Northern Ireland, we will seek to comply with the regulations that come from that.

Ms Ní Chuilín: I thank the Minister for his response. Will he also provide an assurance that he will do everything that he can to protect the indigenous bee population, which is crucial and critical to our ecology and environment?

Mr Poots: The Member is quite right to raise the issue of bees, which provide pollination. Pesticides is one element, but creating areas for pollination is important. We will work closely with people, particularly landowners and farmers, to develop areas of land that will allow for greater levels of pollination. Fruit trees and wild flowers, for example, are key pollinators. As we are looking at new ways to disperse single farm payments, we will seek to encourage those areas.

Importing Goods: Problems

T6. **Mr Robinson** asked the Minister of Agriculture, Environment and Rural Affairs whether his Department has a timeline for the resolution of any problems that supermarkets are experiencing in importing goods. (AQT 876/17-22)

Mr Poots: The problems for supermarkets have not yet taken full effect because they kick in on 1 April. The supermarkets have indicated to us that it is critical that they do not face a cliff edge on 31 March. We had a cliff edge on 31 December, but it will be much more significant on 31 March if there is no change to the current proposals. Last week, I outlined to some extent the consequences of our not having that change.

There is a further problem come six months' time, when chilled and processed foods kick in and the issues that will pertain to that. Both those things will lead to a loss of trade, service and supply in Northern Ireland and a far greater proportion of empty shelves should nothing more be done than is currently the case.

Mr Robinson: I thank the Minister for his answer. Does the Minister agree that the Prime Minister, the Westminster Government and the EU are entirely to blame for any delays by agreeing to a deal that did not have an impact on the mainland but has implications for the whole of Northern Ireland?

Mr Poots: Yes. The deal that was negotiated was not a good deal for Northern Ireland. Therefore, those who look for its rigorous implementation are looking for a bad circumstance for the people of Northern Ireland because the consequence of the rigorous implementation of this is that we do nothing for supermarket trade and the chilled and processed foods that are coming in. The consequence of that will be that numerous items will no longer be available on the shelves of Northern Ireland.

I noted that someone said that we have enough food to feed 10 million people. We do, and that is the beef, chicken, lamb, potatoes — a whole range of foods that we are very good at producing — but Hartley's, Heinz, Rowntree's and a vast range of large processing organisations do not operate in Northern Ireland. So, you can have your roast beef dinner but you might not

have Bisto on it. You might not have a nice bit of trifle after it either, George, because you do not have any jelly. There are so many things that we do not have that are manufactured in Great Britain. We really do not need those barriers. We need common sense, particularly from the European Union, which is why I have written to the European Union vice president. We need a message to go out from all our colleagues here that we do not need barriers that will put costs on food coming to Northern Ireland from our main source in Great Britain.

Mr Deputy Speaker (Mr Beggs): I call Emma Rogan, and she will be unlikely to have a supplementary.

Blue Algae

T7. **Ms Rogan** asked the Minister of Agriculture, Environment and Rural Affairs what measures his Department is putting in place to address issues with so-called blue algae that is present on the lake in Castlewellan in her constituency. (AQT 877/17-22)

Mr Poots: That is a tricky one, and I am not sure what measures we can take to overcome it. I do not have it in these notes, but I had a previous note about the blue algae in Castlewellan lake, and it is a challenging issue. Officials are looking at it and have been working with people who have considerable knowledge about such matters to tackle the issue.

3.30 pm

Mr Deputy Speaker (Mr Beggs): That ends the period for questions to the Minister of Agriculture, Environment and Rural Affairs. I ask Members to take their ease for a few moments before the question for urgent oral answer.

(*Mr Speaker in the Chair*)

Question for Urgent Oral Answer

Economy

Supply Chain between Great Britain and Northern Ireland

Mr Speaker: Mr John Stewart 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 Stewart asked the Minister for the Economy what discussions she has had with the United Kingdom Government regarding the ongoing issues with the Great Britain to Northern Ireland supply chain.

Mrs Dodds (The Minister for the Economy): This is a matter of ongoing discussion with our national Government. Last week, I had discussions with Ministers from the national Government, in particular the Northern Ireland Office, and with the haulage industry and representatives of local companies. My officials are in daily contact with Whitehall and HMRC on the myriad issues that have arisen.

Generally, goods are flowing relatively well from Northern Ireland to Great Britain, but there are clearly a lot of issues for trade from GB to Northern Ireland arising from the application of the protocol. One of the key issues is that lack of preparedness by GB suppliers for customs requirements for goods destined for Northern Ireland, and that has caused significant disruption. There are particular issues with steel at the moment, and they need to be resolved to ensure that supply chains can continue to operate.

A 25% tariff on steel coming into Northern Ireland from GB would devastate local manufacturing. In our discussions with the Government last week, they promised a resolution to the issue this week. Following representations at Westminster and from local traders, I am pleased that the VAT margin scheme for second-hand car sales here has been reinstated. That means that Northern Ireland dealers operate on the same terms as those in Great Britain. We continue to press the Government for long-term solutions on export health certificates and chilled foods.

It is vital that Northern Ireland continue to be able to access goods from Great Britain without hindrance, and I will continue to hold our Government to account on their promises that Northern Ireland remains an integral part of the UK's internal market with equal access to the other nations.

Mr Stewart: I thank the Minister for coming here today to answer the question for urgent oral answer. In the past week, Minister, as you have, we have met many businesses across the wholesale and haulage sectors that are desperately concerned about the impact that the Northern Ireland protocol is having on trade and supply

here. We have been told repeatedly that things will only get worse, but no one seems to be listening. Contrary to the dismissive and naive opinions of some, this is not just about high-end products such as avocados being absent from our shelves; this affects almost every aspect of goods being brought into Northern Ireland from GB. Delays are mounting, freight costs are growing by the day and businesses are crying out for support and clarity. At the very least, we need an urgent extension to the grace period of at least nine months, even up to a year.

Minister, you said in December 2017 that, post Brexit, Northern Ireland businesses would have unfettered access to the UK single market and that there would be no internal trade borders in the UK. How did you get that so wrong? What will your Department do to work with businesses to get them through this, and will it continue to work with the British Government to see the end of the protocol?

Mrs Dodds: I thank the Member for his statement/question. There is no doubt that there is significant disruption. That disruption is based on the application of the protocol. I remind the House and the Member that my party and I have consistently opposed the protocol. The Member referred to the issue of chilled foods and export health certificates. I remember speaking about those issues in the European Parliament. At that time, no one listened. They are listening now; they realise that the warnings that I gave as far back as 2017 and 2018 were absolutely accurate. I do not hear so much these days from pro-protocol parties in the Assembly about its full implementation.

We need to be absolutely clear: this is one United Kingdom with one internal market. Northern Ireland companies need to have unfettered access to that market, and GB companies need to be able to access the Northern Ireland market. I have said consistently that that is a matter of priority.

Dr Archibald (The Chairperson of the Committee for the Economy): I thank the Minister for coming to the House to answer the question.

The transition period was supposed to provide the time to agree future arrangements and give businesses and everyone else the opportunity to prepare; instead, we had 11 months of prevarication, distraction and brinkmanship from the British Government before the trade and cooperation agreement was eventually reached on Christmas Eve, giving businesses just one week to prepare for the new arrangements. What assurances have the British Government given the Minister that they will take the necessary steps to support businesses that move goods to the North and are adapting to the new post-Brexit trading reality?

Mrs Dodds: I thank the Member for her question. Of course, I recognise completely the issue around the very short and inadequate time frame that businesses had to prepare for the rules that they now face. That is one of the reasons why I, unlike the Member's party, opposed the protocol and the application of differences between us and our biggest market in Great Britain.

We have had reasonable access to our market in GB with Northern Ireland hauliers, but there is significant concern among hauliers about the lack of preparedness of GB companies that need to bring goods into the Northern Ireland market. Over the past number of days, I have been

speaking to Her Majesty's Government on a wide range of issues, including parcels, food and second-hand cars. Second-hand mobile phones is another issue that has been thrown up. I will continue to focus on doing what I can to ensure that Northern Ireland consumers and businesses have access to choice and the freedom to bring goods into Northern Ireland from our largest market.

Mr O'Toole: I will work with anyone in the Chamber, including the Minister, to ameliorate the effects of Brexit, despite the fact that it was her party that did more than any other in the Chamber to deliver the damaging effects of Brexit to the people of Northern Ireland. Notwithstanding that, the protocol, which is a consequence of Brexit, throws up issues that need to be addressed. The Minister mentioned VAT on cars: we worked with dealers and others and are glad that that looks as if it has been resolved. However, it leaves Northern Ireland in a particular position with advantageous access to both the EU single market for goods and the British market, which, I agree with her, is extremely important to Northern Ireland. What is the Minister doing to maximise the benefits of that to the Northern Ireland economy? Is she mandating Invest Northern Ireland to develop a pitch document or an investment strategy to businesses based on the continent that want access to the British market or, indeed, companies based in GB that want access to the European market? If Invest NI has any money left after the devastating hit to its budget, what is she doing to positively and proactively sell the benefits of Northern Ireland's current position?

Mrs Dodds: I thank the Member for his reassurance that he will work with me to ensure that Northern Ireland is best placed to succeed. As Northern Ireland starts its second century, it is really important that we work for all parts of our community and ensure that success and stability are uppermost for all members of it. That is extremely important to me, and I will gladly work with the Member to ensure that it is the same across the board.

The Member will recognise that it is a very short time since the Government signed the trade and cooperation agreement. We in the Department are looking at the terms of that agreement, at how it can benefit Northern Ireland and at what mitigations we need to have in place because of the protocol. That is a work in progress. I assure the Member that, in this important year for Northern Ireland, I will not be found wanting in promoting Northern Ireland as a good place to do business, live and educate children.

Mr Beggs: The British Government have attempted to say that there is unfettered access, but we are all aware that there is considerable bureaucracy involved and that that is stopping some UK firms trading in Northern Ireland. Can the Minister advise how she has made our United Kingdom Government aware of that adverse effect on businesses in Northern Ireland and the ability of consumers in Northern Ireland to purchase goods from the rest of the United Kingdom so that we do not face, "We do not supply to Northern Ireland"?

Mrs Dodds: The Member makes an important point. I have consistently raised all those issues with our Government in recent days and in the months leading up to the end of the transition period. We have communicated with our Government on the issues of parcels, VAT and state aid and the potential for Northern Ireland consumers to have more costs and less choice. I and, indeed, my

Department's arm's-length bodies and the Consumer Council have been consistent in doing that and will continue to do so. We will seek practical mitigations to the issues that face Northern Ireland, because we need Northern Ireland to succeed and be stable and economically prosperous.

Mr Dunne: The Minister has already mentioned the problem experienced by steel importers and the severe impact that that is having on the manufacturing and construction industry. What progress has been made on the issue to date? Ironically, the steel will probably have originated in China.

Mrs Dodds: I thank the Member for asking about an important and significant issue for Northern Ireland manufacturing. There is a threat of 25% tariffs on steel coming into Northern Ireland, which would simply devastate our manufacturing. It would leave us less competitive and force firms to move their manufacturing base to GB.

3.45 pm

Although the trade and cooperation agreement allowed for tariff- and quota-free access to each other's markets, this is not the case for all goods. Trade in steel is subject to a complex tariff and quota system based on the EU steel safeguarding measure, which is largely an anti-dumping measure. In the Northern Ireland protocol, steel coming into Northern Ireland from GB is deemed to be at risk of entering the single market and is therefore subject to tariffs. Rightly, Northern Ireland companies are very worried that steel in GB, which is already in scarce supply, will be sold on a preferential basis and that, because of the cost and bureaucracy of bringing it into Northern Ireland, the quota will be filled by GB companies. I have spoken to manufacturing companies that are also worried about how this would make us uncompetitive in the market.

I have been working on this issue throughout the past number of days. On Friday, party colleagues in Westminster and I had a meeting with Michael Gove. We have been promised a resolution in the early part of this week. We have yet to see the details of that. However, I am encouraged that, following our representations, the Government know that this is a huge issue for Northern Ireland and that we need a resolution. Whether that is expansion of the quota of steel from GB coming into Northern Ireland or other measures, we need our Government to act. In the coming days, we will see a statement from them with some kind of resolution.

Mr Dickson: Minister, we are where we are today because of the eleventh-hour nature of the final Brexit negotiations and the rejection of pleas from this House, only a few weeks ago, to extend the time for those negotiations, which involved your party and others. We are in the middle of project reality, and it is upon us. We are experiencing red tape and bureaucracy. We are experiencing the hard-line Brexit that you and your party pursued. Indeed, some in your party would argue that it was not sufficiently hard line, which was why they voted against it.

Minister, we now see a Government who, through their Revenue and Customs service, are attempting to impose a £50 fine on hauliers whose paperwork is incomplete. What action are you taking to ensure that the unfair and

premature cost being added to deliveries to Northern Ireland will be dealt with?

Mrs Dodds: I thank the Member for his statement. I remind the Member that I voted against the withdrawal agreement in the European Parliament because the Northern Ireland protocol levied differences in how each part of the United Kingdom was to leave the European Union. I believe that we should have left as one nation. I regret that our Prime Minister did not hold out in the face of EU intransigence on that particular matter.

I will continue to work with Northern Ireland firms and HMRC to try to mitigate some of the problems that our hauliers now face. My party colleagues and I are in constant contact with the industry. We are trying to work with them and the Government to ensure that the system is more free-flowing. However, we need the Irish Government to step up and take some responsibility for the chaos at the port in Dublin. This is an important route for market —.

Mr Dickson: *[Laughter.]*

Mrs Dodds: The Member may laugh, but this is important to Northern Ireland businesses. If he listens, he might learn that 20% of Northern Ireland's agri-food produce traverses to Great Britain through the port of Dublin. We need the chaos there to be sorted out.

Mr Speaker: Before I call the next Member, I ask Members to get to their questions quickly. I am trying to get to all Members who wish to ask a question. I will not be able to do that, but I will be able to get to the maximum number if Members get to their questions quickly.

Mr Allister: Is the Minister working to mitigate the protocol or to liquidate the protocol? If she supports article 16 invocation, has she, as Minister for the Economy, officially, formally asked Her Majesty's Government to take that step? Has she had any further thought on the need for a UK trade body?

Mrs Dodds: Article 16 of the Northern Ireland protocol identifies economic, societal or environmental difficulties that may occur as a result of the application of the protocol. Such difficulties are already manifesting themselves, particularly economic difficulties. We have heard daily reports of those economic difficulties on news broadcasts. The protocol allows for unilateral decisions to be taken, should the difficulties persist. I certainly would support the application of article 16 in those circumstances. I note that the Prime Minister has indicated that that is a potential route to resolving those problems, although I remind the House that the EU is likely to take some retaliation in response to the application of article 16.

It is an important safeguard, and I would support its use. However, in the event that our Government still have not decided to do that, I will focus my mind on the mitigation of problems in the here and now that local companies bring to me about the application of the protocol in Northern Ireland. The Member is absolutely aware that I do not support the protocol. I did not vote for the protocol and neither did my party.

Mr Middleton: The Minister will be aware that several motions on the issue of leaving the European Union have been debated in the Chamber in recent months. My party has been very consistent in its opposition to the protocol and on the dangers and difficulties that it will bring to business, despite the fact that Members across the House

have called for its rigorous implementation. Does the Minister agree that it is vital now that the UK Government address the impediments that exist and do so as a matter of urgency?

Mrs Dodds: I do indeed agree that the application of the protocol has brought disruption to Northern Ireland and endangered some of its supplies. Importantly, even though Michael Gove was at pains to announce some temporary relief from the protocol, I encourage the parties in the House to ensure that our Government hear loud and clear that we need long-term solutions to export health certificates and the issue of chilled foods. Indeed, the importance of our internal UK market cannot be overstated. Perhaps as a slight add-on to the previous Member's question, I look forward to the UK Board of Trade meeting in Northern Ireland and to enhanced cooperation on UK internal trade, and I will work towards that end.

Dr Aiken: I thank the Minister for her remarks so far. We have heard many across the House talking about the implications of the protocol and the processes involved in it. When calling for the use of article 16, it has been pointed out to us that there are other mechanisms to achieve what we want. Can the Minister give us some clarity on this? I believe that neither the Specialised Committee working group nor the Joint Committee working group has been set up. Therefore, there is no formal mechanism for dealing with this, apart from article 16.

Mrs Dodds: I am not aware, at this moment, that they have moved on the particular mechanisms in the settlement to address some of those issues. It is unsustainable for our Government continue to address them on an ad hoc or temporary basis. If they cannot do that, they need to take the unilateral action that article 16 allows for.

Mr Blair: The Minister will recall, as clearly as I do, that those of us who warned and cautioned that there would be no good aspect to Brexit, no good outworking of it and zero benefit from it were accused four years ago and many times since of scaremongering. As we move towards trying to find solutions collaboratively, the Minister's reference today to a lack of preparedness in GB perhaps lets us look at avenues that can be explored in order to find solutions and to work collaboratively.

Given that my understanding is that there is currently no provision for the import of chilled meats into the EU single market, which, of course, is a serious issue for us in Northern Ireland, what engagement has the Minister had with her ministerial counterpart in DAERA on food suppliers and those supply chains? Will they be able to find a resolution on the issue so that there is access to that market?

Mrs Dodds: The Member will be pleased to note that I talk to the Minister in DAERA, who is a ministerial colleague, on a frequent and regular basis, particularly on our joint concern about chilled meats coming into the single market and even into Northern Ireland, where we are forced to abide by single market rules. Of course, I remind the Member that this is what his party wanted. This is what his party leader went to Dublin and asked for: the full implementation of the protocol.

Mrs Barton: Minister, I want to move back to steel for a moment. Will you clarify the position on the fabrication

of steel when it is moved from Northern Ireland into the Republic and perhaps then on to other EU countries?

Mrs Dodds: I asked this question about the steel that comes from GB. I have talked a lot about steel in the last week, perhaps more than I have talked about it in a very long time. One company indicated that we buy steel from GB because it is seen as a transit destination and is a natural market for us to import from. The reason for the tariff is that that steel may then, in the manufacturing process, find its way into the single market.

As a party, last Friday we asked Michael Gove to turn his mind urgently to a solution to the issue. It is vital that we have that. We do not want Northern Ireland manufacturers to be uncompetitive in their marketplace, nor do we want Northern Ireland manufacturers to feel that they have to move to Great Britain in order to continue their manufacturing process. This is a serious issue for manufacturing in Northern Ireland. The Government have promised a solution. We have made representation about that, and, of course, I look forward to seeing the detail.

Mr Speaker: Members, that concludes this item of business. I ask Members to take their ease for a moment or two, please.

4.00 pm

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

Executive Committee Business

Domestic Abuse and Civil Proceedings Bill: Final Stage

Debate resumed on motion:

That the Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) do now pass. — [Mrs Long (The Minister of Justice).]

Mr Deputy Speaker (Mr McGlone): We continue with Ms Linda Dillon.

Ms Dillon: As I was saying before Question Time, there is a huge role for the education system in building an effective curriculum, and I had asked and urged that the Education Minister create uniformity across our school and educational estate on the issue. We rely on school principals and boards of governors to decide on what information is disseminated to their pupils around healthy relationships and to decide on what kind of support is given. It needs to be more uniform, because, as I stated before we broke for Question Time, it is so important to prevent people becoming victims in the first place and, hopefully, to prevent people becoming perpetrators in the first place. We know that, with some perpetrators, there is a cycle that has come from within their own home and their own family, and we need to break the cycle to give them better opportunities and outcomes in their lives. That is really what we need to focus on. As the mother of a 12-year-old girl, while I will teach her in our home, I think that it is extremely important that she learns in her school and among her peers what a healthy relationship looks like and what it looks like from both sides of that relationship.

There is also a huge role for workplaces and employers in putting in place effective workplace policies that can support victims and increase awareness in the workplace. As I highlighted, that includes this workplace — the place in which we all work. Key to that, as we discussed during the Committee process and in previous debates, is the urgent need for a statutory entitlement to paid special leave for victims of domestic abuse. The Economy Minister must act urgently to do the necessary work to get this on the statute book, and, if it is not a priority for her, I encourage her to make it a priority. Our Committee colleague Rachel Woods is bringing forward a private Member's Bill on the issue, and I encourage the Minister to adopt that approach, just as the Minister in the Twenty-six Counties decided to move on the back of a Bill that was being brought forward by my party leader, Mary Lou McDonald, and Louise O'Reilly. The Minister moved on that, and I would really appreciate it if the Minister for the Economy here would do likewise.

There is also a need to reform the system on housing points, and I welcome the fact that Carál Ní Chuilín, when she was standing in for Deirdre Hargey, confirmed that the Department for Communities, on the back of the review of housing points, will bring forward a policy to ensure that intimidation points will be awarded for domestic violence. As it stands, you receive intimidation points if it is proven that there has been sectarian or homophobic abuse but

not if you are the victim of domestic abuse. It is really important that points will be awarded for that. I welcome Carál Ní Chuilín and Deirdre Hargey bringing that forward through the Department for Communities.

There are, however, important issues in the justice system that are not included in the Bill. We all know that there is a severe lack of rape crisis centres in the North to offer specialised counselling, advocacy and support to women, men, girls and boys who have experienced sexual violence. There is an urgent need for a streamlined domestic and sexual violence advocacy service that caters for the needs of all victims. There is also a need for consistent and sufficient funding and resources to support services and organisations.

I will finish on this point. A few weeks ago, before we had the Further Consideration Stage, I spoke to Sonya McMullan of Women's Aid. She told me that the women who had engaged with the Committee and the Department felt a sense of ownership of the Bill. They felt that they were part of it and that they had helped create the Bill. That is what it is all about. It is so important that they feel that they were part of it and that it will deliver for them. I know that we do not have everything in the Bill that everybody would like to have seen in it, but we are not at the end of the road; we are at the beginning. On behalf of my party, I commit to continuing to work on the issue in every Department and across the Assembly and the Executive. I know that my colleagues on the Committee gave similar commitments in previous debates and in Committee. I hope that we will all work together. It is not just about creating a Bill and having legislation on the books for the punishment of offences. We need to do the work that prevents people becoming victims in the first place and put in place all the supports and prevention measures that we can. We need to do that seriously, look at the resources that are required and support anything that comes forward on that resourcing.

I thank the Minister for introducing the Bill and everyone across the Chamber for their important contributions to all the work that we have done and during previous debates.

Ms S Bradley: First, as the SDLP spokesperson on justice, I genuinely and warmly welcome the Final Stage of the Domestic Abuse and Civil Proceedings Bill. I thank the Chair and the Deputy Chair of the Justice Committee, whose speeches preceded mine, who have covered much of the detail that needed to be covered. I particularly thank the Deputy Chair, who had the courage to list the many people whom we need to thank, and they were many. I particularly single out the individuals who brought their personal testimonies to us. They very much shaped the Bill and are at its heart.

On the Bill's origins, my SDLP colleagues who were in the House previously along with stakeholders lobbied hard a plethora of Ministers. Minister Ford committed to taking the matter on during his tenure, and I thank Minister Sugden, who carried that work forward. I thank Minister Long, who has seen the work through and brought us to this stage, it has to be noted, amidst the COVID-19 pandemic, during which everything has been challenged, including the pace of work in this place. The Minister rightly referred to the period of absence, and many of the stories that we heard may have related to a period when that help and assistance was not there. That should not be repeated.

It is a significant and important day. Today, we will have the process by which we will criminalise the dark and twisted behaviour that we learned about in detail during our deliberations of not just domestic abuse but the coercive control that it has been very hard to pin down. The perpetrators of those behaviours choose to act in that way. Today, they should hear a clear message from the House that, if they choose to continue with that behaviour, they will commit a criminal offence and, consequently, could be imprisoned. The clock is ticking, and their time is up.

Equally, I hope that the victims of domestic violence listen today and are empowered by the voices in the Chamber and outside it to reach out and find the confidence to speak up and look for help. There has to be help for those people, and, if there is even a seed of doubt that a relationship that you might be in is not a healthy one, seek help. Have a conversation with somebody who could just act as the leveller to say whether your suspicions are right or help you to identify the seeds of coercive control, because it is a very escalating piece by its very nature.

While the legislation speaks largely about delivering justice for those who have become victims of domestic abuse, it also very importantly gives reference to the education piece that the Deputy Chair spoke of. Through education we can explain to people what a healthy relationship looks like and put the markers down for what is wrong in a relationship and what not to expect despite the cycle of abuse that people may have had to live with.

The Bill is needed, and while, as presented today, it has much strong content, it is unfortunate that there are things that are not in it. Members will not be surprised to hear me say that one such thing is the need, even on a temporary basis, for the removal of the plans on commencement of legal aid. That is the piece that we heard about repeatedly from victims. During its deliberations, the Justice Committee heard about and really understood the barriers to justice that exist for many victims, and in particular spoke to victims who had been repeatedly dragged through the courts. Those victims have found the courage and are trying to rebuild their lives, yet the legal system, as it stands, fails them, because they will be financially broken if a perpetrator who simply will not go away insists on dragging them through the courts.

So, there is a shadow that hovers over the Bill, although I accept that the Minister has given a personal commitment to come good on that as soon as it is identified that there will not be a repercussive cost. I hope that that is the final chapter on that issue.

To follow up on all the detail that we have included in the Bill, which is vast — Members will be pleased to hear that I will not go over it — it is ultimately true to say that the strength of the Bill will come from it being properly resourced in all its parts. Only through proper resourcing can we address the key operational issues that have been raised through the interactions with victims and survivors and hope to reach and help those people properly.

Support for victims must continue to be injected in the Bill and through all the agencies that support them. Many of the voluntary stakeholders who we engaged with on many occasions raised with us the issue that the level of resource that they are trying to work with is increasingly difficult. It is sad to say that, during the COVID-19 pandemic, the numbers reported have increased and their

resource has been stretched even further. So, we must not just thank them but take seriously the work that they do to help victims of domestic abuse, and we must support them.

I thank again the Justice Committee officials, who worked tirelessly with the Committee throughout the Bill's passage, and the Bill Office, which showed an abundance of commitment to the Bill. Others have broken with protocol, and quite correctly so, to mention Dr Holland, and I too will single out a person for particular mention, not just for the commitment that she showed but for the help and support that she offered me, often at antisocial hours. I am referring to Stephanie Mallon, who was as committed to the Bill as everybody in this Chamber. Departmental officials who appeared at the Committee, including Dr Holland, showed a very open ear, when requested, in their approach to the development of ideas with the Committee. The joint Committee effort in that regard must also be commended on this occasion.

4.15 pm

I also want to thank the Speaker's Office and the entire Assembly staff, including the doorkeepers and others who facilitated the Bill's progress by clocking up marathon sessions in the Chamber, sometimes ending in the very small hours. My final thanks, however, must go to those stakeholders and individuals who presented to us the often very ugly facts and truths behind the offence that we are trying to frame here. It has to be noted that their commitment, in the depths of their despair, to helping others is truly humbling to watch. I want to place on record my thanks to them.

While today's headlines will, no doubt, quite rightly focus on the delivery of the Bill, a voice must be given to those who formed it and brought it to us. Every time we speak about domestic abuse and coercive behaviour, it is important to make known to those living in such circumstances that help is there. That is as true today as it was yesterday and, hopefully, it will be even stronger tomorrow. If you are living in those circumstances, if you feel uncomfortable or oppressed, if you are living your life on eggshells or you cannot quite put your finger on it, stop and think; seek help and have the conversation with those around you. Help is there, and people are willing to listen to your fears.

It must be noted that domestic violence is not always physical. Coercive control, in particular, is so difficult to pin down, but it has an escalating effect. A minor attitude to something one day can grow into something completely unhealthy and beyond any bounds. If you are living in an unhealthy relationship, with assaults, threats, humiliation and intimidation or any other abuse that is used to harm or punish or frighten you, there is help.

I will close my remarks with a statement by Women's Aid, which was that making domestic abuse or coercive control a criminal offence:

"marked a huge step forward in tackling domestic abuse."

We must all play our part in making people understand what it is

Mr Beattie: Today is "blue Monday", which is, apparently, the most depressing day of the year. However, if we have

to lift ourselves up with anything, it is the progress of this Bill and drawing it to an end. Perhaps it is not an end but the beginning of drawing the process of creating the Bill to an end. It has been a long process; it started long before the current Justice Minister was in place. Since we came back in January of last year, it has been a very speedy process, and we really have put our shoulders to the wheel.

This is a complex Bill, even for those who have followed it, including Justice Committee members, Department of Justice officials and others. It has been really hard to follow at times, and I have learnt so much from the process. It is right to thank the Justice Minister and all her staff for their work in bringing the Bill forward. It is right to thank the Chairperson and Deputy Chairperson of the Justice Committee for their diligent scrutiny and all the members of the Justice Committee for the effort that they put into the Bill.

There was blood, sweat and tears from the Committee in creating where we are today. People took ownership of it and were moved to make sure that it was the right piece of legislation. Domestic abuse is insidious and intergenerational. It affects individuals, families and our society. We need this strong legislation so that people can use it to stop the harm caused by domestic abuse and coercive control.

There are, of course, some issues with the Bill. Even after we have completed this process, issued the legislation and got it operating and resourced correctly, some people will say, "You missed this". There will always be concerns. People are concerned that there will be no domestic abuse commissioner. I accept that people wanted one. My party and I would rather have a victims of crime commissioner, and I hope that the Minister takes forward that point, as she said she would. However, I understand that there are people out there who will feel that they have got less than they wanted.

Legal aid is another complex issue. I will not go into it in any length. People have raised it, and, no doubt, they will do so again. However, I am clear about the commitment that the Justice Minister has given on that. She gave that commitment in the Chamber on a number of occasions, and it is up to the Assembly to hold her to account on that. She would not have it any other way.

My last concern was parental alienation. I wanted that to be included in the Bill, but it was not to be. Early on, in discussion with departmental solicitors and experts in the subject, it was explained to us exactly how the Bill would ensure that parental alienation could be domestic abuse. Although I was happy with that, I would have liked to have seen it in the Bill.

The Bill is robust, particularly on coercive control, and it ensures that people are trained. It is really important that the people who deal with those suffering from domestic abuse, be it the person abused or family members who feel the effect of that abuse through its victim, are properly trained, not just to identify the sights and sounds but how to deal with the individual. That is a good add-on to this legislation.

Another useful add-on is information sharing. I have, on a previous occasion, recounted Mr Frew's story about a child going to school, so I will not do so again. However, for our children, schools having somebody to whom we can

pass information when there is domestic abuse is a core element of the legislation. It is incredibly important. I thank all Members for ensuring that it was included in the Bill.

Rather than going into detail on the next matter, I will make my remarks very generic. At the end of my contribution, I want to make one plea, which is this: men must feel that this legislation is also for them. All too often, men do not see that. We know that far more women than men are likely to be abused at home, but there are men being abused, and they need to know that this is their legislation as well. They need to lean in to it and use it for support. They need to understand that people know exactly what they are going through and that they will help them. That is my plea to men: make sure that you realise that this is also your legislation.

We will, of course, support this legislation, and I look forward to when it is up and running fully. The legislation will speak for itself. No words that I say in the Chamber will match what those who are abused go through daily, but the legislation will speak to them and give them support. It is the reason why we have it. We do not need to add too many words to the Bill now; it needs to get on and do what it is designed to do.

Mr Blair: On behalf of the Alliance Party, I express my genuine regret to the victims of domestic violence for whom this Bill has come too late due to a legacy of three lost years with no functioning Assembly. Hopefully, we can all resolve to do our best for those people and ensure that such lapses do not occur again in the future.

I will start addressing the content of the Bill by thanking the Justice Minister for bringing the Domestic Abuse and Civil Proceedings Bill before the Assembly. During the Minister's first year in office, she has paid particular attention to the issue of domestic abuse. She should be commended for her determination and congratulated for following through on her pledge to endeavour to deliver on the Bill.

The Bill creates new domestic abuse legislation in Northern Ireland and addresses the incredibly destructive practice of coercive control. It ensures that the protection of vulnerable people is not limited to those who have endured physical or violent attacks or both. The Minister has taken most serious note of issues raised in this Chamber and elsewhere around coercive control and its effect on those whom we represent.

Turning to policing matters, I declare my membership of the Northern Ireland Policing Board, which oversees the activities of the Police Service of Northern Ireland. I wish to reflect on the current potential and the real risk for domestic abuse in today's unique public health circumstances.

Staying at home is at the core of our COVID-19 response, but it has left some people in a position where they are forced to spend much more time at home with their abuser. Domestic violence and abuse is at a 15-year high in Northern Ireland, with more than 32,000 incidents reported to the PSNI from June 2019 to July 2020.

In Northern Ireland, a domestic abuse call is made to the PSNI on average every 17 minutes according to reported figures. The Bill also makes provisions for training, which is undoubtedly fundamental for the operationalisation of this offence. Hopefully, it will be bespoke to circumstances

affecting women, men and those in same-sex partnerships and other personal and family circumstances where abuse could occur.

It is a positive thing that a variety of specialist partners with vast experience of dealing with the aftermath of domestic abuse can work with justice partners now, better enabled through this legislation to work with and for survivors. The completion of the legislation will provide better protection for survivors of domestic abuse and provide confidence in knowing that they are supported.

I join in the thanks that have been expressed to the Justice Committee, Justice Committee officials, departmental officials and other Assembly officials for work that they have done in bringing forward this Bill. I am happy to support the Bill.

Mr Frew: I support the Bill. It is good news for the victims of domestic abuse and coercive control. I do not know whether I can say that I have agreed with the Minister as the Bill went through its various Stages, but I agree with her about the delay. As she rightly said, whilst politics was not working in this place, violence was being meted out to victims on a constant, daily basis. It is not acceptable that we were not allowed to at least try to remedy that violence and that crime, but we are here now.

It is a shame because surely the past year has shown us all the work that this Assembly can do and, more importantly, the work that our Committees do. Whilst it is true, as the Minister stated, that politics did not work for three years, every single politician in this room was working away. We were working away, making a positive difference to the lives of hundreds of families a week. What we were being prevented from doing was the work that achieves legislation and that builds relationships between MLAs in our Committees, and we are a far poorer place because of that.

4.30 pm

One thing that I have learned as I have come back into this arena is that I do not necessarily value the debates in this place but that I very much value passing legislation through all its various stages. I will defend that to the hilt, but, more than that, it is about the work we do in our Committees, building relationships between members of rival parties and building the capacity and knowledge that you can get only by reading a Committee pack on a weekly basis. We were deprived of those in those three years. We were deprived of that knowledge, expertise and capacity to build. When it comes to passing Bills, it is that capacity and knowledge that are so important to making sure that we get the right legislation in order to effect positive change for our people. I mean all our people, no matter where they go to worship or to be schooled. It is all our people who benefit from legislative change, and I will defend that.

There is no good reason whatsoever why this place cannot function. Sometimes it does not function well. We all know and see that. Sometimes it functions very well, and that has to continue. The only way that it can continue is if all the parties give it life so that politicians like me and others can do the work in Committees and the Chamber to bring real, effective change to our people's life. I can go out in my constituency to help a family or a hundred families a week. However, if I want to make a positive, widespread change, I have to do it here. I have to do it through these

blue Bills, and that is how I do it. We were deprived of that for far too long. We were working, and not only were we working but the support groups for domestic and sexual violence were working. They were working even harder because we were not able to support them.

Of course, all-party working groups continued to do their work even when this place was not functioning. I commend and thank all those groups for working through the lean years, for never giving up and for keeping on pushing and prodding in order to help produce and shape the Bill, which will change people's life in a positive way.

For the first time, we have tried to capture coercive control in legislation. That is no mean feat, and it is really a hard task that we have now, hopefully, achieved. There was a lot of brainstorming and gnashing of teeth along the way, but I think that we have got to the best possible position with the Bill. There were a number of naysayers not at the very start of this legislative journey but when we started to talk about how to capture coercive control in a Bill. A lot of people thought that it could not be completed or done. The proof of the pudding will be in the eating; the proof will be in the actual practical outworking of the Bill. We have produced the Bill; nothing more. We have produced legislation, albeit that that is a very positive and great achievement. However, it is the practical outworking of the legislation that will make the difference to people's life.

It is incredibly important that we keep an eye on this law, and that is why it is very important that training and reporting are in the Bill. Those are vital going forward. Some legislators in some jurisdictions have had more than one go at legislation like this, and it may be the case that we need more than one go. That remains to be seen, and we hope that we do not need it, but we may well. It was very important to get all that into the Bill.

I am glad that the Committee was able to collectively work through those issues. It is not often the case that you get to a point where you can move Committee amendments. Sometimes you see a raft of amendments from individual Committee members. However, it not all that common to get a raft of Committee amendments. It is a credit to the members and staff of the Committee for working through, compromising, seeing what could work and then tabling the amendments. That is very good.

There were a couple of battle zones in the Bill. One that came to the fore was, of course, legal aid. I believe that what the member Miss Rachel Woods was trying to achieve with regard to the waiver was a suitable and honourable compromise, taking on a mighty subject piece by piece. Credit is due and must be given to her for taking that on and trying to make positive change to a monster issue. What that did was to open a bigger battle front than the Bill could ever contain or envelop. It is one that, I think, we will pick up and run with from here on because there must be change. It has been made only too clear by the people to whom we have spoken — support groups and victims — that that whole aspect of legal aid cannot continue. The way in which it manifests itself in victims' lives has to be resolved. We must somehow grapple with that issue. I am glad that we have the report on the legal aid aspect because the Minister will be able to push on with that vital work. I will be there to support that every step of the way.

As I said, we have, for the first time, encapsulated coercive control in a Bill. I would like to have seen some aspects in the Bill. I understand why I could not introduce such aspects as non-fatal strangulation, tackling the rough sex defence and parental alienation, as my colleague Doug Beattie mentioned. I realise that those aspects are threaded through the Bill. However, again, the proof will be in the practical outworking of the legislation, seeing how that manifests itself and how we can protect people against those specific aspects of domestic violence, sexual violence and coercive control. I will wait to see how that rolls out.

That is why it is so important that there is oversight of the implementation and frequent reporting of the roll-out of this law. That will inform us better than anything else on what we need to do and the next steps that we must take to ensure that we not only protect victims but try to eradicate that massively evil pursuit and activity. When one delves into that subject and sees what people have gone through, my goodness, it is chilling. It really is chilling. When one speaks to victims about what they and their families, parents and children have gone through for years, it is scary. I have only dipped into that world in scrutinising the legislation. I do not live it. Dear help anyone and everyone who does live it. If we can make a small positive difference to their lives, make things easier and give them the strength and confidence to move forward, surely it has all been worth it. They can seek and get hope from the Bill and the agreements and compromises that we have reached in order to achieve the Domestic Abuse and Civil Proceedings Bill.

I emphasise that that will depend on its implementation.

The last thing that we want is for anybody — any of the law enforcement agencies or the organisations involved in the court procedures — to forego any of the Bill's clauses to the point that the law is ignored or not implemented correctly. That would be a travesty, as it would be letting down the victims of domestic abuse. It would not be comprehended and cannot happen. We therefore need to consider carefully the implementation of the Bill, its reporting and the ascertaining of its effectiveness. All of that has to be done. We all have to be informed.

We also have to look at our next steps. What do we do around non-fatal strangulation, the rough-sex defence, parental alienation and legal aid? How do we grapple with those issues? How do we get out the other side in a positive way? That is all for the future, and I hope that we get the opportunity to address those issues. It might not be in this term, and it might be with a new suite of people on the Justice Committee and a new suite of Members, but the marker has now been laid down. This is from where the Assembly, the Committee, the Minister and the Department step off in order to make sure that there is real change and that the next steps are taken.

There are so many people to thank for their work on the Bill, not least the Minister, the previous Ministers, as the Minister said in her speech, and the Department. One name has been bandied about in today's debate — I mentioned her at Second Stage — as someone who has been very proactive. I will not embarrass her by naming her, but we all know who she is. She has done very well by the Department, constantly engaging proactively with the Committee and the all-party working group. Departments work only as effectively and efficiently as the people who

populate them. I say this to the Minister, through you, Mr Deputy Speaker: you definitely have a good one there.

The Committee staff must also be commended for the work that they have done over the past number of months. There were multiple meetings every week, for many weeks. That is no mean feat when you are trying to prepare packs and when everything is sometimes moving very quickly. A lot of care and attention was given from September, as it was throughout the summer recess after we had started Committee Stage. Committees will work only as effectively as the staff who populate them and the goodwill of their members. I do not say that just because I sit on the Justice Committee. I really enjoy the Justice Committee. I have built up relationships with all members of that Committee to a very high standard of productivity and respect. I respect all members of the Committee. We work well together as a team. That is the real politics that we should be endeavouring to produce.

I also thank the Assembly staff, plenary staff and, of course, the Speaker and the Deputy Speakers, all of whom have been through this. I was told off a number of times at various stages of the Bill. That is run of the mill for me. To be fair, I would not want it to be any other way, because it is all about robustness, debate and making sure that the Bill is forged in fire, both in this place and at the Committee. The debate has been robust, and that is the way that it should be, because, at the end of the day, we have to think about the victims, and not ourselves, our standing or our pride. It is about the victims.

I also commend all the support groups and their personnel. There are too many to mention, although some Members have tried. They have worked night and day. I can remember getting text messages at 2.30 am from people commending aspects of speeches and amendments tabled. Even last week, people in those groups were telling me that this has been an emotional roller coaster for them, because they see the damage that is done daily. On the other side, they see the good that could be done with legislation. They have waited for and craved the legislation for so long, and it is almost within their grasp.

Most of all, we have to thank the victims who have had the courage to step up and speak to us — the Committee — which, for them, means officialdom. They then perhaps had to speak to the Department and the Minister herself.

That takes courage from someone who does not know this environment or how a Committee works. For a victim of domestic violence to come forward with information that is grievous even to their soul and to have to recite that to members whom they have never met, that is enormous, but they did that; they completed that. I hope that the people who put in that courageous effort will see fruit at the end of this and get some peace, happiness and even safety from the Bill.

Again, I thank everyone involved in the process. I am greatly joyed that this may well be the first Bill to come out the other side of this journey. So be it, because we have been waiting so long for all that I spoke about earlier. Let us look forward to the practical implementation of this law and make sure that victims are at the centre of it.

4.45 pm

Miss Woods: The Bill, which is soon to be an Act, is probably — I would argue that it is — the most important

legislation that the House has enacted for the people of Northern Ireland. It impacts on everybody in our society. On 28 April last year, we welcomed the introduction of the Domestic Abuse and Family Proceedings Bill, now called the Domestic Abuse and Civil Proceedings Bill, and, today, I thoroughly welcome its Final Stage. It was a privilege to work on the legislation, as a member of the Justice Committee, and a privilege that this is the first proper legislative process that I have engaged in. There has been a tireless campaign for years to criminalise coercive control and domestic abuse and for it to be taken seriously and not as something that is simply referred to, in an off-the-cuff comment, as “a domestic”, confined behind closed doors, laughed off or dismissed as being less serious than it is or not the business of society, the police or the criminal justice system. It absolutely is.

Like others, I pay tribute to a number of groups and individuals who were involved in getting the legislation to where it is today. This is in no way exhaustive, and I apologise, at the outset, for leaving anybody out. I will name a few: Sonya and all the CEOs at Women’s Aid Federation Northern Ireland; Rhonda at MAP NI; Victim Support; the Women’s Resource and Development Agency; HERe NI; Rainbow and Cara-Friend; the Bar Library, the PPS and the PSNI; those in the Scottish system who assisted me and my team; all the children’s organisations; the all-party group; and, of course, Claire Sugden MLA for her work on this as previous Justice Minister. I also thank the Committee members, the Clerk and Committee staff, Assembly staff who were also here until 2.30 am on occasion, all those in the Department and, of course, Minister Long for bringing it forward in this mandate. I also specifically thank the Bill Clerk, Stephanie Mallon, who, as Sinéad said, worked with the Committee members and with me and my team. I cannot promise her that I will email her any less this year. In particular, I applaud the courage of the individuals who shared their experience of suffering domestic abuse in order to assist in our consideration, as well as those who reached out to me personally to share their story. Some of their experiences have been heard on the Floor; their stories are harrowing. They have reduced and will reduce the toughest of readers to tears. Theirs is the reality that we are dealing with. That is the whole point of the legislation.

The Bill is needed for so many reasons, as we know, but, crucially, for the protection of victims of domestic abuse. PSNI figures from November 2020, which Mr Givan referred to earlier, show that, between October 2019 and September 2020, 18,885 domestic abuse crimes were recorded. In the same period, just over 32,000 incidents were reported. Both figures show increases from the same period in the previous year. Whilst it is easy to quote numbers, percentage increases and statistics, this is not acceptable, even more so as it is only the tip of the iceberg. It is only the incidents that have been reported. Many do not get to that stage. Behind each number is a person. We must address that fact and keep it at the forefront of our minds as we enact the legislation and in all future policies.

The need for the legislation to be in place in Northern Ireland is clearer now for many in light of the COVID-19 pandemic. The restrictions that were brought in and continue to be brought in by Governments here and worldwide to deal with COVID-19 have, without a doubt, increased domestic tensions in households throughout

Northern Ireland and the rest of the UK as we were told to stay at home. Home is not always a haven. Staying at home does not mean that you are safe. We have experienced a higher incidence of domestic abuse and violence, including homicide, in the past year. As we know, isolation is a technique used by perpetrators, who often seek to assert control by cutting their victims off from the rest of the world to increase their dependency on the perpetrator and reduce their options to raise the alarm or escape. I welcome the Minister's announcement of the scheme being rolled out across pharmacies, including Boots. I thank the organisations that have stepped up and supported victims throughout the pandemic and given a safe place to those who needed one. I note the community response to support victims, such as She Sells Sanctuary, a non-profit organisation established to raise money for domestic violence charities in Northern Ireland. The pandemic has given rise to increased public awareness of domestic abuse and the importance of a safe home. It is imperative that there continues to be a collective effort to ensure that there are safeguards in place for the many people who need them.

So, to the specifics of the Bill. Much of what I wished to cover has been covered by other Members. The Bill, as it stands, has been worked on for better outcomes for victims and survivors. We have a reporting requirement, a duty on criminal justice agencies to train their staff in the new offence and detailed data collection requirements on various Departments in order to get a full picture of the roll-out of the offence and new legislation.

Although I attempted to get more data points into the Bill, such as information on section 75, I still feel that we need to know more about what we are dealing with. That, in turn, will assist those working with vulnerable and marginalised communities, such as BAME communities. Much more needs to be done to shine a light on abuse in sections of our communities not reported on and to put appropriate responses in place. The more information we have, the better.

We need post-legislative scrutiny not only to gather more data but to ensure that the legislation is working. This is a new offence that, unlike most that have come into law here, criminalises behaviour that was previously dismissed as something that just happens. It will require a new way of doing things. We need to have more domestic abuse courts, for example.

We have, in clause 27, the means to establish new protection notices and orders for victims of domestic abuse, and I look forward to their being established in whatever form. We have to learn from other jurisdictions what has and has not worked. Perhaps they are called DAPOs, perhaps emergency barring orders or something else, but they must provide adequate protection for the victim.

That perpetrators can be barred from cross-examining victims in court proceedings is entirely welcome. That was a non-contentious aspect of the Bill for the Committee; we agreed that it was incredibly important. I am glad that it now extends to family and civil courts.

It will come as no surprise that I welcome the changes in the financial protections offered to victims of domestic abuse in accessing legal aid, albeit different from what was imagined at Consideration Stage. That was and, I am sure,

will remain a contentious area in justice, but I see it as a first and much-needed step in wider reform. Rest assured that I will not let that go for the rest of my time here.

We would all have liked to see much more in the Bill, but it gives us a guide to where the problems lie and what we need to tackle next. We need to look at domestic abuse through an education lens and a health and social care lens and not just through the lens of criminal justice. The issue goes right back to how we help young people to understand what constitutes a healthy relationship, and we must ensure that future generations can avail themselves of a compulsory relationship and sexual education programme in schools, for example. Schools must teach children and young people about how to have a safe and healthy relationship, covering all forms of violence, coercion and sexual abuse, including being safe online and offline. I hope that the Minister of Education will bring forward substantial resources and training to ensure that that happens for every child and young person in our school system.

If we want to give children the best start, which we all do, we must look at the effects of domestic abuse on them and ensure that home is a place of safety for children and young people now and in the future.

As we know, children are often the hidden victims of domestic abuse, and the long-term impacts include detrimental impacts on their mental health, their development, their risk of harmful sexual behaviour, future cycles of abuse and the potential for youth offending. Therefore, it was important that the legislation reflected that a child can be aware of domestic abuse in the home, even if they do not see or hear it or are not present at the moment at which it occurs. I am glad that the amendment that I first put forward, which was then tabled by my Committee colleague Mr Paul Frew, is included in the Bill. I also welcome the inclusion of Operation Encompass and information sharing with the schools, which will be very important for the well-being of children. However, as I have said, there is much more to do. We must deal with the arbitrary distinction in the Bill between those who are under and over 16 years old, and with the exclusion of parental responsibility. We must not criminalise young people. I fully support looking at and introducing much more effective and holistic approaches in dealing with abusive behaviour to reduce harm while building on the work that is already in place. We need to examine — really examine — why it is seemingly OK for a parent to be abusive towards a child in their home, for example, in the form of smacking, and why that does not legally constitute abuse. I would argue that it does, and I look forward to it coming to the Floor of the House sooner rather than later.

In 2017, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR), Northern Ireland had the joint highest level of femicide per 100,000 in Europe. According to PSNI statistics, five homicides with a domestic abuse motivation were recorded in 2019-2020. Of the 29 people killed by their partner or ex-partner, two thirds were women. Up to 2019, most of the 19 women killed by their partner or ex-partner in Northern Ireland remained nameless in the press. Although they might not be reported on, each statistic is a person whose life has been taken, whose home was not safe and who suffered at the hands of someone whom she knew. Each one is a family that was torn apart by their loved one's death.

We must do better. Northern Ireland is the only part of the UK that does not have a specific strategy to tackle violence against women and girls. Why not? Again, I made an attempt to rectify this gap, but it could not be put into this Bill. I urge the Minister and the Department to work immediately on this matter, and I question whether, without a strategy, we are meeting the requirements of the Istanbul convention. I do not believe that this would be at odds with the strategy that we have in place at the moment. Rather, it would be an addition to tackling the very real issues of violence against women.

Having this Act in place will not eradicate domestic abuse. For it to work, the proper resources, funding and training must be provided to all the relevant organisations in the voluntary sector and to statutory agencies, health services, the police and the judiciary. I am glad that some of this is included in the Bill, but, again, I urge that the adequate resources must follow the passing of this legislation. In the criminal justice system, we need to focus on expanding the domestic abuse courts pilot. We need to ensure that justice is sped up through the implementation of the Gillen recommendations and that victims have access to all the support that they require while navigating the system. We need a serious commitment to reinvest in refuges and support services for anyone who finds themselves in a position to need them. Long-term support is required as well as short-term support, and I hope that the Executive can commit to looking at this. It will require an all-Executive approach, working with other Departments and pooling budgets. It is much needed. We cannot have the continued cuts to what are, literally, life-saving services that deal with an epidemic of silent violence on our streets and in our homes. How will resources be allocated to the police, social services, the courts, families, legal professionals, services and support agencies for the roll-out of this legislation? Legislation with teeth, alongside properly funded and resourced services, is required to protect people.

Unfortunately, as Mr Beattie mentioned earlier, we do not have a domestic abuse commissioner. I believe that that is a gap in our law, and it is one that we attempted to close. I will continue to lobby on the need for such a commissioner. I note that Judge Marrinan, in his review of hate crime in Northern Ireland, suggested a joining of the commissioner office between domestic abuse and hate crime. Perhaps we can investigate that further when we address the comprehensive review. Although I recognise and welcome the fact that the Bill includes independent oversight, it does not go the whole way. A commissioner could be not only an advocate for the sector but someone who could ensure that adequate levels of funding and training were in place to ensure the Bill's implementation. The message about introducing a new criminal offence does not completely solve the problem. We must not take our eye off the ball. We need to make sure that the law works in practice. I believe that a commissioner would play a key role in supporting the sector, the PSNI and the judiciary in doing that.

5.00 pm

A great number of other issues that did not make it in to the Bill were discussed at length by the Committee. The granting of secure tenancies is not specifically addressed in the legislation, and nor is access to statutory provision for emergency housing. Proper cross-departmental

working is required to give the support that victims need. I encourage the Minister for Communities to state what her intentions are with regard to housing points and the availability of secure housing and accommodation for victims and their families. Can we expect an increase in supporting people funding? We could also not deal with victims who have no recourse to public funds. That issue was raised loudly in the House of Lords last week about the Government's Domestic Abuse Bill. I encourage all those in Westminster to legislate for and implement proper protection for those very vulnerable victims.

In July 2019, as many of you know, New Zealand passed legislation that granted victims of domestic violence 10 days' paid leave to allow them to leave their partners, find new homes and protect themselves and their children. That was down to a private Member's Bill from the Green Party MP Jan Logie, which became the Domestic Violence - Victims' Protection Act. The only other country in the world to have such legislation at a national level is the Philippines, with some parts of Canada and Europe having paid leave in various forms. Paid leave would support victims and survivors of domestic abuse by giving them the opportunity to seek help and access services and by providing the reassurance that they will not lose out financially or face any disciplinary action for taking much-needed time off work.

Domestic abuse is a workplace issue. It must be considered as such given the impact on the individual, society and the economy. According to the Home Office, for the year ending 31 March 2017, it was estimated that domestic abuse cost £66 billion in England and Wales alone. That is likely to be an underestimate. Of that, £47 billion was the cost of physical and emotional harm incurred by victims, and £14 billion was the cost to the economy from lost output due to time off work or reduced productivity. The Irish Congress of Trade Unions (ICTU) noted in its 2014 research that 80% of respondents in Northern Ireland who had experienced domestic violence reported that it affected their work performance, and 99% said that they thought that domestic violence can have an impact on the lives of employees.

Paid leave is not a magic bullet, but it is a significant step in the right direction that goes some way to recognising the economic situation that a victim might find themselves in. We discussed that at Committee, but, due to the limits of the Bill and the responsibility for our workers and employment sitting with another Department, it could not go in. However, as many of you know — Linda addressed it earlier — I have launched a consultation on the introduction of paid leave for victims of domestic abuse. I encourage you all to respond accordingly.

In conclusion, we must do all that we can to protect people from harm now and in the future. The passage of the Bill is not the end of the road; it is just the beginning. We have much to do. One in four women in the UK will experience domestic abuse at some point in their life. One in four. We are in the midst of an epidemic as well as a pandemic. As I said previously, women are being killed in Northern Ireland by their partners or ex-partners. We need to do much more to protect them.

I must use this time, as others have done, to make this appeal to everybody: if you are going through this or are worried about someone who is at risk, please seek help. Please report to the PSNI through the 24-hour helpline

for victims of domestic and sexual abuse. Reach out to Women's Aid, the Men's Advisory Project Northern Ireland (MAPNI), Rainbow, your GP or social worker or anyone to start the process of getting away from or out of an abusive relationship. I support the Bill's passing Final Stage, and I look forward to it becoming an Act and being fully implemented for people in Northern Ireland.

Mr Dunne: I, too, welcome the opportunity to speak today at the Final Stage of the Domestic Abuse and Civil Proceedings Bill. I guarantee that I will not speak for as long as the Member who spoke previously did.

A vast amount of work has been done in getting to this Final Stage. The Bill certainly received significant scrutiny — I think that we are all very well aware of that — and detailed consideration by the Justice Committee. I very much welcome the significant steps forward that have been made on such an important piece of work, particularly during 2020, given all the challenges that we had with the pandemic, which continues to be with us all. I put on record my thanks to everyone who contributed to the Bill, particularly the many victims and victim support groups who gave up their time to present to the Justice Committee on various occasions. Those groups worked closely with officials whilst continuing to provide the lifeline of support for victims, often on a 24/7 basis.

I also acknowledge the work of the Justice Minister; our Committee Clerk, Christine Darrah; Stephanie Mallon from the Bill Office, who gave us a lot of good information on a very regular basis; and the departmental officials. I cannot forget the Committee Chairman, Mr Paul Givan, of course, who also did a significant amount of work on the issue.

Despite all the challenges and the range of opinions that were reflected during the passage of the Bill through the Committee and the House, there has been a common desire from the Minister and right across the House to strengthen our domestic abuse legislation. The Bill will better reflect how widespread and appalling that abuse can be right across Northern Ireland. It will provide support to victims of domestic abuse and, ultimately, will bring more offenders to justice. The Bill also recognises the evolving nature of domestic abuse. It rightly recognises that not all domestic abuse is physical. Crucially, it captures the impact of controlling and coercive behaviour as a form of domestic abuse.

I welcome the 'Ask for ANI' scheme — that means action needed immediately — which has been announced by the UK Government since Consideration Stage. Indeed, it was announced just last week. That will enable victims of domestic abuse to discreetly seek help through pharmacies. It is a very positive example of a practical support measure. I have tabled questions for written answer to the Justice Minister and the Health Minister to see whether that scheme could be rolled out further to include all our community pharmacies and other local community services and facilities, such as shopping centres, community resource centres and even other sectors such as close-contact service providers.

As highlighted in the various stages of the passage of the Bill, with the ongoing COVID-19 pandemic, the lockdowns and the various restrictions that have been in place, we have, unfortunately, seen an increase in domestic abuse. That increase has, sadly, reinforced the fact that, as already mentioned on a number of occasions, home is not

always a safe place for everyone and that timely action is needed. For example, on Christmas Day and Boxing Day just past, a total of 250 domestic abuse calls were made to the PSNI. Indeed, it is alarming that 31,857 domestic abuse incidents were recorded in 2019-2020, which is the highest level since that form of recording began 15 years ago. There has been a shocking 52% increase in incidence during that time.

We are all agreed that the progression of the Bill has significantly increased public awareness of the importance of reporting domestic abuse. It will help to give victims a voice if they know that that support is there and that the law can protect them. I very much welcome the progress to date on such an important issue, and I look forward to the Bill receiving Royal Assent as we seek to support victims of domestic abuse, so many of whom, sadly, continue to suffer in silence.

Ms Armstrong: I remind everyone that this is the first sitting of 2021, and we are passing legislation to create a new domestic abuse offence. That is largely due to the determination of the Minister, who has made this her priority. Thank you for that, Minister.

This long-awaited Bill means that domestic abuse offences in Northern Ireland will no longer be limited to physically violent behaviour. It will make a form of bullying known as coercive control an offence in Northern Ireland for the first time. Convictions for the most serious domestic abuse offences will carry a penalty of up to 14 years in jail. The Bill includes provisions on the effect that domestic abuse can have on children, with enhanced sentences possible in cases where a victim in a relationship is aged under 18; where a child sees, hears or is present during an instance of abuse; or where a child is used to abuse a victim. There is nothing as cruel as having a child used against you or their being coerced into behaving badly against a parent. So-called parental alienation needed to be addressed, and I am glad that it has been brought into the Bill.

As the Minister confirmed in her opening speech, a previous attempt at the legislation fell when this place collapsed in 2017. While I recognise the role of the Minister of Justice in developing and bringing the Bill to its Final Stage, I want to note the work of the previous Justice Ministers, Claire Sugden MLA and David Ford, a former MLA, and the work of the Committee, departmental staff, Assembly staff, all the stakeholder and partner organisations, and especially the brave individuals who fed into the process.

Sadly, in recent times, as we heard from Members today, we have seen that this legislation is more important than ever. The rise in reports to the police of domestic abuse incidents during COVID-19 has been horrendous.

There is a lot of information in the Bill. As Members highlighted, it includes training, reporting and oversight of the new offence, protective measures for victims and preventing perpetrators cross-examining victims in criminal and family proceedings. The Bill will make an impact. It will support victims. I wish that no one were a victim of domestic abuse, but, until abusers stop, we will have victims and we will need to support them. The Bill should serve as a clear warning to perpetrators. The House has put in measures to protect victims. Perpetrators will face penalties for physical or emotional cruelty. I say to anyone who is being abused: you are not alone. The Minister and

the House are here to support you. As the Minister said, there is no shame in being a victim of domestic abuse; the shame lies with the abuser — the bully.

I hope that the Bill will give heart to victims and help them to have the confidence and courage to know that the system has been improved and will work. Miss Woods mentioned that other Departments have responsibilities when considering support for domestic abuse victims. The Department for Communities, for instance, in its review of housing allocations, is already considering how housing can be made available to those victims.

However, I am somewhat saddened that the Final Stage of the Bill will fall to a cross-community vote. As someone who is designated as “other”, my vote, and the votes of the Minister, Miss Woods and Mr Carroll, will not be counted in the same way as other votes. For those of us who are not unionist or nationalist, I look forward to the day in the House when my vote and my political opinion are no longer treated as secondary.

The process is being taken forward today to finalise the Bill, and, even though the process is disappointing, the Bill is not. This is comprehensive legislation that sends out a clear message that domestic abuse in all its forms, physical and non-physical, is wrong. This is the Final Stage, and I hope that we get Royal Assent as soon as possible. Thank you to everyone who worked on the Bill.

Mr Carroll: I welcome the progress of the Bill. A lot of its measures, particularly on access to legal aid for victims, training for staff and keeping records of abuse, will undoubtedly have a positive and important impact. I want to speak about the roots of abuse in society and situate the Bill in the fight for a better society that has no abuse.

As was mentioned, the weekly average for the number of domestic abuse calls to the police since the first lockdown was almost 600 calls every week, predominately from women who feel unsafe in their home. That is totally unacceptable. It is endemic, both societally and institutionally, and I hope that the Bill goes some way towards tackling those problems.

In a previous debate, I said that we need a commissioner for domestic abuse and violence and a strategy for women and girls. It is disappointing that that is not in the Bill. I mention women specifically because domestic violence is largely gender-based, and it affects women. The disproportionate effect on women is referenced in statistics. It has roots that are deeply entrenched in inequalities and stereotypes about the role of women in society. It is for that reason that we are clear that, unfortunately, one single piece of legislation or a single strategy cannot tackle the problem of the root causes of those issues. It is right to legislate for the protection of victims, access to legal aid and other issues.

Those are vital in order to alleviate the situation facing victims of domestic abuse.

5.15 pm

The biggest challenge to gender-based violence will come from the fight against inequalities and oppression in society, which are, very often, not only enshrined by institutions but made worse and perpetrated by those in the institutions. Much of the gender-based violence that we see in society is a breach of consent and the use of power

imbalances to exert control, yet the very sex education system, as has been referred to, that many experts say is vital to the prevention of those kinds of sexual crimes is not really accessible in any real sense for far too many young people in our schools, and if it is accessible, it is not adequate. Through sex education, we can convey the importance of equality between partners, promote non-stereotyped gender roles and teach mutual respect and consent. I have probably passed the threshold of being considered young, and some time ago, but it was not that long ago that I was educated — perhaps in inverted commas — in sex education and relationships, and the experience was completely inadequate. Unfortunately, to this day, far too many pupils feel that that is the case.

If the Bill is to slot into a strategy aimed at reducing gender-based violence, we need to see it sit alongside proper sex education. Indeed, we need to see it sit alongside proper access to abortion and other healthcare issues, including telemedicine. How often do we need to hear about the impact of restricting access to abortion before we see the Health Minister act on the issue? How many more women will be forced to travel for healthcare during a deadly pandemic? How many more women will be forced to stay in an abusive relationship because of a pregnancy or be forced to carry a pregnancy to term, against their will, because of an abusive partner? How many more women are unable to escape domestic abuse because, under universal credit, their abuser holds access to their funds? How many will stay in a refuge because they cannot get access to social housing or who cannot rent because of poverty? How many will never get access to a refuge because the refuges are full to capacity on the day? That is the case because we do not, as Ms Dillon referred to, adequately fund emergency services. How many of those women will have children who will experience that process?

There is a lack of access to telemedical abortion and to social housing or a refuge. There is a lack of proper and independent access to decent social security and a lack of access to sex education. Those are rights that everyone should have but that too many in the North go without. Of course, the problem goes far beyond the issues that I have referred to and raised today, given the precarious work of women and the way in which the state underfunds and underpays for caring work that is predominantly taken up by women. All of that is to say that we can never look at the issue of domestic abuse, or any kind of gender-based violence, in isolation. Only when a societal shift is fought for and won will we see the oppression and inequalities facing women being properly challenged, and that shift, unfortunately, will come not solely from within these four walls but from campaigns and movements outside. Until the Assembly does what is right for women, for their children and for their communities more generally, it will continue to perpetuate the conditions that enable domestic abuse to continue.

In closing, I want to use the opportunity to issue this call to those in charge of healthcare, social security, education, finance and employment: the conditions created by policies under your control are harming women and children, and, indeed, all victims and survivors of domestic abuse. It is not acceptable that, instead of their suffering being alleviated, it is deepened by the actions of those institutions and by decisions that are made or not made. The fight for a better kind of society will happen,

where it always does, on the streets, in communities and in workplaces. The question for those in power today is whether they want history to say that that fight had to be taken to their door.

Mr Allister: I intend to be brief, and I am sure that I will be. Not for the first time, and possibly not for the last, I will enter a voice of dissent, not to the entirety of the Bill by any means but to a specific issue that I have addressed before. It is not because I have any naivety or lack of understanding of how odious domestic abuse is. Indeed, you could not be involved in as many prosecutions involving this very subject as I have been and not realise just how invasive, insidious and, yes, odious these crimes are. Indeed, I would just say, as a legal practitioner, that I can think of few more difficult cases to do and to be asked to do than one involving domestic abuse or child abuse. They are harrowing in every aspect and harrowing too for the legal practitioners, because, as a human being, you sense, you empathise and you feel. So, I am in no way immune to the realisation of just how hideous domestic abuse is, but that understanding of all of that does not diminish something that is very important to me: my respect for the rule of law and for the fact that, in society and in the canons of the law, we must uphold certain standards.

As I have said previously when addressing the House, at Second Stage and Further Consideration Stage, I fear that, in clause 3 of the Bill, the House and the Justice Committee have taken a very wrong-headed approach; an approach that diminishes the standards and expectations of the criminal law because it totally demolishes the fundamentals of what is a criminal offence. We have talked before about the mens rea — the guilty mind — and the actus reus — the production of the product of the crime. Yet, what clause 3 does is to extract from this criminal offence the actus reus of product, because, incredibly, it says — the House does not agree, but it is my view that it is incredible — that an offence of domestic abuse, which is already defined in clause 2, can be committed whether or not an abuser succeeds in abusing and that the abuser's behaviour can be abusive whether or not it has any of the relevant effects, provided that some notional, reasonable person thinks that it should have caused an effect and should have caused harm. Then, even though it did not and even though the reasonable person was wrong, this Bill says that the offence is complete; the offence is made out.

That jars with me in the manner in which I have previously explained. To me, that is as preposterous as it is unnecessary. I say unnecessary because that situation is already covered by the law that applies to attempts. So, the abuser who attempts to abuse and, because of how stoic the victim is, does not succeed can still, under our law, be guilty of an offence that carries equal punishment. That is because, under our legislation, if you attempt the crime and have the guilty mind to try to do it but do not succeed, you can be guilty of attempting the crime and for it collect the same penalty — in this case, 14 years.

Therefore clause 3, I repeat, does not add anything necessary to the criminal calendar, because the offence of attempting domestic abuse can equally carry 14 years. It offends all the senses that I have on this matter to say that you can create an offence carrying 14 years' penalty, even

though you did not achieve any of what you set out to. You are treated as if you had.

That is my difficulty. I know that it is not something that appeals to the House and that the Committee and the House have a much more flexible view of the sanctity of criminal law, but I do not want this occasion to pass without, again, putting that on the record.

Mrs Long: First, I thank all the Members who engaged in the Final Stage debate. The Bill has only been made possible by the diligent and cohesive efforts of a significant number of people, including the many organisations and individuals who gave evidence to the Justice Committee, many of whom I referred to in my opening remarks. The Bill has been improved as a result of its passage through the Assembly, and I welcome that.

As family courts are the first contact with the justice system for many victims of domestic abuse, I also welcome the provisions in the Bill to enhance the protections available to people when giving evidence in family proceedings and in securing the representation that they need through legal aid. I also welcome the provision in the Bill to enhance protection for victims of offences giving evidence in other civil proceedings. That will ensure that appropriate protection is available to all victims in civil as well as criminal courts.

I want to turn to some of the issues that Members raised during the debate. Linda Dillon and Rachel Woods both mentioned paid leave because, as people have rightly said, while the Bill is a good start, it is by no means the end of the journey. No Bill can comprehensively cover every issue, and no Bill will be perfect. We cannot allow the perfect to become the enemy of the good. Therefore, it is better to have this legislation in place while we continue to work on the many other issues that Members raised.

Linda Dillon and Rachel Woods spoke about paid leave for domestic abuse victims. That issue that would fall to the Economy Minister, who has asked her officials to consider the matter alongside a range of other employment-related issues as part of a longer-term vision for employment relations in Northern Ireland. If there is consensus that legislative provision is required, she will identify a suitable legislative vehicle. Indeed, I wrote to the Minister to ask that she take this forward during the passage of this Bill.

In 2018, guidance was published for employers on developing a workplace policy on domestic and sexual violence and abuse because it does indeed impact on people's ability to function in the workplace. It was developed in partnership with key stakeholders to provide advice on how employers can develop increased awareness and more effective responses to these issues, and it recommends a commitment to a zero-tolerance approach to abuse, reporting procedures and information about the practical and supportive measures that can be accessed by employees.

Linda Dillon and Rachel Woods also raised the issue of domestic abuse and the difficulties that people can experience with housing. As Members will be aware, under the current housing selection scheme, victims of domestic abuse are awarded 70 points for homelessness and up to 40 primary social needs points, including 20 for violence or the threat of violence. That results in up to 110 points.

Applicants presenting due to domestic violence do not, however, meet the criteria for the award of 200 intimidation points. The Communities Minister is considering proposals raised in the fundamental review of allocations. She does not intend to proceed with the proposal to remove intimidation points. Rather, she wants to consider it from another angle and ensure that they are there for those who most need them. She considers it unacceptable that victims who have suffered trauma or violence, for example, victims of domestic abuse, are not treated with the same priority as those who receive intimidation points as a result of, for example, paramilitary coercive control. She is working out the details of how she will address that.

5.30 pm

Sinéad Bradley raised an issue about funding and asked whether funds would be made available to the community and voluntary sector to tackle any increases in cases as a result of the introduction of the new offence. The vast majority of the financial support to those organisations in the community and voluntary sector is provided by the Minister for Communities and her Department. In many cases, community and voluntary sector partners will already support victims of the new offence. They are already victims of abuse, but the abuse can simply not be taken through the courts and prosecuted at this time. The offence will also build on cases involving physical abuse or sexual violence that might otherwise be in the system, and, again, those people will already be receiving support. My Department will, of course, monitor the number of new victims who come forward once the offence is in place, and we consider that the new offence could lead to an increase in overall offences of around 3%. We will monitor the impact of the new offence on a range of organisations, including our statutory and voluntary sector partners, and I am confident that, where additional resources are required, the Executive will seek to meet that requirement. It is an Executive priority to tackle those issues together.

Turning to Doug Beattie's comments, I want, first, to tackle the issues that he raised about a victims of crime commissioner, which I know is his preferred model. A number of other Members spoke about the potential for a domestic abuse commissioner, and some spoke of the recommendation in Judge Marrinan's report that a domestic abuse commissioner and a hate crime commissioner could, if you like, become a joint office. Members might not be aware that I met with the reference group that I established to look at establishing a victims of crime commissioner and have received its report, which sets out very clearly a number of different models and suggests a number of ways in which we can take this forward. I hope to bring forward proposals for consultation shortly, and I will write to the Justice Committee in due course with details of the planned consultation and the approach that I hope to take.

Doug rightly highlighted that anyone, regardless of gender, sexuality, age, disability, status, race or religious background, can be affected by and be a victim of domestic abuse. The Bill is blind to all but the needs of victims. It is worth noting that, in 2019-2020, 69% of victims of domestic abuse were female and 30% were male. That is a dramatic change from 2004-05, when 75% of victims were female and 25% were male. From statistics that I will give later, you will see that there has also been an increase in the number of very young victims and older

victims. Some of that increase will be due to people feeling more confident about coming forward and speaking about their abuse after the increased effort to tackle the taboos around male victims of violence, but some will be due to a realisation that male victims of violence have been overlooked. I will speak a bit more about the gendered nature of domestic abuse later in my remarks. It is a gendered crime.

Doug also raised the issue of the policy on parental alienation. As he will be aware, parental alienation and related support services are matters for the Department of Health. I will, of course, support policy development where I can. The Department is keen to work collaboratively to improve outcomes for children and families, and it has worked with the Department of Health on the means of intervening early to help parents to avoid the impacts of acrimonious disputes. I understand that the Department of Health, as part of the joint work that we are doing to improve outcomes for families, proposes to explore guidance and training for professionals who support families experiencing acrimonious disputes and associated negative behaviours.

I will, of course, support Minister Swann to scope future actions in any way that I can.

Family cases involving significant parental acrimony and alienation are among the most difficult that come before the courts. Where alienation is suspected, it is for social workers and those representing the interests of children, and ultimately the courts, to advise the court, which will consider evidence of alienation alongside all other evidence when deciding what is in the best interests of the welfare of the child, which is always the paramount consideration.

While the Department of Health has policy responsibility for parental alienation, I am clear that one parent should not be able to use a child to abuse another parent. I consider it appropriate that patterns of that type of behaviour could be deemed to be abusive behaviour and potentially be captured by this domestic abuse offence, depending on the particular circumstances of the case and subject to the reasonable person test. So, I am keen that the domestic abuse guidance that relates to the new legislation clearly explains that.

My colleague John Blair raised the importance of training, as did a number of other Members, including the Chair of the Committee. The police and the PPS recognise that training is critical to this offence's success. A range of statutory and voluntary sector organisations will need to train front-line staff and raise awareness of the offence. So, the police and the PPS are working with specialist support providers on how best that training can be taken forward.

The police will create a training implementation team to ensure the effective and timely introduction of the new offence. That will include representatives from the police learning and development team, domestic abuse specialists and representatives from victim-orientated services. Training will be provided for PPS and Courts and Tribunals Service staff so that they can appropriately deal with cases.

As Members will be aware, the judiciary is independent, and the issue of judicial independence from Government is sacrosanct. Judicial guidance and training is therefore

a matter for the Lord Chief Justice and will be delivered through the Judicial Studies Board. Discussions are being held with the Judicial Studies Board on that, including consideration of lessons to be learned from other jurisdictions. The issue of sentencing guidelines will be considered as part of the work that is being undertaken ahead of the operationalisation of the new offence. Discussions are also being held with the Judicial Studies Board on that matter.

Paul Frew raised a number of areas where he felt that the legislation could have gone further. However, as he is aware, there are limits. The Bill is already lengthy and incredibly complex legislation, and, of course, were we to overload it, there could come a point where we would be no longer able to make the progress that we have been able to make in the time that we have been able to make it. However, there are issues that he raised on which we are making good progress.

The Westminster Government also intend to bring forward legislation on non-fatal strangulation, and so I want to update Members briefly on our plans around that. Following a recommendation by CJINI in 2019, my officials convened a working group and carried out early scoping work on the legislation that applies to non-fatal strangulation. I commissioned a full review to identify and address any inadequacies in the current legislation, and I have tasked my officials to review the current law, with a view to consulting on improvements and proposing appropriate legislative change as soon as is practicable. I put on record my thanks to Judge Barney McElholm, from the Derry court circuit, who has taken a particular interest in this, along with Women's Aid. I have had long conversations with both about the matter. Meetings of the non-fatal strangulation review board and reference group took place last year, and we are working on developing a consultation paper.

With respect to the so-called rough-sex defence, it is clear in the law in Northern Ireland that no person can consent to behaviour that could cause them harm or, ultimately, take their life. In June 2020, however, a UK Government amendment to the Westminster Domestic Abuse Bill sought to outlaw the rough-sex defence explicitly to ensure that a person may not consent to being seriously injured or killed in the course of consensual sexual activity. I have determined that the rough-sex defence should be included in the review of non-fatal strangulation in legislation. Consultation on that particular item closed last Monday, and following an analysis of the consultation responses, I will consider the way forward. I have already indicated my intention to prioritise consideration of the rough-sex defence, with a view to early legislation, if appropriate.

Rachel Woods and Gerry Carroll raised the impact of education on changing societal attitudes. They will both be aware that that I am fully supportive of that. It is not something that I can bring forward as part of the Bill; however, my Department and I will work with the Department of Education to ensure that education — sex and relationships education in particular — not only meets the needs of addressing issues in domestic abuse but addresses issues arising from the Gillen review of serious sexual offences. We need to educate our young people about respect and consent and about how to treat a partner and have a healthy relationship. The inadequacy of sex and relationships education in Northern Ireland does a

huge disservice to our young people, and I hope that that will change and change soon.

Rachel Woods also raised the reasonable chastisement defence, and she will know that I, too, wish to see it removed. The policy lead on that matter is the Department of Health. I wrote to the Minister of Health and the Education Minister about it, and I am keen to progress it as soon as possible. I have also engaged with those in other jurisdictions who have managed to change the reasonable chastisement defence and remove it from law. It is, of course, necessary that parents are able to discipline their children, but it is not acceptable that people are able to use the reasonable chastisement defence as a cover for abusive behaviour that is directed towards young children. I believe that the reasonable chastisement defence should be removed.

Mr Storey: Will the Minister give way?

Mrs Long: I will.

Mr Storey: I have listened to the debate all afternoon. As a parent who believes in the right to bring up a child in accordance with the views of my faith, what assurance will you give to parents like me that, given the views that I hold dear, and by which I have brought my children up — although that has not always been very successful, I have to say, when it comes to respect and so on — the outworking of the Bill will not result in a witch-hunt against people of faith who have very strongly held views on that issue?

Mrs Long: The experience in other jurisdictions shows that if we work with parents and not against them, we can make it clear that this is not about criminalising parents, either those of faith or those without faith, for how they raise their children. It is about giving parents support and encouragement to find means of discipline for their children other than those physical means that are often used. In fairness to the Member, I think that he would agree that it would be shameful were someone who is physically abusing their child be able to escape prosecution for that — we know the difference — by hiding behind a reasonable chastisement excuse.

I believe that, for the greater good, it is important that that reasonable chastisement defence be removed, because that is the only way that we can break it down. I suspect that, despite what the Member said about his own weaknesses in raising his children, they, too, know the difference between abuse and parenting. I am sure that he raised them in a loving home with a caring environment, and that is what is key. Therefore, it is hugely important that we protect those who are vulnerable to abuse, and the reasonable chastisement defence has run its course.

It is not a witch-hunt against parents. It is a way to support parents, and that is why it is so important that we look, for example, at the experience in Wales, where people started off quite nervous about the removal of the defence. Through working with parents and organisations that support them, people came to agree that it was the right way forward and made good progress. The same was true in Scotland.

Rachel Woods and Gerry Carroll also raised violence against women and girls, which is a hugely important matter. It is not solely or primarily a matter for the Department of Justice. It is primarily for the Department

for Communities and the Executive Office, but I would fully support them in bringing forward such a strategy. It is not a requirement of the terms of the Istanbul convention that we have such a strategy. However, that is not an argument for not having one. We should aim not simply to comply with the minimum standards in the Istanbul convention but to raise standards and raise the bar in that area.

It is important, however, to disentangle those issues somewhat. It is important that the matter is addressed separately to the Domestic Abuse and Civil Proceedings Bill, which is designed to support people of all genders whilst recognising that domestic abuse is a gendered issue and that the vast majority of victims of domestic abuse are women. It is important that we have the correct support to encourage them to come forward. However, it is also important that we break the stigma for those who are non-female, non-binary and non-heterosexual so that they recognise that this legislation is also their legislation. They should feel empowered to speak up about abuse, come forward and seek help.

5.45 pm

Ms Dillon: I thank the Minister for taking the intervention. We often talk about the fact that statistics show that victims and survivors are mostly women. We also need to point out that the perpetrators, for the most part, are men, even when men are the victims.

Mrs Long: That is a very important point. I do not want to go on a crusade, but dealing with some of the toxic masculinity in our society would be a good place to start to tackle not only sexual violence but domestic abuse and many of the other ills that we face. There is nothing strong or compelling about a man who has to resort to his fists to make his point. We need to stop valuing the strong over the thoughtful and considered. It is not a healthy place to be as a society, and neither is it good for the men themselves, who are often then racked with mental health problems because they see that as a sign of weakness and who feel that they cannot seek support, or who are abused in relationships and do not feel that they can come forward. If we are to get to the bottom of this, we need to deal with all those societal issues.

I agree with Gerry Carroll: we have to look at how society is structured if we are to do that successfully. It is not simply about one piece of legislation or action. We need to take a course of action to change the dynamics in our society. These are power-based offences; they are abuses of power. These are people who want to control, coerce and prevent the person from being who they are and living their lives with freedom. That is not what a loving partner or loving family member does. Rather, someone who truly cares for you wants you to be the best that you can be and gives you the strength to be that person. We need to educate our young men and young women as to what healthy relationships really look like.

I thank Kellie Armstrong for her remarks, and I share her disappointment about the manner in which the vote on the Bill will be taken. It is regrettable that, on an issue that has united the House on all sides in support, irrespective of our position on the constitutional question, at the point at which it passes, it divides us yet again into tribes. For me, that is evidence that the system here is broken and needs to be changed and reformed so that we are all equals in

the House, we are all equally counted and all our votes and constituents matter.

Jim Allister said that he was a dissenting voice. That is a position with which he is familiar, but I give him respect because he has come to the House and made his point. While I disagree with it, he has made a reasoned and cogent argument. I enjoyed our debate at Second Stage on the *mens rea* and *actus reus*, because I am a Latin geek, as well as all the other geekery with which I get involved. I understand his point about the guilty mind and the criminal act, but this is not policing a thought crime. This is not someone who is thinking about abusing someone and then does not follow through. This is someone who has acted in an abusive manner, but, due to the resilience of the victim, the outcome has not been to break that person in the way intended. Therefore, the issue here is about the impact on the victim.

While I have full respect for Jim's point, I cannot agree with him that, in this case, there has been no course of action that would lead to the criminal act. For me, it is clear that the act itself is the course of action that leads to the abuse. It is not just thinking about it; it has actually been done. It is only the —

Mr Allister: Will the Minister give way?

Mrs Long: Yes, I will.

Mr Allister: Surely the problem is that it is a failed course of action.

Mrs Long: The problem is not that it is a failed course of action. The course of action has been completed successfully; the abuse has taken place. The only failure has been in the ability of the abuser to break the spirit of the victim. It could be, as we outlined at Second Stage, the fact that the abuse has been so successful that that person is no longer able to recognise with confidence and assurance the person whom they were, the degree to which they have been denigrated and the degree to which they no longer have the capacity to recognise the fact that they are being treated unfairly.

We talk a lot these days about "gaslighting", but it is a factor in this kind of abuse, where abuse is conducted and victims become so fragile in their mind and spirit that they can no longer tell whether it is abuse or simply a figment of their imagination, because their abuser has taken such total control of them. In those cases, there is no question in anyone's mind that abuse has happened, except, perhaps, that of the abused person. If we see that that act has happened and we know that that act has happened, surely that proves that we have the *actus reus* for a criminal prosecution. It is not about prosecuting those who simply think about abuse but about prosecuting those who act on it and abuse their partners.

I will turn to some statistics, because a number of Members raised the issue during the debate, and, as we bring it to a close, it is important that we go back to the issue of victims and survivors. The PSNI's most recent statistics, from September 2020, show that, during the period from 1 October 2019 to 30 September 2020, 32,015 domestic abuse incidents were reported in Northern Ireland. That represents an increase of 128 on the previous 12 months and is the sixth-highest figure recorded in a 12-month period since the start of the data series in 2004-05. Furthermore, the police recorded 18,885 domestic

abuse crimes during the same period, showing an increase of 9.1% from the previous 12 months and the third-highest level 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, as Rachel Woods said, those are only the reported figures. Many more victims suffer across Northern Ireland but cannot or do not feel able to report it to the police.

Domestic abuse crimes made up 19.1% of police-recorded crime during that period, which is an increase from 16.5% during the previous 12 months. Increases were seen in all major offence types except sexual offences. The largest volume increase in domestic abuse crimes was seen in offences of harassment, which increased by 1,270. That is a 49.8% increase, although there were changes made to how those offences are recorded. It highlights, however, how important it is that the Protection from Stalking Bill had its First Stage in the House today, because it is increasingly an issue.

There was an increase in that period too in male victims. During 2019-2020, 69% of domestic abuse crime victims were female and 30% were male, compared with 75% female and 25% male in 2004-05. There was an increase in victims in the younger and older age groups. In 2004-05, three quarters of victims — 75% — were between the ages of 20 and 49. By 2019-2020, that had fallen to 64%. Over the same period, increasing proportions were seen in the younger and older age groups but particularly in victims under the age of 15: children suffering domestic abuse.

During 2019-2020, almost three in five relationships between the domestic abuse victim and offender were categorised as being current or ex-spouse, partner, boyfriend, girlfriend, husband or wife. Just under a quarter were parent and child relationships. Of all offenders dealt with by police during 2018-19 in connection with domestic abuse crimes that resulted in an outcome, 86% were male and 12% were female.

The majority of offenders were aged 18 and over.

Those statistics make grim reading. However, behind each of those statistics are individuals who live in fear, whose homes are not a safe place, whose lives have been turned upside down and whose very being is in turmoil because of the continual abuse and stress that they are living under. Given the numbers, they are our friends, family members, neighbours and members of our community. We know them, and they know us. My final words are for them: do not suffer in silence, do not feel guilt or shame and do not be afraid to speak up and to reach out for help. Help is there. You will be heard, you will be believed and you will be supported. There is a better and safer future for you. Justice can and will be done. Thank you.

Mr Deputy Speaker (Mr McGlone): Before we move on, there is a bit of housekeeping. Because the business on the Order Paper is not expected to be disposed of by 6.00 pm, in accordance with Standing Order 10(3) I will allow business to continue until 7.00 pm or until it is complete.

Before we proceed to the Question — the Minister and Kellie Armstrong referred to this — I advise Members that the functions of the DPP set out in the Justice (NI) Act 2002 can be altered only by provision in an Act of the Assembly passed with cross-community support. The imposition of mandatory training requirements by clause

32 of the Bill will alter the functions of the DPP and, as a result, will require cross-community support.

Question put.

Some Members: Aye.

Mr Allister: No.

Mr Deputy Speaker (Mr McGlone): Have we still a dissenting voice?

Mr Allister: Mr Deputy Speaker, I put it on the record for the reasons that I have accounted for. It is quite clear that there is no other support, but I am happy that it is on the record.

Mr Deputy Speaker (Mr McGlone): You are happy that it is on the record. OK. Members, as that is on the record, we will not move to a Division. It is clear that there is no dissent. As there are ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

Resolved (with cross-community support):

That the Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) do now pass.

Mr Deputy Speaker (Mr McGlone): I congratulate all those who have been involved in this serious and important piece of legislation. I am sure that many people out there will say a big thank you to you all. Members should take their ease.

6.00 pm

(Mr Speaker in the Chair)

Assembly Business

Standing Order 10(3A): Suspension

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).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 18 January 2021 be extended to no later than 7.30 pm. — [Mr O'Dowd.]

Ministerial Statement

Public Expenditure: Draft Budget 2021-22

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 light of social distancing being observed by all 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 ensure 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. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the period for questions afterwards.

Mr Murphy (The Minister of Finance): I wish to update the House on the Executive's agreement to a draft Budget for 2021-22. Members will know that the Executive cannot set their Budget without a funding envelope being set by the Treasury spending review. I had hoped that the Executive's Budget would be set last summer and would provide a multi-year settlement. That would have provided the Executive with sufficient time to reprioritise, plan and consult the public. However, the spending review outcome was not announced until 25 November 2020 and provides only a single-year Budget.

In those circumstances, I tabled a draft Budget for the Executive's meeting on 10 December that largely rolled over Departments' existing baselines for another year. Unfortunately, it was not until today that the paper was allowed onto the Executive's agenda for decision. That delay has further shortened the time available for consultation.

Excluding the funding provided for COVID-19, the spending review outcome provides a broadly flat-cash position for normal departmental spending, once one-off funding for public services in 2020-21 has been factored in. It is that spending review outcome that forms the basis of the draft Budget that I am announcing today.

The spending review has not delivered the support required to kick-start economic recovery in the context of COVID-19 and Brexit. The outcome reflects an effective flatlining of the 2020-21 Budget position. With increased demands on public services, and taking account of inflation, it will be a challenge merely to deliver existing services at their current levels. Make no mistake: the spending review outcome has led to very difficult Budget settlements for all Departments.

Of course, the Executive have the option to increase revenue through the regional rates. However, in recognition of the impact that COVID-19 has had on jobs and households, we are freezing the regional rate both for domestic and non-domestic customers. I call on councils to consider taking the same approach when setting their district rates.

Members will know that I am looking at how additional business rates support can be provided in 2021-22. In this difficult financial context, the Executive have prioritised allocations to continue welfare reform mitigations and to provide for Agenda for Change pay, which will support our

health service staff. Those allocations reflect the priority that the Executive place on protecting the vulnerable and supporting our front-line health and social care staff, who have been at the coalface of the fight against the virus. We have also provided funding for pupils with special educational needs, reflecting that this is a crucial stage in young people's lives. However, I recognise that, for most Departments, the draft Budget outcome represents a flat-cash settlement that will mean effective reductions once increased costs and demands on services are taken into account. Choices will have to be made, public services will have to be prioritised, and, if Ministers want to start new programmes, they may have to stop others.

I turn now to the capital budget. The draft Budget sets out some £1.75 billion of capital spending. It will help to deliver on the Executive's flagship projects, including the A5, the A6 and the new mother and children's hospital. Those capital allocations will enable investment in our infrastructure while supporting the construction sector. I can also announce that funding has been allocated to enable work finally to begin on Casement Park. More widely, the draft Budget will also help to deliver key capital projects that will encourage investment and drive our economy: for example, investment in water infrastructure and in the school estate. The level of funding provided also delivers on the NDNA priority to increase investment in social housing. That investment will help to address high levels of housing need and stimulate the construction sector.

People will want to know what provision we have made for dealing with the impact of COVID-19 into the next financial year. The spending review provided £538.2 million of funding for COVID support in 2021-22. That compares with £3 billion in the current financial year. The Executive have allocated £380 million to the Department of Health for the COVID-19 response and vaccine support; £30.6 million to the Department of Education to support families on low incomes through holiday hunger payments; and £700,000 to the Department for the Economy for higher education places following the uncertainty that surrounded the A-level results last summer. The £126.9 million balance of our COVID funding will be held for further consideration as part of the final Budget.

Due to legislative constraints, the Executive's Budget is restricted to the amounts set out by the Secretary of State and notified to the Assembly in my written ministerial statement of 1 December 2020. Unfortunately, the Secretary of State failed to confirm a number of previously agreed financial packages, and, as a result, those cannot be formally allocated as part of the draft Budget. They include confidence and supply funding, city deals funding and New Decade, New Approach funding, and come to £254.4 million for 2021-22. I hope that the Secretary of State will confirm those important funds in time for them to be incorporated into a final Budget in the coming weeks.

The Secretary of State has also yet to provide funding for the victims' pension, which his Government designed and legislated for. Indeed, Mr Lewis has refused even to meet the First Minister, deputy First Minister, Justice Minister and me to discuss the funding of the victims' pension payments. The Executive are fully committed to delivering those payments, and, in line with the British Government's statement of funding policy, it is the responsibility of the British Government to provide the necessary funding. I

hope that the Secretary of State will meet with Ministers to discuss how the significant costs involved, which the Justice Minister has estimated might be as much as £800 million, will be funded.

As part of the Budget process, I am commencing a period of consultation to help the Executive to form a final Budget before the new financial year. As a result of the delay in the spending review, it is possible to allow only a short period for the consultation process, with replies due by 25 February 2021. Details of how to respond are available in the Budget document that accompanies this statement and on the Department of Finance website.

In conclusion, the Budget seeks to protect key public services in a very challenging financial context. I hope that this one-year Budget will act as a bridge to a multi-year Budget that allows the Executive to reprioritise their spending properly and plan for the longer term. I commend the draft Budget to the House.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for the statement and for meeting with me earlier today to discuss its contents. The Finance Committee considers that Budget scrutiny is a primary foundation of good government that recognises the respective roles of the Executive, in producing a draft Budget, and Assembly Committees in undertaking and exercising their scrutiny duties. Notwithstanding the unprecedented events arising from the pandemic this year, the Committee is very concerned that delays in progressing the draft Budget will have a direct and very adverse impact on the scope for legitimate scrutiny and engagement with key stakeholder groups.

The Minister indicated that the Executive has received around £3 billion of COVID support from our nation's Treasury in the current year and that some of this money remains unspent. Minister, is there a danger that Departments will hand back COVID money in March, only to find themselves with Budget shortfalls in April? I know that the Minister is seeking flexibility from HM Treasury with regard to unspent COVID resources. Will he use that flexibility to fund a rates holiday for hard-pressed local businesses? I advise the Minister that the Committee strongly supports the full take-up of the £200 million per annum of the available reinvestment and reform initiative (RRI) borrowing. What measures is he bringing forward to make sure that Departments make the best use of that cheap form of borrowing?

I thank the Minister for his comments earlier, but I have already started engaging with other Committees to encourage their Ministers to look at this money and at the likelihood of any underspends this year to make sure that money is not going back to the Treasury.

Finally, there is obviously concern that, within the draft Budget, there is no provision for the victims' payment scheme or the Troubles permanent disablement payment scheme. The Minister has already given an explanation around why this is the case, but, bearing in mind that the courts have ruled that the Executive was obliged to make the relevant provision in this Budget, will he outline how we are going to get to that point? Thank you.

Mr Murphy: I thank the Chair of the Committee for his comments, the support that he has offered me over the course of trying to get the Budget paper to the Executive and agreed, and for the conversation with the Committee

last week on these matters. Of course there is concern about potential underspends. We had £3 billion of COVID money on top of the money that Departments already had to spend over the year. It is a significant challenge, and a lot of the COVID money came late in the year. Although we have allocated the vast bulk of it, we received an additional £200 million on Christmas Eve. It was a Christmas present from the Treasury, but it was just before we broke for Christmas and added to the money already there.

Departments are beginning to return money, and I intend to bring a January monitoring and COVID paper to the Executive on Thursday. Departments have begun to return some amounts that they fear they will not be able to spend. As he said, there are two ways to address this. One is that we encourage all Departments to bring forward schemes and to redouble their efforts to make sure that whatever sectors are under their responsibility get the necessary support over the next two and a half months. We are also lobbying very strongly, alongside the Finance Ministers in Scotland and Wales, with Treasury to allow us the maximum flexibility to carry over some of that money into the new financial year. Whilst we have a significant proportion of money to spend in this financial year, our challenges arise in the next financial year, for which we have been allocated, as I have said, a flatline Budget which, in effect, is a cut for some Departments. The COVID money that we have allocated is only a small proportion of the COVID money that we have received this year. We want that flexibility to carry over as much as we can to assist with some of the pressures that we will undoubtedly meet in the next financial year.

With regard to RRI borrowing, I have identified that two Departments have asked for £70 million each — the Department for Communities and the Department for Infrastructure. That will help the Department for Infrastructure to carry out the very necessary water and sewerage work. It will allow for other development, not just public-sector development but private sector as well, and stimulate construction and development. For the Department for Communities, as we have said, there is an NDNA commitment to a significant housebuilding programme. This will help support us to meet that commitment, and I look forward to those projects being developed in full.

6.15 pm

That leaves an additional £60 million of RRI borrowing that is accessible over this year. I know that a number of Departments are interested and have expressed an interest in bringing forward projects, among them the Department of Health and, potentially, the Department of Education. I look forward to engaging on that with those Departments and their Ministers before we get to the final Budget paper.

The final question that the Member raised was about victims' pensions. I am, of course, conscious of the findings of the court and the responsibility that we have to address that. That means not just the responsibility that the court placed on us but the responsibility that we have to victims to find a solution. As the Member will know, the Government changed the agreement that we collectively reached at Stormont House. They drafted a new policy and legislated for it, and, under their statement of funding, they are required to meet the costs.

We have not yet had an accurate final cost for victims' pensions, but the top-level estimation of the Department of Justice is certain to be well beyond the finances available to the Executive over a number of years. We have tried diligently to get conversations with the Secretary of State but to no avail. In order to meet not only that court requirement but the requirements of victims, I want to have the matter agreed before the final Budget statement comes to the House and goes to the Executive so that we can get some certainty for victims. We hope that the Secretary of State will eventually commit to meeting us. As I said, a joint meeting was sought with the First and deputy First Ministers, the Minister for Justice and me. We have not been able to get that meeting yet. I will also continue to talk to Treasury about these matters, because it will also have an input, not just the Northern Ireland Office. We want to see the matter addressed and resolved by the time that we get to the final Budget stage.

Mr Frew: Radical thought seems to be non-existent in this Budget. In a time of great challenge, we seem to be doing the same thing over and over again, so will the Minister ensure that the final Budget will contain sufficient revenue allocations to promote economic recovery when the Executive allow businesses to open and trade freely?

The two Departments that seem to be hit hardest in this time of challenge are Health and Education. Will the Minister give a commitment to the House that he will look seriously at RRI borrowing for Health and Education?

Mr Murphy: With regard to radical rethinking, the funding that we hoped to announce in the summer did not get announced until 25 November. We were told right through the autumn that we were working on the basis that we were going into a multi-annual Budget situation. We were told abruptly at the end of November that it was to be a single-year Budget. That funding was then not confirmed for a further 14 days by the Secretary of State, as is the requirement. Therefore, the ability to engage in a significant reprioritisation exercise was taken away from the Executive because of the timescales involved.

Nonetheless, we want to see economic recovery. Economic recovery is, of course, led by the Department for the Economy but is not the responsibility solely of that Department. The capital funds that we have found for housebuilding and the necessary sewage and water treatment work that will underpin all sorts of developments that might happen, public and private, will make a significant contribution to construction, which makes up about 20% of our economic activity. Of course we want to support the Department for the Economy in the time ahead, and we will do all that we can to support it. All Departments recognise that every one of them is in a difficult position as a consequence of a Budget that we did not seek and that we find unacceptable.

In relation to RRI borrowing for Health and Education, of course I am happy and willing. When we published the initial draft Budget, the Departments that came back to us were Communities and Infrastructure, which said, "We had significant capital bids that were not met. We would like to examine the possibility of using RRI borrowing", and we were able to do that with them. I am doing a similar exercise with Health, and we will do one with Education, should it come forward with some projects.

Mr G Kelly: Go raibh maith agat, a Cheann Comhairle, agus gabhaim buíochas leis an Aire as an ráiteas seo. Thank you, Mr Speaker, and I thank the Minister for the statement. There is a lot in it to be welcomed. He mentioned investment in social housing: how many homes does he anticipate will be built in the coming year with that funding?

Mr Murphy: I thank the Member for his question. I agree that there are things to be welcomed, but the overall picture is not good, as I have made clear. While we are able to find some good news in how the Executive will prioritise the limited resources available to us, the picture is not the one that we would have wanted.

I am trying to find the figure from the Department for Communities, but I am told that it intends to have around 1,900 new builds next year. That is a significant number, not just to meet the acute housing pressure. I have listened to the Minister for Communities address the Executive over the past number of weeks, and I understand that the pressure has built during the pandemic and that housing stress has become more acute and has risen more rapidly, as, I am sure, has happened to many public services. The contribution to economic activity that that level of construction will bring is also to be welcomed.

Mr O'Toole: Minister, whatever about food supplies being disrupted as a result of Brexit, I am afraid that the draft Budget statement is, as you have acknowledged, pretty thin gruel. The statement is fairly brief.

I want to ask the Minister a couple of things. First, what is the picture on underspend? It is critical to understand what we are not spending this year in order to understand how badly off we will be next year. Secondly, the draft Budget document that was recently published online mentions just under £70 million in lost EU funding. However, from what I have seen, that is not in today's statement. Will the Minister confirm exactly how much lost EU funding there is? It is falling particularly hard on Invest NI. There is a lot in here that we need to study in more detail, particularly in the draft Budget document, and I hope that there will be the opportunity to do that.

As a final thought with regard to lost opportunities, as the Minister said, we are, sadly, being squeezed very tightly. Unfortunately, we are finding £2.5 million to spend on Sammy Wilson's phantom flights. What an absolute disgrace. Is there no way that we can address that man's absolutely ridiculous folly, Minister?

Mr Murphy: I am happy to look at the flights issue, particularly in relation to where we are now. The Member will know that connectivity is a key factor in our economic recovery.

We have not identified EU funding because the discussion with Treasury on some elements of that funding and Brexit costs goes on. However, with regard to the Shared Prosperity Fund, from which the Department for the Economy has drawn down a significant amount of money — I think that it is around £70 million, although I do not have access to the figures now — the letter that I saw over the weekend from the Chief Secretary to the Treasury to the Scottish Finance Minister does not fill us with any degree of hope. He confirmed that the Treasury's intent — we will continue to challenge it along with Scotland and Wales — is to hold on to that replacement European funding of, he said, £1.5 billion and allocate it centrally

from Whitehall and use it to contribute to the levelling-up fund. From my reading, that is really about channelling money into northern English constituencies, perhaps to try to hold on to the seats that the Conservatives won. That paints a poor picture for us here with regard to our access to lost EU funding. The Member will know that we understood and intended that we would have the funding that we previously had and that it would be given to the Executive to allocate against our priorities. However, it appears that Whitehall and the Treasury are set in a different direction. That is not in the statement because it has not been finalised. We will continue to fight that battle over replacement EU funding.

Mr Speaker: Members, as is always the case in these circumstances, a limited amount of time is available to us. Steve Aiken, as the Chair of the Finance Committee, asked a number of questions, because Chairs are always given greater latitude. However, I do not want that to affect other Members' contributions. When Members ask multiple questions, they need to understand that a Minister is obliged to answer only one, although Ministers normally try to answer as many as they can. However, I am trying to make sure that as many Members as possible get to speak. Therefore, when Members can, they should limit their questions. Thank you.

Mr Muir: I have only one question. It is blue Monday, and I am trying to be positive, but, as I read the draft Budget, that is really hard. A lot of that is because the UK Government have welshed on their commitments. These institutions were re-established about a year ago on the basis of commitments, and they are not being fulfilled.

My question is on rate relief. Throughout the pandemic, a lot of businesses have suffered really badly, and Brexit is also having an impact on them.

What consideration is being given to rate relief for businesses in the next financial year? I am conscious of the fact that some of them will not be able to pay their non-domestic rates bill if they land in April.

Mr Murphy: I thank the Member for his question. I am conscious that the Chair asked me that as well, but I neglected to deal with it, as I was trying to get through the number of questions that he had asked. Yes, businesses have made it very clear to us that the thing that they would like that would benefit local businesses — small, medium and large — most is a continuation of the rates holiday that many of them have experienced over the past 12 months. Some of the carry-forward COVID money that we have bid for and argued for is intended to provide some level of rate relief into the next financial year, and hopefully as much as we can possibly provide. Hopefully, if the vaccination programme rolls out and the pandemic begins to recede, a lot of businesses will re-emerge and be back trading again in the new financial year, but they will continue to struggle with bills.

Rates is a particular bill. The business community has argued in all of our dialogue with it over the past year that the one measure that has had the most impact, by providing it with a level of support, is the taking of the rates bill off the table. That has also assisted councils, as it has given them a guarantee for their rates income. It is something that we very much want to do, and we have earmarked money to be set aside into the next financial year to do that. The earlier that we can give businesses the

advice that that is what we intend to do, the more that they can plan and budget for next year.

Ms P Bradley: I thank the Minister for his statement. I also welcome the freeze on the regional rate. I agree with the Minister and encourage all councils to do the same with the district rate.

My question relates to what Mr Kelly asked earlier. We know that any investment in social housing should involve not only new builds. Investment in our present stock is much needed. We also have the added issue of the tower block strategy and people being displaced, especially in north Belfast, where there is not the land on which to build. If all the money allocated is going to new builds, will any other money be made available for those other, much-needed housing strands?

Mr Murphy: There has been a substantial capital allocation made to the Department for Communities for usage, but, obviously, it will be up to the Minister to prioritise. I am sure that the Committee and its Chair will be in dialogue with her and her officials about the priorities that they think that they should be following. The additional £70 million that we earmarked was an unmet bid. The Department for Communities therefore has quite an ambitious capital programme for next year. We identified £70 million of RRI funding to try to contribute towards that, particularly to meet the NDNA commitment on social housing. It will be up to the Minister for Communities to identify where the rest of her capital budget will go to once the final Budget paper is agreed. I am sure that she will consider issues such as those that you have raised.

Ms Dolan: I thank the Minister for his statement this evening. The level of COVID funding will reduce dramatically next year. Given that some Departments will return money late in the year, can COVID money be carried into the next financial year?

Mr Murphy: As I said in answer to the Chair earlier, we have gone back to Departments to try to ensure that they will spend out. We wanted an early return if that was not going to be the case, and we have had some returns. As I said, I will be bringing a paper to the Executive on January monitoring plus COVID. Clearly, the larger element of the underspend is from COVID allocations. We want Departments to come forward, because there is still a very significant and continued need out there from businesses, communities, hospices, farming communities and other sectors. We want to see whether we can allocate more of that money ahead of the end of the financial year. In recognition of the particular challenge of spending that out and the challenge of having a poorer Budget next year, we will try to carry over as much as we can in order to try to ease pressures. It is a combination of trying to spend out what is available and seeking as much flexibility from Treasury as we can possibly get to carry over money into the next financial year.

Mr Buckley: This statement, like many of the Minister's statements in the past have been and as many of his statements in the future will be, is dominated by COVID-19 and the response to it. Although I welcome the £538 million in the next financial year, the reality is that it falls far short of the £3 billion that was pledged last year. I support the call for the Treasury to allow flexibility to carry over funds into next year. That is essential.

The Minister will know that the most vital support for small business has been rate relief. I support the call for the continuation of that.

Equally, VAT has been a crucial support line for many businesses in the sectors affected. Has the Minister had any conversations with Treasury as to a continuation of that reduced VAT rate?

6.30 pm

Mr Murphy: The Member is correct that that has also been vital. That is not in this because it is not within our remit or our control. However, yes, we continue to talk to Treasury in relation to all the schemes that it runs. Obviously, the furlough scheme was essential to keep workers paid over the course of this. The VAT scheme was a great contributor to an awful lot of businesses as well. The furlough scheme will now go up to the end of the financial year, which is good news. We will encourage Treasury to consider extending the schemes and protections that have been built in into the new financial year, and I hope that we have some success in doing that.

Ms Anderson: Minister, we read last week that some of your ministerial colleagues want you to address the EU shortfall perhaps by taking money out of other Departments' budgets; the irony in that, if it is true. I have listened to your response. Are you saying that the shared prosperity fund — the fund that Brexiteers told us was going to replace all the European funding — is not going to replace the European social fund and the European regional development fund? Have there been any further developments in the replacement of EU funding for next year?

Mr Murphy: The shared prosperity fund may well replace the funding that came from Europe, but it will not replace it in the way that we are used to receiving it. There is a clear indication, particularly in the most recent communication from the Treasury to the Scottish Finance Minister, which was shared with me over the weekend, and in the legislation that is passing through Westminster, that they intend to hold that fund centrally with people having to bid in. They have now gone further and said that they intend to use it as part of the levelling-up process. Of course, the levelling-up process, as announced by various Government Ministers, including the Prime Minister, is really about the north of England.

First, I think that our chances of receiving the same allocations are very limited. Secondly, those allocations are not set by the Executive against our priorities and the priorities to suit the people who we represent here. Therefore, I do not believe that we are going to receive anything like the same level of funding that this Executive received as part of EU funding and spent down through its Departments. We will continue to fight that battle to see whether we can change Treasury's mind. The Executive have an agreed position that we want to access the funding that we got previously and be able to allocate, prioritise and distribute that according to our own priorities. However, the Treasury seems very intent on a different direction, one that, I think, will be damaging to the people here because we will not have access to funding that, over the years, was vital to supplement a lot of departmental budgets and to provide much needed support on the ground.

Mr McGrath: As has been mentioned, it would be unthinkable if those who were severely injured and have waited so long have to wait again for a victims' payment. In your statement, you said that the Secretary of State has refused to even meet to discuss the funding for the victims' pension payments, which must be an affront to those in that sector. Is there an opportunity to move the ignorant Secretary of State out of the way and go directly to the British Prime Minister to get this issue sorted for that sector immediately?

Mr Murphy: The Secretary of State has been tasked with the responsibility of sorting the issue out, so, in the first instance, we want to talk to him, but he is not the British Government. I talk to Treasury regularly. We will continue to raise this and other issues where funding arrangements have not been finalised. He is quite correct that it adds to the pain and anguish of victims when, on an issue such as this, what seems like an unseemly squabble over finances has not yet been resolved, even though the administration has been put in place by the Executive to make sure that the process can continue. It clearly needs to be resolved. We have no official estimate or figures attached to what the British Government legislated for, but, according to some of the estimates that the Justice Department has brought forward, it would be beyond the scope of the Executive.

That is, unless we were to reduce that over the lifetime of the victims' pension. If it was against the high-level estimate that the Department of Justice brought, we would be taking £0.5 billion off the health service and £150 million off the Education Department over the lifetime of the scheme to match that. Clearly, it is not sustainable for the Executive to continue to provide public services and do that. I hope that the Secretary of State will engage in the times ahead. If he does not, I will ask Executive colleagues that we press whatever buttons we can to get this issue resolved in time for the final paper.

Mr Nesbitt: This time last year the newly appointed Health Minister was addressing the issues of nurses' pay and safe staffing levels. I note that the Minister says that the Executive have prioritised allocations for agenda for pay in the health service. However, can the Minister go further tonight and commit the funds to deliver on nurses' pay and safe staffing levels and to do so in a sustainable manner, and not through non-recurring means such as monitoring rounds?

Mr Murphy: To do so, I would have to ask another Department to surrender money because the Government in London — supported for nine years while they delivered austerity policies upon us by elected Members from this part of the world — have decided to give us a flat-cash Budget. In order to meet increased demands on pay, we would have to take consequential resources off another Department.

What I can commit to, and what I have committed to the Health Minister in recent conversations with him, is that the money will be found to do those things. The Executive, as part of this paper, have committed to find money for safer staffing levels and those issues in the Health Department. The Health Department, as I can remember, has always had, over the last number of years, even prior to my being in the Department of Finance, a first call on moneys throughout the year in recognition of the particular pressures that the Health Department faces. That

prioritisation of the Executive will continue into the new financial year, and those issues will be addressed. They would be much better addressed if we had a Government in London that did not continue to follow austerity policies in relation to public finance pressures.

Dr Archibald: I thank the Minister for his statement, although it is disappointing that the Executive have been provided with only a standstill Budget. I am particularly concerned by the Minister's statement that the spending review has not delivered the support required to kick-start an economic recovery.

I ask the Minister whether he agrees that, given that the economy will only be entering recovery mode next year — depending on the path of the pandemic — what is needed now is economic stimulus rather than a return to austerity, as he mentioned in his previous answer, particularly so at a time when there are historically low borrowing rates.

Mr Murphy: In light of a very disappointing Budget allocation, we have to examine what additional measures we have to kick-start economic recovery and some of the RRI borrowing issues. We will examine ways to utilise the full level of RRI borrowing up to £200 million. There is financial transaction capital available to us, and we will be encouraging Departments to make bids that will utilise it. It is our responsibility to utilise all the options we can to support public services and to kick-start economic growth coming out of the pandemic. That will be a challenge; nonetheless, it is a challenge that we have to meet.

Ms Armstrong: I thank the Minister for bringing this depressing document to us. It is quite tough. I want to ask for clarification on a detail.

Included in annex A, table 2, there is a planned capital DEL of £28.4 million for Fresh Start for integrated shared education and shared housing. Given the comments made throughout the document about how disappointing the Secretary of State has been in coming forward, is there a risk that those 17 schools will not proceed if the planned money is not finally decided by the Secretary of State?

Mr Murphy: I have no reason to believe that that commitment will not be met. It certainly will operate on the basis that it can, should and will be met by the Secretary of State. We got recent correspondence from the Treasury on the Strule campus, which you know is a key shared education project for the Department of Education, with some clarity in moving forward, and that is good news. We wanted and should have been able to include in our Budget the figures for the money that the NIO has authority for. Those did not come through in time to do that, but our intention is to have them cleared and in the final paper.

Mr McGuigan: Minister, I have found some good news in the pages of your statement. I welcome the fact that funding has been allocated to enable work finally to begin on Casement Park. Certainly, that will be welcome news for Gaels in County Antrim and right across Ulster and Ireland, and I look forward to spending many days supporting my club of Dunloy there when it is built. As others said, essentially, what you are proposing is a rollover of this year's Budget into next year. As you said, it is a very difficult Budget settlement, for all the reasons that you outlined. Is it your intention to carry out a more strategic review of future Budget allocations?

Mr Murphy: I accept that there were consequences of the pandemic in London as well as here. If things had gone according to plan this year, we would have had a comprehensive spending review over the summer, we would have had a multi-annual Budget, and we would have had a process to enable us to do strategic and longer-term thinking and prioritise Executive plans over a number of years. That, however, did not happen, and we ended up with an announcement at the end of November, confirmation in December and an annual Budget scenario yet again. Of course, over this coming year — the next financial year — we want to plan again for the ability to set more strategic priorities. We have a five-party Executive, and we have the ability to have input from all the parties, with the exception, of course, of the Green Party and PBP, which are not in the Executive. That allows, going forward, for a broad approach in the Executive to prioritising spending in a more strategic way. I hope that we are in a better Budget scenario in the financial year beyond the next one and into a multi-annual Budget to allow us to be able to do that.

Mr Beggs: I thank the Minister for his statement. Like others, I feel that it is very sparse and difficult to scrutinise. I have noticed that the Scottish and the Welsh Governments have a degree of pre-Budget consultation, with one starting in June and one in September. Does the Minister accept that it is very disappointing that, despite having been in post for a year, he is announcing a largely flatlined Budget? There has not been detailed planning, scrutiny or prioritisation to decide how we should spend the money that is available to us.

Mr Murphy: It is very hard to prioritise and plan how to spend money when you do not know how much you have, when you do not know the period over which you are to spend that money and when you get an announcement about that at the very end of November and confirmation of it on 8 or 9 December. I am disappointed with the Budget outcome. I did not campaign for the Tories to be in government; you did, and they brought austerity policies with them. That was nine years ago. You might remember the Ulster Conservatives and Unionists — New Force (UCUNF): that incarnation of the Ulster Unionists and the Tory party. David Cameron was over here, and you wanted to get him elected to replace Labour, and he brought with him nine years of austerity policies that continue to affect us. I am disappointed by the outcome, as you should be, but I never supported them in the first instance.

Mr Allister: Minister, 2021 will be a very important year for many in this community. It may not matter much to you, but given that this is the intended Budget of the Government of Northern Ireland, how much do the Government of Northern Ireland intend to spend on the centenary and on projects for the centenary? Can you tell us that? Surely it is not nothing, just like the innocent victims of terrorism got. What would that say about the alleged inclusiveness and outreach of the Executive?

Mr Murphy: Well, 2021 is an important year for me as well, because it represents 100 years of partition on the island. Of course, there are those who would like to celebrate that, and the budgets for it will be included in TEO's overall spend.

Mr Carroll: It is very concerning that the Budget represents a flat-cash position, and it is very disappointing that most Departments will, effectively, have to face

reductions, as the Minister stated. It seems as though the lessons of the last 10 years have not been learned. The squeezing and cutting of services will be ramped up if this goes ahead. What discussions has the Minister or his officials had with the Secretary of State about implementing a COVID wealth tax? To me, it is absolutely disgusting that, during this pandemic, billionaires have increased their wealth by £25 billion at the last count and likely by more now, and we are asked to take crumbs to deliver our public services over the next number of years.

6.45 pm

Mr Murphy: I share the Member's opposition to the way that policies are framed in London. We have always made clear that that is the case. Of course, taxation matters are a matter for the Treasury and not the Secretary of State, and when we cannot get a meeting with the Secretary of State in relation to victims, I suppose it would be a bigger stretch to get a meeting in relation to taxation issues. We continue to raise the unfairness of this approach of deciding to cut public services in the first instance whenever any financial squeeze comes on and spend vast amounts of money in other areas that do not benefit people in their everyday life. We will continue to make those arguments in London for a fair allocation and a fair approach to government spending, but I have to say that I do not have a huge amount of confidence, given the Government that are currently in position there, that those arguments will fall on any willing ears.

Mr Speaker: Members, that concludes questions on the statement.

Adjourned at 6.46 pm.

Northern Ireland Assembly

Tuesday 19 January 2021

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Public Petition: 40 mph Speed Zone on the A48 for the Cotton Community

Mr Speaker: Mr Alex Easton has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr Easton: Mr Speaker, thank you for allowing me to present this petition to the Assembly. It is not the biggest petition in the world, and it has only 100 names, but, as I briefly speak, the reason why I am presenting it will maybe become clear.

The petition is to ask the Infrastructure Minister to have the speed limit on the A48 Cotton Road reduced from 60 mph to 40 mph. That is an extremely busy road and is the main thoroughfare between Donaghadee and Bangor, Newtownards and, indeed, Belfast. There are 334 people who live in the rural community of the Cotton, which is also a townland. We visited over 100 houses when we were calling round before the lockdown. Many harrowing stories were recounted of near misses with cars that were trying to get out from Bailie Terrace on to the Cotton Road. Indeed, residents recall that accidents that happened were never reported because they did not believe that Transport NI would ever do anything to reduce the speed limit.

Since I was elected in 2003, I have been trying to get traffic-calming measures put outside the Cotton and the speed limit reduced. Unfortunately, since then and before my time, residents have never been able to get the speed limit reduced, despite this being a rural community.

I pay tribute to Councillor Janice MacArthur and Alderman Bill Keery, who spoke to the residents and helped with the petition.

Work was meant to have been done on the Cotton Road coming out of Bailie Terrace — there is a hill there that blocks the sight lines and makes it extremely dangerous — but, unfortunately, Transport NI cancelled that work some time ago. There is also the old Cotton Primary School, and I received correspondence from the Education Minister recently to say that his Department would look to use that for special needs pupils. It is imperative that something is done on the A48 to protect those who may attend that school in the future.

We have many villages in North Down, such as Groomsport, Millisle, Conlig and Crawfordsburn. All the main roads that go through those villages have reduced speed limits, and I expect the Cotton Road to be the same. I do not want to have to come back to the Assembly after

someone has been killed. There was a serious incident in which a young lady was knocked down and seriously hurt in October. I pass on the Assembly's best wishes to her for a full recovery.

In conclusion, Mr Speaker, thank you for allowing me to present the petition to the Assembly. It will now be passed on to the Infrastructure Minister. Hopefully, something will be done to reduce the speed limit on the A48 Cotton Road.

Mr Speaker: As the Member knows, I would normally invite him to bring his petition to the Table and present it. However, in light of social distancing, I ask the Member to remain in his place, and I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister for Infrastructure and send a copy to the Committee.

Ministerial Statement

North/South Ministerial Council: Agriculture

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 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 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 questions. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during the statement or the question period that follows.

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): With your permission, Mr Speaker, I wish to make a statement in compliance with section 52 of the Northern Ireland Act 1998 regarding the twenty-seventh North/South Ministerial Council (NSMC) agriculture meeting, which was held in the NSMC joint secretariat offices in Armagh by videoconference on Wednesday 18 November 2020. Nichola Mallon MLA, the Minister for Infrastructure, and I represented the Northern Ireland Executive at the meeting. The Irish Government were represented by Mr Charlie McConalogue TD, the Minister for Agriculture, Food and the Marine, and Heather Humphreys TD, the Minister for Rural and Community Development. I chaired the meeting. The statement has been agreed with Minister Mallon, and I make it on behalf of both of us. It was a very positive meeting, and a lot of progress was made. I will now take each paper in the order in which it was discussed.

The NSMC noted the collaborative approach to further studies of COVID-19 risk in meat-processing plants, the current position on the ongoing difficulties being experienced in agricultural markets and the associated measures introduced to address those difficulties. Ministers noted the continuing close contacts between officials from the Department of Agriculture, Environment and Rural Affairs (DAERA), the Department of Agriculture, Food and the Marine (DAFM) and the Department of Rural and Community Development (DRCD) on a range of issues associated with the pandemic.

The Council noted the work being carried out to prepare for the end of the transition period and agreed to investigate further the potential for cooperation to address specific challenges that may arise in the sector relating to the UK's withdrawal from the EU.

Ministers noted that DAERA, DAFM, and DRCD will hold a workshop in early 2021 to review the work programme in the agriculture sector and that an update paper will be brought to the next agriculture sectoral meeting.

On the common agricultural policy, the NSMC noted that DAERA intends to launch its future agricultural policy framework for Northern Ireland in the coming months. It also noted the simplifications that DAERA intends to make to the rules that govern direct payments for the 2021 scheme year and the longer-term approach to support payments that is being considered by DAERA.

The Council also noted the future plans that are being developed by DAFM for the agri-food sector under the latest CAP proposals. Ministers noted the close contacts between DAERA and DAFM officials on areas of mutual interest in the agri-food sector, in particular on significant environmental issues as they relate to the implementation of future agriculture policy.

On animal health, the Council welcomed the continuing work and progress achieved on the delivery of the all-island animal health and welfare strategy action plan since the previous NSMC agriculture sectoral meeting. Ministers encouraged officials from both jurisdictions to seek ways in which to maximise existing cooperation on animal health and welfare and looked forward to the continuation of practical and effective cooperation on animal health and welfare and disease control in both jurisdictions so that the health and welfare of livestock is maintained at the highest level.

The NSMC noted the progress that has been made on the review of the all-Ireland Chalara control strategy by DAFM and DAERA officials in response to ongoing scientific and surveillance evidence and on the research programme being undertaken to develop a population of Irish planting stock tolerant to Chalara ash dieback disease. Ministers noted DAFM and DAERA's ongoing commitment to continuing to work towards the shared objective of achieving and maintaining good plant health status on the island. Ministers welcomed the continued cross-border cooperation in dealing with tree and plant health and in the shared approach to regulation, as evidenced through a common approach to oak processionary moth risk management. Ministers also welcomed the joint approach to the continued sharing of science and diagnostic capability and to the regulation of the use of pesticides.

The Council welcomed the continuing cooperation between both Administrations and the ongoing work to improve farm safety. Ministers welcomed the issuing of a joint North/South press release on increasing awareness of farm safety across both jurisdictions, the sharing of information on the On Feirm Ground programme and on the EU-funded cooperation in science and technology (COST) action programme on farm safety, the sharing of the Northern Ireland Farm Safety Partnership's fourth action plan and the sharing of commissioned farm safety research results.

The NSMC noted the ongoing work in both jurisdictions to develop rural policy and the strong commitment to further enhancing the sharing of information and best practice on rural development policy. Ministers noted the good progress made in both jurisdictions on implementing the LEADER element of the rural development programme under the areas of cooperation and the excellent progress being made towards the development of a co-produced rural development support package for inclusion in the new PEACE PLUS cross-border programme, which will contribute to a more prosperous and stable society in Northern Ireland and the border region of Ireland.

The Council welcomed the ongoing good collaboration between DAERA and DAFM aimed at maximising the drawdown of EU funding under Horizon 2020 and the €102 million in funding that has been secured to date by successful applicants in both jurisdictions for the agriculture, forestry, food and marine sectors and the bio-economy. Ministers noted the progress that has

been made in funding projects in both jurisdictions under the DAFM national competitive call and the agriculture research themes under the US-Ireland R&D Partnership programme.

Finally, the Council agreed to hold the next agriculture sectoral meeting in early 2021. I welcome the re-establishment of formal NSMC meetings and look forward to working with my counterparts in the South.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I thank the Minister for his statement. It states that he intends to launch his:

“Future Agricultural Policy Framework ... in the coming months.”

He will be aware that the South of Ireland is consulting on its national strategic plan for the common agricultural policy, with a confirmed €10.5 billion budget along with more than €1 billion from the Brexit adjustment reserve. As a consequence of Brexit, we are no longer in the common agricultural policy and have the financial uncertainty of having possibly no funding beyond this Westminster mandate and no progress having been made on the UK shared prosperity fund. As a consequence of that, is the Minister concerned that our farmers and rural communities in the North could be at a serious competitive disadvantage compared with our counterparts in the South?

10.45 am

Mr Poots: We have a commitment on the issues around Brexit and funding until the end of this mandate. No Government can make a commitment for a future Government; it will always lie with that particular Government. The EU runs seven-year cycles, and there is no commitment beyond the seven years in that respect either. Therefore, we should not be talking up the fact that there is no commitment beyond this mandate. We have a commitment for this mandate, and I believe that there will be substantial support for agriculture and the environment beyond the mandate of this Parliament. I do not believe that there is any profit in navel-gazing on this issue and seeking to create a straw man to suggest that this is something that may happen in the future. There is no evidence that that will be the case.

Mr Irwin: In relation to animal health, TB in Northern Ireland is one of the big issues and is very costly to the taxpayer. The Minister is aware that, in the Republic of Ireland, levels of TB are much lower than in Northern Ireland. Will he tell us what the Republic of Ireland is doing differently to Northern Ireland to give it lower levels of the disease?

Mr Poots: We met officials from the veterinary division of the Department of Agriculture, Food and the Marine. Essentially, they took a decision some time ago that they would deal with the wildlife transmitters of TB and, consequently, they saw a significant drop-off in TB in Ireland. Wildlife is a significant contributor here in Northern Ireland. All the evidence points to that, including the work that was done on the test and vaccinate or remove (TVR) project. The TB that is identified in the wildlife in particular areas is directly associated with the bovine population in those areas.

We have different strains of TB, but it is identifiable in particular areas that those strains of TB are associated with the wildlife and the bovine population. It goes without any real scientific argument that that is the case, and, therefore, we have looked at that in the development of the TB strategy. We will be moving forward on that strategy soon. We are just waiting on the completion of the business case, and that should be done by early March. We want to move ahead with the strategy. I could have done it now, but the consultation has to be done when the business case comes out. Therefore, we are holding back for the business case, but there will be no holding back thereafter in getting it out to the public.

Mr McGlone: I thank the Minister for his statement. I am sure that he will join with the rest of us in welcoming Minister McConalogue’s announcement today that he will open extra ports in the rest of the country for access to fisheries, particularly at Greencastle, Rathmullen, Burtonport, Ros a Mhíl and Howth. That is a useful bit of progress, and I am sure that he will thank the Minister for that.

What kind of scoping exercise has been done, particularly with the agri-food sector, to establish that free movement of goods and services, North and South, that is so crucial in the agri-food sector continues to go ahead unimpeded and without any difficulties?

Mr Poots: I raised in a letter to Minister McConalogue the issue of ports for landing. It was impacting on Northern Ireland vessels fishing in the Atlantic Ocean, so I welcome his announcement. It could have gone a bit further, but I welcome the change as far as it goes. I still intend to meet Minister McConalogue about that issue and about Dublin port in particular. We are seeking to have better access for hauliers who use Dublin port as a land bridge between Northern Ireland and Great Britain.

The issue of unimpeded access between Ireland and Northern Ireland for food and livestock is something that continues. That is the case because we remain part of the single market. Our problems do not lie there; they lie where over half our trade exists, between Great Britain and Northern Ireland. We would appreciate any assistance that we can get to resolve those issues. Those are not just issues for us. They are issues for Ireland, and they will grow when it comes to many of the key foods on their shelves. Some people may think that trifles and gravy are not important elements of a meal. They are only two elements, but there will be challenges with getting hundreds of products on our shelves post-1 April if some common sense is not applied beyond that point.

Mrs Barton: I thank the Minister for his statement. He will be aware that there are huge problems with plant and health pesticides, and I know that he had talks about that with his counterpart in the Republic of Ireland. What further cooperation can there be to resolve the issue of plants coming into Northern Ireland? As the Minister will know, there is a huge problem with parsley seeds that we plant in our gardens and with potato seeds.

Mr Poots: There are clearly more significant problems getting many seeds into Northern Ireland than previously. Many of our nurseries are complaining. My local Christmas tree farm complained that it was ready for planting but cannot get supplies. Those issues need to be resolved, as they have a significant impact. Our high-quality potato

seed in particular mainly comes from Scotland, as do other grain seeds.

As we move towards March, April and the springtime when farmers plant their product, they will need product to plant. Therefore, it is essential that those issues be resolved. We have been raising those matters for months now with the UK Government. Obviously, they had a lot of other things going on with Brexit, but those issues need to be resolved. I have been an absolute pain and have contacted UK Ministers and written to them, but I make no apology for that because we need to raise the issues on behalf of the people of Northern Ireland over and over again where those problems are being highlighted.

Mr Blair: I thank the Minister for his statement and answers. I welcome the work of the all-island animal health and welfare strategy action plan, which officials, North and South, are working together on to maximise cooperation on animal health and welfare. Which stakeholder groups has the Minister's Department engaged with here in Northern Ireland on the action plan?

Mr Poots: We engage with all stakeholders. People are in regular contact with the Department on those important issues, whether in writing or verbally. We seek to engage with key stakeholders. My door is always open to stakeholders. Obviously, things are slightly different now, but the virtual platform is something that we use extensively to continue that engagement.

Mr M Bradley: I thank the Minister for his statement. Will he give us an update on the state of the avian flu outbreak in Northern Ireland and how it is affecting trade?

Mr Poots: Avian flu is very worrying. Just as it is very difficult to stop the spread of COVID-19, it is very difficult to stop the spread of avian influenza. The situation and circumstances are different, but the consequences for the poultry sector are huge. We need the cooperation of poultry farmers and suppliers to poultry farmers in everything that they do to take all possible steps to stop the spread of avian influenza. Poultry is a massive part of the Northern Ireland economy. Over £1 billion is traded by one poultry company alone, and there are a number of other companies. We need to ensure that we can continue to support this industry through good practice, and my Veterinary Service is doing that. Currently, we have two outbreaks of avian influenza. We will do our utmost to ensure that it remains at two, but we need full cooperation to do that.

Mr McGuigan: Minister, there have been a number of references to and questions about paragraphs 10 and 11 of your statement, which are about cooperation on animal health, and I will follow on from Mr Bradley's question on avian flu. You have talked about the different strategy for TB in the South and about cooperation in the North between farmers and suppliers when dealing with avian flu. Can you give an update on your Department's joint efforts with the AFM Minister in the South to tackle avian flu and TB?

Mr Poots: The Department in the South has always made it clear that we are not getting it right on TB, and it believes that we need to change our approach. We need to look at that, and I trust that the Assembly will look at it in a reasoned and sensible way when the proposals are brought forward.

There is significant cooperation between the two veterinary divisions on avian flu and, indeed, on other animal disease problems because we know that these things do not recognise borders. Therefore, sensible cooperation will help us to win the inevitable battle. It is important that we win that battle because it affects both economies very significantly.

Mr Harvey: Thank you for your statement, Minister. A protein crop support scheme was recently introduced in Northern Ireland. What can we learn from the protein support scheme in the Irish Republic? What environmental benefits can these crops bring?

Mr Poots: The Republic has had a scheme for a period, and the Department looked at that before introducing the Northern Ireland pilot. Protein crops offer a number of advantages, particularly in an area like Strangford, where extensive cereal growing takes place, as they enable farmers to introduce a new crop for rotation purposes.

Mrs Barton raised the issue of pesticides in her question. Clearly, if crops are rotated, the use of pesticides can be reduced because there is less disease recurrence in the crops through the simple practice of rotation. Many protein crops are excellent for breaking up soil and providing a degree of renewal. They also draw nitrogen from the atmosphere and will reduce the proteins that we have to import. We can never replace the proteins that we import with our own cereals, given the level of proteins that we require. Nonetheless, we can reduce the number that we import, and that reduces pressure on materials coming from South America and areas where people are removing trees to create more farms. If we do it at home, it can be done in a more environmentally friendly way.

Mr Lynch: Minister, paragraph 4 mentions COVID in meat plants. Given the number of outbreaks in meat plants and how crucial those plants are to the supply of food, does the Minister support the call from the Meat Exporters Association to prioritise plant workers on the list for receiving the vaccine?

Mr Poots: Not only do I agree with the Member but I have raised it at the Executive with the Minister of Health. At this time, his view is that vaccinations should be carried out as the Joint Committee on Vaccination and Immunisation (JCVI) recommends.

The food sector has been identified as an essential service, and, personally, I believe that we should seek to introduce the people who work in that sector, in cold, wet conditions that are suitable for the spread of the virus — we have had a number of outbreaks in plants despite best endeavours — into the scheme somewhat earlier than is currently the case. I will continue to press the case that staff in food factories get the COVID vaccine earlier. I do not believe that they should just be included with the rest of the over-50s, or whatever.

11.00 am

I accept that we need to get some of the population, particularly the vulnerable and over-80s, vaccinated first. However, beyond that, I believe that there is an opportunity to introduce it to people who are in more vulnerable situations because of where they work. That would include workers in the food sector. By the way, I would also include teachers and police officers in that.

Mr Catney: I thank the Minister for coming today. I was not here yesterday. I trust that his health is getting better. Not to put his blood pressure up, but I wish him a speedy recovery for what comes in for him.

I see that the Council noted the work that had been carried out to prepare for the end of the transition period and agreed to further investigations of the potential for cooperation to address specific challenges. I noticed that, in the news, the Minister talked about food shortages. What is the Department doing to look at new supply lines so that that nonsense does not happen?

Mr Poots: I suppose that it is for supermarkets and retailers to identify where their supply lines come from. There are strong supply lines that currently come from Great Britain to not just Northern Ireland but Ireland. Barriers, consequently, lead to problems for both Northern Ireland and Ireland. It is important that we ensure that we do not have barriers, particularly in an internal market. Therefore, work needs to continue at both a UK Government and European Union level to ensure that the barriers that are being proposed do not happen. Their consequences are significant.

With regard to cross-border trade, one of the issues that came up over and over again, after the Brexit decision was made by the people of the United Kingdom, was that of milk and the fact that we produce more milk than we process and the Republic of Ireland processes more milk than it produces. Consequently, milk is mixed, and once it is mixed, it cannot be unmixed. That is a significant problem. What we are pressing for, and what we wish our Irish colleagues to assist us to press for, therefore, is that Northern Ireland be part of the free trade arrangements that exist within the European Union and European Union sales to third countries where those free trade arrangements are in place. It seems somewhat odd that we have been kept in the single market but are then disadvantaged by not being part of the free trade arrangements within that single market. There is common ground between us and the Irish Republic because their processors need those opportunities to sell to the Middle East, Far East and other places where those free trade agreements exist.

Mr Nesbitt: I thank the Minister for his remarks so far. When the UK's withdrawal from the EU was discussed, was mention made of travelling with pets? It seems that one can now take a pet to Dublin and back unfettered, but that is not the case if one visits another capital city of the United Kingdom, where paperwork and a rabies jab will be needed — for the pet, obviously; not for oneself.

Mr Poots: I might be looking forward to other vaccines, but I do not think that I need one for rabies just yet, thankfully. In any event, the Member is correct. However, it was always the case that we could travel to Ireland. The introduction of the rabies and tapeworm policy, which is coming from the European Union — let us be frank about it — is something that just has no benefit. There is no benefit to it for anybody. There is no benefit to the single market or European Union, but there is disadvantage.

First, there is disadvantage to the animals, because they have to get a rabies vaccine that they do not need. The British Isles, which contain the United Kingdom and the Republic of Ireland, are free of rabies and tapeworm, so medical interventions are being imposed on animals

that do not require them. Secondly, the implications for guide dogs are significant for people who require those assistance dogs. There are also the issues with training guide dogs.

In all that, we need common sense to prevail. I trust that people in the European Union in particular, who have been pressing for some of those things, recognise the damage that they are doing to Northern Ireland. They like to hype up their support for the peace process in Northern Ireland, so why hurt us now? Why does the EU want to damage Northern Ireland? Why does it want to damage the economy? Why does it want to put up the price of food in Northern Ireland as a consequence of introducing barriers? That is not necessary and does not help the single market. We need to get a bit of common sense and reality back here.

Mr Givan: I thank the Minister for his statement and his ongoing work to mitigate the unmitigated disaster that is the Northern Ireland protocol. What evidence is there of the Irish Government taking a more constructive approach and starting to put the interests of people of Northern Ireland first, rather than seeking to isolate Northern Ireland as a punishment and pursuing their ideology of the reunification of the island, and joining you in trying to convince people like the Prime Minister and the Secretary of State, who are downplaying the problems of the protocol, not least today, by blaming the empty shelves on COVID? When will the Irish Government join the Assembly and seek to mitigate the disaster that is the protocol, along with the protocol deniers in the House: Alliance, SDLP and Sinn Féin?

Mr Poots: Brandon Lewis is clearly going about like the emperor with no clothes; however, it is not a small boy who is pointing it out but the entire crowd. He really needs to reflect on that. It is not a good policy to go about saying something that is blatantly not the case. We know what the problems are and where they emanate from, and we know that those issues need to be dealt with.

I have had a request in for about two weeks now to meet my counterparts in the Republic of Ireland, because there are significant issues of concern. However, I have to admit that I am getting better cooperation in getting meetings with the UK Ministers than I am with Ministers in the Republic of Ireland. They may be busy, but everybody is busy, and these are significant issues. The port of Dublin is a huge issue; there are huge problems there. In some instances, hauliers are waiting there for days in very poor conditions, without good sanitary conditions or anything else. It is grossly unfair. Perishable goods are being lost as a consequence of those delays, and, from what I gather, a number of vehicles that would normally transit through Dublin are now coming through Belfast and Larne. They include vehicles that have the Republic of Ireland as their destination. We need cooperation in working those things out to the benefit of everyone.

Ms Sheerin: Minister, thanks for your statement. In paragraphs 19 and 20, you refer to an update on EU funding. Others in the House referred to the issues that Brexit has caused fishermen across the country. In my constituency of Mid Ulster, we have the Lough Neagh fishing cooperative. That is a fishing community with real fears about Brexit that it has been communicating for some time. Last summer, I met you about a package of support for Lough Neagh fishing operators. On 11 September,

you responded to a question for written answer that I submitted to tell me that a package worth £250 million was being worked on using the European Maritime and Fisheries Fund (EMFF). In the Chamber, on 3 November, you told me again that that was soon to be delivered, and, on 12 November, you said that it would now be valued at £336,000. Was that package of support for the Lough Neagh fishing operators discussed at the NSMC?

Mr Poots: No, it was not. That was a good angle to use to get that in; I will give you that. It is my intention to ensure that that funding goes to the fishermen. Officials are working on and refining it.

I would have preferred that the funding went out before Christmas, but it did not. However, I am still committed to doing that.

Mr Boylan: I thank the Minister for his statement, which refers to EU funding. I appreciate that the Horizon 2020 programmes have run out, along with the support programmes and the moneys. Was there a broader discussion about how we will replace that money and extend or protect those programmes to ensure that we do not delve into other pockets of money that are being used by communities and universities? It is important to find out where we will be with supports and funding for those groups.

Mr Poots: There are commitments that a number of those funds will be taken up directly by the UK Government. There are funds that we can continue to tap into such as PEACE funding and so forth. We can continue to tap into European funding and will do so in cooperation with our colleagues in the Republic of Ireland.

Mr Chambers: The Minister will be aware of the disappointing withdrawal of prominent mail order horticultural plant and seed suppliers based in England in delivering their products to Northern Ireland because of what they see as draconian regulations that have been caused by the protocol. Does he believe that this is a temporary situation, and is there anything that his Department can do in the meantime to help to restore this valuable service to gardeners and ensure that garden centres will be in a position to maintain imported stock levels?

Mr Poots: Gardening is an important activity for many people's mental health. At this time of the year, people get their seeds and have them well started for planting in the spring. It is hugely unfortunate that this circumstance has arisen. We have raised the issue regularly with ministerial colleagues in the United Kingdom Government. Do I believe that it can be resolved? Yes, I do. Whether it will be resolved is a different matter entirely, but we need to keep working on these things. There is the commercial side, as our farmers plant in March and April, and that is absolutely critical. If farmers do not plant, they do not harvest, so it is very important that planting continues. The issue is, therefore, a significant priority for the Department.

Mr Allister: Yesterday, the Economy Minister told the House that 20% of Northern Ireland's agri-food traverses to GB through Dublin Port. She called on the Dublin Government to step up and take responsibility for the chaos at Dublin. That caused some Members who are key proponents of the rigorous implementation of the protocol to think that those comments were worthy of laughter. Is it a laughing matter? Does the Minister think that the Dublin

Government are doing what they need to do to sort out that chaos?

Mr Poots: If you take the 20% and the £5 billion in the processing sector, £1 billion of trade is affected. If you take the 100,000 people who are employed in the agri-food sector, 20,000 people's employment is affected. I suspect that people in the sector will not be laughing as a consequence of the problems at Dublin Port. Dublin Port is incredibly important, particularly for just-in-time goods and for goods traversing to the south of England. It is incredibly important that we, as a country that sells a large volume of food and relies on the food and food-processing sector for so many jobs, ensure that we keep all routes open to export our goods. The Dublin Government need to step up and work with us to ensure that that transit can happen.

11.15 am

Ms Bailey: Minister, your statement refers to close cooperation:

"on significant environmental issues, as they relate to the implementation of future agriculture policy."

We know already that, under current policy, Northern Ireland fails to meet its obligations under the habitats directive. I am starting to hear reports of animal waste now being moved across the border in what are suspected to be attempts to continue to circumnavigate those obligations in a few cases. What coordination is happening to ensure that we meet our obligations under the habitats directive across the island?

Mr Poots: The Member referred to animal waste moving across the border, and that is an entirely legitimate act. I would refer to it as animal nutrients, because it can provide nutrients for the soil. If we have an excess of nutrients, and the Republic of Ireland does not have enough, it is entirely reasonable to export those nutrients to the Republic of Ireland.

Ultimately, as we move forward, I would like to see us having a much more efficient way of doing that. That will involve significant investment in anaerobic digestion, slurry separation and pelletising phosphates, as well as a need to produce nitrogen in liquid form, which can then be exported not just to the Republic of Ireland but right across the world. That could help us ensure that we meet our environmental obligations and continue to grow the agri-food sector in Northern Ireland, because it is a job creator.

I hope that the Green Party will recognise the benefits of the agri-food sector in putting food on people's tables and a roof over people's heads, because, in doing that, it is a very important sector.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease for a moment or two before we move on to the next item in the Order Paper.

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

Executive Committee Business

Harbours (Grants and Loans Limit) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister for Infrastructure, Ms Nichola Mallon, to move the Bill.

Moved. — [Ms Mallon (The Minister for Infrastructure).]

Mr Deputy Speaker (Mr Beggs): No amendments have been tabled to the Bill at this stage. There is therefore no opportunity to discuss the Harbours (Grants and Loans Limit) Bill today. Members will, of course, be able to have a full debate at Final Stage.

The Further Consideration Stage of the Harbours (Grants and Loans Limit) Bill is therefore concluded. The Bill stands referred to the Speaker.

I ask Members to take their ease for a few moments until the Minister takes his place for the next item of business.

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call on Mr Jim Allister to move the Further Consideration Stage of the Functioning of Government (Miscellaneous Provisions) 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 my provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 17, 48 to 53 and 56, which deal with the appointment and management of special advisers and an amendment to the long title. The second debate will be on amendment Nos 18 to 47, 54 and 55, which deal with administrative reform and accountability.

I remind Members who intend to speak during the debates on the two groups of amendments that they should address all the amendments in each group on which they wish to comment. Once the debate on 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. If that is clear, we will proceed.

We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 17, 48 to 53 and 56. Members should note that amendment No 50 is consequential to amendment Nos 15 and 49.

Clause 1 (Amendment of the Civil Service (Special Advisers) Act (Northern Ireland) 2013)

Mr Murphy (The Minister of Finance): I beg to move amendment No 1: In clause 1, page 1, line 5, leave out "amend subsection 3 to read 'Within" and insert -

"for subsection (3) substitute—

'(3) Within".

The following amendments stood on the Marshalled List:

No 2: In page 1, line 7, leave out "under" and insert "mentioned in".— *[Mr Murphy (The Minister of Finance).]*

No 3: In page 1, line 12, after "Service" insert -

“, as that code applies to special advisers.”.— [Mr Murphy (The Minister of Finance).]

No 4: In page 1, line 15, at end insert -

“(3C) For the purposes of subsection (3A), the following are not Ministerial interference—

(a) the carrying-out of a role given to a Minister by the disciplinary code mentioned in that subsection;

(b) the termination of a special adviser's appointment by the appointing Minister outside of, or before the conclusion of, any process or procedure under that code.”.— [Mr Murphy (The Minister of Finance).]

No 5: In page 1, line 16, leave out subsection (4).— [Mr Murphy (The Minister of Finance).]

No 6: In page 1, line 18, leave out “After subsection (3)(b),” and insert -

“In section 8(3) (contents of code for appointments), after paragraph (b).”— [Mr Murphy (The Minister of Finance).]

No 7: In page 2, line 1, leave out from “above” to “(Grade 5)” on line 2 and insert -

“at a level higher than the highest level under the published pay scale applicable to an Assistant Secretary (Grade 5) in the Northern Ireland Civil Service”.— [Mr Murphy (The Minister of Finance).]

No 8: In page 2, line 2, at end insert -

“(5A) In section 8, after subsection (5) insert—

“(6) If, at any time after a special adviser is appointed (and whether or not the appointment has taken effect), a senior officer in the Department of Finance is satisfied that a person exercising functions in respect of the appointment did not have regard to the code, the Department of Finance must as soon as reasonably practicable after that time give the special adviser notice terminating the appointment with effect from the giving of the notice, but this—

(a) does not apply if the appointment otherwise terminates before the notice is given, and

(b) is without prejudice to the person’s rights (if any) to payment in lieu of notice.

(7) In subsection (6) ‘senior officer’ has the meaning given by Article 2(3) of the Departments (Northern Ireland) Order 1999.”.— [Mr Murphy (The Minister of Finance).]

No 9: In page 2, line 4, leave out “the duly appointed” and insert -

“a person duly appointed as a”.— [Mr Murphy (The Minister of Finance).]

No 10: In page 2, line 5, after first “the” insert “Minister’s”.— [Mr Murphy (The Minister of Finance).]

No 11: In page 2, line 6, leave out “post” and insert -

“person’s post as a special adviser”.— [Mr Murphy (The Minister of Finance).]

No 12: In page 2, line 6, leave out “a permanent secretary” and insert -

“the permanent secretary to a Northern Ireland department”.— [Mr Murphy (The Minister of Finance).]

No 13: In page 2, leave out lines 10 to 13 and insert -

“(2) A special adviser—

(a) in carrying out the functions of their post, is not to be supervised or directed by,

(b) is not to report on their carrying-out of the functions of their post to, and

(c) is not answerable for their carrying-out of the functions of their post to,

any person other than their appointing Minister, save as permitted by subsection (3) or (4) or section 7(3) or required by section 7(3A).

(3) A special adviser’s appointing Minister may authorise the special adviser, to such extent as the appointing Minister specifies, to be directed by or report to a junior Minister in the same department as the appointing Minister.

(4) Where a special adviser is a member of a profession or organisation, subsection (2) does not stop them being answerable to the profession or organisation for acts done in carrying out the functions of their post if they would be similarly answerable—

(a) for corresponding acts done in carrying out the duties of an employment otherwise than as a special adviser, or

(b) for corresponding acts done otherwise than in the course of an employment.”.— [Mr Murphy (The Minister of Finance).]

No 14: In clause 2, page 2, line 16, at the beginning insert -

“(1) In article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 (selection on merit)—

(a) in paragraph (3) omit sub-paragraph (d) (and the ‘or’ preceding it); and

(b) in paragraph (4) omit the words after ‘paragraph (2)(b)’. ”

(2) In consequence of subsection (1),.— [Mr Murphy (The Minister of Finance).]

No 15: In clause 3, page 2, line 20, at the beginning insert -

“In article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 (selection on merit)—

(a) in paragraph (2), omit sub-paragraph (c) (and the ‘or’ preceding it);

(b) omit paragraph (4A); and

(c) in paragraph (5), omit ‘or (c)’.

(1A) In consequence of subsection (1),.— [Mr Murphy (The Minister of Finance).]

No 16: In clause 4, page 2, line 28, leave out “on 31 March 2021” and insert -

“at the end of the period of three months, beginning with the day on which this Act receives Royal Assent”.— [Mr Allister.]

No 17: In clause 4, page 2, line 30, leave out from “on” to “2021” on line 31 and insert -

“at the end of the period of three months, beginning with the day on which this Act receives Royal Assent”.— [Mr Allister.]

No 48: In clause 14, page 5, line 26, at the beginning insert -

“(A1) Section 1(3) comes into operation at the end of the period of 6 months beginning with the end of the day on which this Act receives Royal Assent.”.— [Mr Murphy (The Minister of Finance).]

No 49: In clause 14, page 5, line 26, leave out subsection (1).— [Mr Allister.]

No 50: In clause 14, page 5, line 26, after “3(1)” insert “and (1A)”.— [Mr Murphy (The Minister of Finance).]

No 51: In clause 14, page 5, line 28, leave out “other”.— [Mr Allister.]

No 52: In clause 15, page 5, leave out lines 34 and 35.—
[Mr Murphy (The Minister of Finance).]

No 53: In clause 15, page 5, line 36, leave out “the Minister” and insert “Minister”.— [Mr Murphy (The Minister of Finance).]

No 56: In the long title, leave out from “and Article 3” to “section 17” and insert -

“, repeal the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007, repeal the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016, amend sections 17 and 27”.— [Mr Allister.]

Mr Murphy (The Minister of Finance): I am very grateful for the opportunity to open the debate. I have tabled a number of amendments. Some of these amendments address flaws in the original drafting, whereas others seek to mitigate the negative consequences of the clauses of the Bill, whether those consequences were intended or unintended. However, in opening, I underline that, by tabling these amendments, I am not endorsing the Bill. I still believe that this legislation largely deals with administrative matters that should be contained in codes and guidance. However, if there is any risk that the Bill will reach the statute book, it is important that it does not remain in its flawed state and that the damage that it may cause to the effective functioning of government is limited. I have a responsibility to ensure that Ministers, special advisers and other civil servants are not fettered in their ability to serve the community and perform their functions effectively.

The first group of amendments is concerned with the role of special advisers, and I will address each of the amendments in turn.

Amendment No 1 is a technical amendment to clause 1(2) to insert the usual wording for a textual substitution. Amendment No 2 is a textual correction to clause 1(2) to reflect the fact that section 7(2)(b) of the Civil Service (Special Advisers) Act 2013 mentions certain powers but does not confer them. Amendment No 3 is intended to ensure clarity in clause 1(3) so that, where the Northern Ireland Civil Service disciplinary code has rules for special advisers that are different from the rules for other civil servants, it is the former, and not the latter, that must be applied to special advisers. The current drafting of the Bill leaves that ambiguous. Although it would be perfectly sensible to interpret the clause in that way, we are looking at primary legislation, so we need absolute clarity.

Amendment No 4 follows from the earlier provisions in clause 1(3), which prevent the interference of a Minister in the disciplinary process as it applies to special advisers. The amendment sets out that the ban on ministerial interference does not prevent the proper involvement of the Minister in a defined role under the disciplinary code. The Minister is the appointing authority for the special adviser, and, as such, has responsibility for discipline. That responsibility cannot be removed or delegated in its entirety to an official, so the Minister must have a role.

The amendment also makes it clear that the ban on interference must still allow the immediate dismissal of a special adviser by the Minister. It has been my concern that, by applying Civil Service disciplinary procedures to the discipline of a special adviser, the Bill might remove the discretionary power of the Minister, as the appointing

authority, to end the appointment forthwith. That power may rarely, if ever, be needed, but there may be an occasion where the relationship breaks down entirely, and, in those circumstances, there must be the option to end the appointment immediately.

Amendment No 5 removes clause 1(4) to pave the way for amendment No 8, which I will deal with in turn. Amendment No 6 is a technical amendment to clause 1(5) to make it clear that the inserted text is to go into section 8(3)(b). Amendment No 7 is a small textual amendment to clause 1(6) to reflect the fact that grade 5s have a pay band rather than a single pay rate. Amendment No 8 would insert a new clause intended to address some difficulties with clause 1(4). That clause, as it appears in the Bill, would render the appointment of a special adviser of no effect if the appointing authority does not adhere to the code for appointment as set out in the Civil Service (Special Advisers) Act 2013.

Retrospectively invalidating an appointment in that way would raise difficult issues about the recovery of pay and would, in turn, leave the employer open to legal challenge in respect of remuneration for work done. Instead, the amendment provides for immediate, rather than retrospective, termination, without prejudice to the right to payment in lieu of notice where summary dismissal cannot be justified. The amendment also makes it clear that the responsibility would lie with the Department of Finance for terminating employment and that that termination would take place only if a senior officer of the Department is satisfied that the criteria are met.

Clause 1(4), as it appears in the Bill at present, would terminate the appointment because the appointing authority had failed to adhere to the code. However, the 2013 Act does not require the appointing authority to adhere to the code; the statutory duty is to “have regard to the code”, so that amendment has been made to the text.

Amendment Nos 9 to 12 make small textual changes to clause 1(6) to reflect the fact that there are multiple Ministers and special advisers in the Executive Office. They also seek to put the emphasis on the duties of each individual special adviser’s post rather than on duties of the kind that may be undertaken by special advisers and may or may not also be undertaken by other civil servants. Amendment No 12 further ensures that the Bill does not inadvertently catch Whitehall Departments that operate within the jurisdiction, such as the NIO, and thereby render the Bill outside the vires of the Assembly.

Amendment No 13 is an attempt to address some of the potentially problematic consequences of the current drafting of clause 1(6). At present, clause 1(6) states:

“No special adviser ... shall be supervised by, directed by, answerable to, or report to any person other than the Minister”.

It takes no account of the fact that special advisers may, quite properly, be accountable to another person. In particular, at clause 8(4)(a), the amendment would allow a professional organisation, for example, or membership of an organisation or church, to discipline a special adviser for something that they do as a special adviser if that special adviser cannot be disciplined for doing the same thing if employed in a different role or in the course of their

private life. Amendment No 13 also removes the provision that a special adviser must not:

“be supervised by, directed by, answerable to, or report to any person other than the”

appointing Minister, either directly or indirectly. That clause is unworkable. First, it does not make it explicit where the duty lies to prevent such a thing happening; whether on the Minister, the special adviser or some other person. Secondly, it is unclear what it means to indirectly report to another person. That could be interpreted to mean that special advisers cannot liaise with their party, which is a crucial part of their job.

I doubt that the courts would thank us for spending their time and resources on adjudicating on such questions.

11.30 am

The amendment to clause 8(3)(a) also addresses how the services of a special adviser could be made available to junior Ministers in the Executive Office. This is consistent with the Bill's provision to remove the power of junior Ministers to appoint a special adviser of their own. The Bill sponsor has made it clear that the removal of that power was primarily aimed at limiting the number of special advisers in the Executive Office to six in total. This amendment does not change that.

Amendment Nos 14 and 15 address problems with the drafting of clauses 2 and 3. As originally drafted, these clauses repealed the legislation that amended the Civil Service Commissioners (Northern Ireland) Order 1999. They did not, however, repeal the amendments to the 1999 Order itself. Rather than leaving a question mark over whether the powers had actually been repealed, I have tabled these amendments to ensure that the Bill sponsor's intention is delivered.

Amendment No 48 extends the commencement of clause 1(3) to allow time for the review and revision of the Northern Ireland Civil Service handbook to enable it to be applied sensibly to special advisers. I am allowing six months, given the need to engage with the Civil Service unions through the Central Whitley Council.

Amendment No 50 is consequential to the proposed amendment in clause 3. Amendment No 52 removes the unnecessary definition of the Executive in clause 15. Amendment No 53 adds to the drafting in clause 15.

I hope for a sensible debate on the proposed amendments. Whether or not we can agree on the need for legislation, I hope that we can agree that the making of any legislation in this place is orderly.

Dr Aiken (The Chairperson of the Committee for Finance): Thank you very much indeed, Minister, for moving your amendments. The Committee for Finance considered written and oral evidence from a range of organisations and individuals, including the Bill sponsor, the Minister of Finance, the permanent secretary of the Department of Finance and officials from the Department's strategic policy and reform division.

Again, I thank all Committee members for their input and engagement during Committee Stage. I also offer my thanks, on behalf of the Committee, to the Bill sponsor, Mr Jim Allister QC, for bringing amendments to the Bill to address a number of concerns raised during Committee

Stage by members, witnesses and other stakeholders.

I welcome the fact that most of the amendments supported by the Committee passed Consideration Stage. Amendment Nos 16 and 17 to clause 4 should address concerns raised by some members at Committee Stage and, in doing so, resolve any issues that would otherwise arise should the legislation not achieve Royal Assent before 31 March.

In addition to the Minister and permanent secretary providing oral evidence to the Committee, Department of Finance officials attended on two occasions. The Department also provided responses to Committee questions on a number of occasions. Throughout this evidence, they referred to, reiterated and reinforced at every opportunity the view of the Minister that codes efficiently address the relevant issues and that legislation was not necessary. The Department criticised the drafting of a number of clauses, yet, when the Committee sought assistance from the Department to help to improve the drafting, the responses received were less than helpful. They included statements such as:

“The drafting of the Bill is a matter for the Member.

The improvement of the drafting is a matter for the Member.

The provision is unnecessary.”

The Department said that clause 6, on records of meetings:

“appears to be unnecessarily specific ... It is not appropriate to legislate in this area.”

Now, however, at the final opportunity, the Department has changed its approach and no longer considers the drafting of the Bill to be:

“a matter for the Member”.

I welcome the Department's efforts to improve the drafting of the Bill, which will, if agreed, improve the wording and ensure that the legislation passed by the House achieves its intended aims. The Department could, however, have provided this support much earlier, as it was requested of it during Committee Stage. As for the suggestion that clause 6 is unnecessarily specific as originally drafted, the clause contains fewer than four lines of text. The amendment to clause 6 tabled by the Minister contains an entire page of text. It includes six subsections and is very specific in its intentions. Whether or not they support the legislation, Departments, Ministers and all Members have a duty and responsibility to ensure that the legislation passed by the House is clear, coherent and effective. The best way to achieve that is through supportive and meaningful engagement at an early stage and throughout the legislative process. That concludes my remarks.

Mr Frew: I have thoroughly enjoyed the process and journey to this stage of the Bill because I enjoy my Committee work. I enjoy building up relationships with other members from other parties. It is the one chance that you really get to build up relationships with those people, outside party politics, because you have a common goal and a common job to do, and you should, as a necessity, apply all your professional will to that.

I welcome legislation coming to the House so that we can all debate it and make sure that it is the best that it can be. What I see in the Bill is, simply, reform. What I see in the Bill, irrespective of who introduced it, who the author is and who moved it, is reform. I ask myself this simple question: is the reform necessary? I answer: absolutely. Is this the right approach and the right way to go? I answer: yes, absolutely. I do not see why other Members criticise Members for bringing forward a private Member's Bill. In fact, I want to encourage Members to bring forward what is in their head, their ideas and their interests, and I want to see those in blue Bills. Then let the Committee scrutinise and let the Assembly decide what should and should not go forward.

In that context, I must say that I am disappointed by the attitude of some parties and Members of the House. Whilst it is entirely appropriate for the Minister to reserve the right not to endorse the Bill, it is not appropriate to dampen down any Member who wishes to introduce private legislation. It is not appropriate for a party not to engage in a decision-making journey and process that could well lead to legislation. Whilst I accept that any Member may reserve the right, and I will protect the right, not to endorse any direction of travel via legislation, it is incumbent on us all to engage in that process to make sure that legislation is fit for purpose and that it is exactly what we need it to be when it goes out the other side.

Whilst I acknowledge the Minister and the Department's will to lay down amendments now, that process could have been started a lot sooner, even by his political party in the Committee that scrutinised the Bill. All the amendments that the Minister has brought forward could have been discussed during the earlier stages of scrutiny that the Finance Committee endeavoured to provide throughout this process. It is disappointing that the Department and the Minister have come, at this late hour, with these amendments for us to discuss today, albeit that I welcome them. This needed to happen. The Minister needed to table these amendments so that we can have a good, thorough debate and the Department can stamp its thoughts on the process. That is the way that it should be. It could have been done earlier; it could have been done by that political party earlier.

I must say that I was disappointed when Sinn Féin members turned their face away from the Bill. They did not want to know it; they did not want to engage, and that was deeply disappointing. This is reform. Why are we as MLAs here if not to reform? What are we here for if not to reform the practices and processes that we encounter daily in order to make those easier and better? Why are we here, if not to transform the lives of our people? The lives of our people —.

Mr McGuigan: Will the Member give way?

Mr Frew: Yes, I will give way.

Mr McGuigan: Does the Member agree that it is ironic that we are listening to a five-minute lecture about the appropriate behaviour of Ministers and political parties given that this whole topic has come about because of the inappropriate behaviour of Ministers and Members of political parties on the opposite Benches?

Mr Frew: The Member makes an intervention, but he neglects to look at his own party and his side of the House with regards to bad behaviour. That is not acceptable. That

is the attitude that we have seen from Sinn Féin throughout this process. It is not acceptable, it is not good and it is not conducive to good law. I ask the Member to consider his ways and to engage fully in reform.

Why do we need this reform? It is not even because of the RHI inquiry or any other inquiry. Reform is a good thing. Reform is something that we should think about on a daily basis when we ask this: what can we do better? The Bill goes some way, although it is a small way and a small step to doing that.

Mr Deputy Speaker (Mr Beggs): I encourage Members to return to the specific amendments.

Mr Frew: Yes, I will, Mr Deputy Speaker. When I look at the amendments and the amendments from the Finance Minister, I recall that reform should be led by the Executive, but here we have a Minister being forced to bring reform through a private Member's Bill. That is not good enough. I want to see reform coming out of this Executive and this Finance Minister. Of course, we live in challenging times for health and the economy, but those challenging times should not be an excuse not to reform. They should be the catalyst for and the reason why we need reform. We cannot simply keep doing what we are doing over and over again. It will fail our people, and it is failing our people.

Most of the Minister's amendments are stylistic and tidy up wording. That is to be commended, but I have a concern about and a question mark over some. Amendment No 5, which is to clause 1, says:

"Leave out subsection (4)",

and it is to do with the appointments process.

That leads me on to amendment No 8. Whilst I understand and welcome that most of the Minister's amendments are about putting the meat on the bones and putting in the detail so that Ministers, spads, the Civil Service and everyone else, for that matter, know exactly where they stand, I have a concern with amendment No 8. This might be for the first time, although I do not know, but the amendment gives a "senior officer" in the Department of Finance the power to, if you like, make null and void the appointment of a spad because of an issue to do with the code of appointment. It is important to say that it is the code of appointment and not the code of conduct, but I cannot help but think that a spad, whomever they might be and no matter what party they are from, could well be made redundant not because of their sins but because of an appointment process that may have been flawed. That is the first thing that I will say about amendment No 8.

If we are giving a special or a new power to, as amendment No 8 says:

"a senior officer in the Department of Finance",

who is that senior officer? Is it the permanent secretary or someone else? If that amendment gives them the power to terminate an appointment, what capacity do they have to investigate that action? What powers will the Department of Finance and that senior officer have in investigating and in the disciplinary element of that action? How will they satisfy themselves that a person did not have regard for the code?

Although I welcome the amendments, that troubles me. There are still queries in my head around some of those things. That was amendment No 8.

11.45 am

Amendment No 13 is noteworthy because it tidies up and gives more detail on the role of a spad in the Executive Office. While I agree that junior Ministers do not need a spad, there may be times when they need assistance, guidance or advice. It may well be appropriate for the appointing Minister to task a spad or spads to assist, advise or help a junior Minister. That adds flexibility to the Bill, and there is merit in that. I have no problem with that; it adds welcome clarity and flexibility.

On amendment Nos 16 and 17, I understand what is happening. We are running out of time in the legislative process, so they make common sense. I give the Bill sponsor amendment Nos 16 and 17. I support them and think that they make common sense.

Amendment No 48 allows a period of six months, beginning on the end of the day on which the Bill receives Royal Assent. I suppose that, if it is OK for the Bill sponsor to adopt a time period in the Bill as opposed to an arbitrary date, we should allow the Department flexibility with regard to its duties and responsibilities. However, the six-month period may be an issue and may need clarification. Why is it six months? Why is it required? If the Bill receives Royal Assent in March, April or maybe even May, what does that mean for the process coming up to the end of a term? I worry about that and the need for six months when it is clear what is being asked of the Department and what its duties are.

Most of the amendments are non-contentious. They tidy up wording and make the Bill read better, which I support. I support that engagement by the Department and the Minister. We have come a long way from the Civil Service telling us in Committee that the Bill could not be amended and was not good enough to be amended. Now we see amendments, and about time too. I welcome the engagement by the Minister and the Department and hope that we can all support a Bill that will bring good and decent reform, which is only the start, not the finish. We await the reform Bills that, I hope, the Executive will produce in the very near future.

Mr O'Dowd: By and large, we will support the group 1 amendments, but, as the Minister said, it is not a case of supporting the legislation. This question has to be asked: is it a Bill for every ill? Mr Allister's rush to introduce the Bill has produced poor legislation. The fact that we have 56 amendments in front of us shows how poorly drafted the original legislation was.

Mr Frew gifted us with his single transferable speech on why he likes legislation — it helps him to make friends on the Committee, and he likes reform — but, during his time on the Committee and through his support for the Bill, he, like others in the Chamber who have supported it, has failed to recognise that the legislation is poorly drafted and unnecessary.

Mr Catney: I thank the Member for giving way. I am on the Finance Committee and noted that its members from Sinn Féin never engaged with the rest of us on the Bill to try to make it better. Some of that fault therefore has to lie with your own party.

Mr O'Dowd: You can try to make a silk purse out of a sow's ear, but it is still a sow's ear at the end of the day.

The question that Members have to ask themselves of the Committee, and of those who have been cheerleading the Bill, is, first, what is the motivation of the Bill's sponsor? Is Mr Allister a defender and supporter of the Good Friday Agreement? Does he want to see government function well here? In my opinion, he does not. He is an opponent of the Good Friday Agreement and the Executive. He has told everybody who is prepared to listen to him that this place is unworkable because it is built on a foundation of sand. Why would he therefore want to improve the functioning of government? Is it not the case that the legislation, as originally drafted, was going to make the functioning of government more difficult? I think that it will make it more difficult. That may not become immediately visible to members of the public, who see their public services being delivered, but it will make the work of Ministers, the Executive, spads and civil servants much more difficult and much more complicated. Everyone has to work to the rule book, but the rule book as it was during the RHI scandal should have prevented spads sending emails to their fathers-in-law, cousins and others on how to make a quick few pounds off the public purse. It should have prevented spads from filling their boots and Ministers coming into the Chamber and presenting legislation that they had not read or of which they were not over the job and tittle.

Mr Storey: Will the Member give way?

Mr O'Dowd: I will.

Mr Storey: We can also include in that list of ills Ted Howell, Padraic Wilson and Martin Lynch, as well as the Finance Minister's predecessor, Máirtín Ó Muilleoir, who is no longer in the House. Strangely enough, he somehow just disappeared. Would it prevent the ill that is Connolly House having been, and probably still being, the centre of policymaking for your party, as opposed to the House being given its proper place?

Mr Deputy Speaker (Mr Beggs): Members, I encourage you to get back to our function today rather than to recount history. Our function is to consider the amendments before us to the Bill.

Mr O'Dowd: Amendment Nos 3 and 4, and the other amendments tabled by the Minister, allow for proper accountability mechanisms for special advisers. Connolly House was certainly not the problem. The problem was those who were prepared to fill their boots with public money. Those who were prepared to fill their boots with public money were sitting over there on the other side of the House, were employed by Members sitting over there or were encouraged by Members sitting over there. Let us not try to deflect responsibility for that.

I will get back to the Bill before us. Spads are a political appointment, as they are in all institutions that I can think of in Western-style democracies. The Minister is responsible for the appointment of the spad. To try to equate spads fully with the Civil Service is a mistake and will not allow for a good, functioning Government. Let us not try to create a scenario in which government is not working, which I think is Mr Allister's intention. The amendments before us allow for mitigations of the worst aspects of the Bill. It is unfortunate that, many times in the Chamber, we have to spend our time mitigating the worst

ideas from Members of the opposite Benches. We spent a long time trying to mitigate Brexit. Today, we are going to try to mitigate the worst aspects of another piece of legislation that is being supported by Members opposite.

In conclusion, we are supportive of a majority of the amendments before us. We still think that the Bill is unnecessary and that its sponsor's motivation is to create problems in the functioning of government. It is always worth remembering that, if someone wants to break the rules or go around the legislation — if that motivation is there, it does not matter how thick the rule book is, because they will continue to do it.

Mr O'Toole: I rise to speak, hopefully very briefly, on group 1. Group 1, as others have said, contains in large part technical amendments that tidy up the drafting of the legislation. In group 2, we have some amendments, and obviously I will be speaking for longer on that group.

First of all, since others have done it, I will give some broad thoughts on the context and purpose of this Bill. I and my party have come to this with an open and constructive mind throughout. We have not sought to assume that absolutely everything in this Bill makes sense. We have had specific and substantive reservations. Indeed, the purpose of today, hopefully, is to discuss and correct some of those. In answer to the Member who spoke previously, have we taken a closed-minded approach to the principle of legislation? No, we have not, to be perfectly honest. The reason why we have not is that the depth and breadth of public concern over bad behaviour, to put it lightly, in our political institutions is so severe and so profound that we cannot simply brush away the principle of legislation on the basis either that we disagree with the Bill sponsor — be in no doubt that we do disagree with the Bill sponsor on practically everything else, and I look forward to returning to normal business and arguing with the Bill sponsor passionately about virtually everything else — or on the basis of the idea that legislation in and of itself is not the way to deal with this. We have not taken those blanket approaches.

I will deal with that second approach: that legislation is, in a sense, anathema to good government or that this is all captured in codes and guidance. Up to a point, that is right. Legislation cannot change culture, and it cannot change behaviour. However, legislation exists in a whole range of areas in order to give legal underpinning to standards of behaviour. Where there is a particular clear public desire for a shift in approach, I think that there is a real, meaningful argument for legislation. Will this legislation, either as it was tabled or as it is amended, fundamentally shift behaviour patterns among certain political parties and their —?

Dr Aiken: I thank the Member for giving way. I think that it might be useful for Members of the Assembly to remind ourselves that, at the same time that we had officials from the Department explaining to the Committee that there was no need for any legislation and legislative process because normal processes and procedures would have seen things improve, or shortly thereafter, the Committee was looking to take opinion on whether we would have to compel the Department to give us information and advice. Do you consider that to be normal legislative process?

Mr O'Toole: I thank the Member for his intervention. I can say as a former civil servant that civil servants will very

often prefer that things are in code and guidance. That is understandable. Also, in large part, it is justifiable. I do not think that everything is best captured by legislation, but I think that this Bill will go a significant way, or go some way, to allowing us to be able to say to members of the public that we are starting to take action. There will be a range of other things that need to be taken forward. I know that the Minister is working on this area himself. I hope that he will come forward with further proposals, and we will be constructive and open-minded about them. However, let us be honest. The Civil Service view that codes and guidance are always the exclusive and sole answer to profound questions of public administration is something that we as legislators have a right and a duty to challenge and think about.

A couple of months ago, the Northern Ireland Audit Office brought out a report on the capacity and capability of the Northern Ireland Civil Service, and it was not, I am afraid, flattering, notwithstanding the terrific and diligent work that many hundreds if not thousands of civil servants have done in the past year in response to COVID.

We know that profound problems were highlighted by the RHI scandal; problems that we need to address. On the Civil Service, it is also worth saying that part of what happened during the amending process of the Bill — I hope that it happens further today — means that the Bill's focus will be more clearly on special advisers and politicians. That is a good thing because it clarifies the purpose of the Bill. That is not to say that further legislation on Civil Service reform may not be necessary, but it is clear that some of the previous provisions, for example, on criminalisation, were too broadly directed and would have captured too many civil servants.

12.00 noon

There was a principle that the Bill's contents were wrong, but, at the same time, there were significant and challenging issues with its drafting and some of its provisions. We have worked on the provisions and, in large part, the Bill's sponsor has engaged on that. I know that the largely technical amendments in the first group that the Minister tabled will improve the functioning of the Bill. All that we can ask for is a Bill that lands on the statute book and is functional from day one.

I will not go into too much more detail other than to say that we support the vast range of technical amendments that should make the Bill work. I am glad that the Department has been drafting and is confident. I hope that the Bill will be a more usable piece of legislation when it is placed on the statute book. As I said, as a former civil servant, I am in no doubt about the efficacy of legislation to correct all ills or fundamentally change the culture of either a political system or a bureaucracy, but that does not mean that it is without merit or that we should say that we will not legislate or that legislation has no purpose at all.

I am disappointed that an amendment that my party tabled has not been accepted for debate. I am slightly confused as to why, as other amendments were accepted that seem to be slightly more extraneous to the core purpose of the Bill. We had hoped to introduce a provision to tighten down on bullying inside government by Ministers and special advisers. We are certainly not lobbing accusations at present or past Ministers, but we know, and have seen recently at Westminster, that, when behaviour is set out

purely in codes and guidance, Ministers can get away with the most egregious behaviour.

Priti Patel, the Home Secretary —. I see that the Deputy Speaker is about to direct me back to the Bill. I am merely making the point that we were very disappointed that we were unable to include that in legislation. It would have been a clear sign and an example of this place taking the lead. Hopefully, other jurisdictions would have followed us.

In conclusion, I am pleased that the Minister and his Department have got to work and tabled a range of technical amendments. My party has been broadly supportive of the intentions of the Bill but has retained a desire to improve it throughout. We thought that it was far from perfect when it was introduced, and we had very specific reservations. We will continue to try to improve it today, and that is why we hope that several amendments, particularly in the second group, are passed. They are important. On that, I conclude my remarks on the first group of amendments. We are broadly supportive of the largely technical amendments in it.

Mr Muir: On behalf of the Alliance Party, I will speak to the amendments in the first group. During the Bill's previous stages, our party expressed concerns about aspects of the Bill while remaining supportive of its overall aims and objectives.

The debate today focuses specifically on the amendments tabled at Further Consideration Stage. It should not be Groundhog Day. Therefore, I do not intend to reheat the debates that have been covered extensively and into the small hours in the Chamber at Consideration Stage and at Second Stage on 16 March 2020. Nor do I intend to speak at great length. Many years ago, my English teacher taught me an important lesson after I had written reams and reams of paper. She taught me your work should be judged not on the quantity, but, rather, on the quality and substance of your argument.

I welcome the numerous amendments that have been tabled at Further Consideration Stage. I thank the proposers, their staff and the Bill Office for all their hard work to date. My party has considered each and every one of the amendments in detail and held fruitful discussions with other parties and Bill Office staff to ensure that we are clear on the amendments' intentions and their potential impact.

I would particularly like to thank my researcher, David Morrow, who continues to studiously analyse the Bill as it progresses. Scrutinising legislation that has the potential to become the law of the land is at the core of why we are sent to be here as MLAs. It is a responsibility that should be taken with the utmost seriousness. To be included in the Bill, each amendment must pass the test that it will improve the quality of the proposed legislation and serve to fulfil the Bill's ultimate objectives.

I turn to the first group of amendments. The Alliance Party will support amendment Nos 1 through to 13, which focus on clause 1. Amendment No 4 addresses concerns that we raised at Consideration Stage. It ensures that Ministers will continue to be able to dismiss their spads and, therefore, retains the crucial principle that Ministers are accountable and responsible for their spad's behaviour. We also welcome amendment No 7, which aligns the cap on spad remuneration to Civil Service pay grades.

Overall, we are satisfied that amendment Nos 1 to 13, if passed at Further Consideration Stage, significantly improve clause 1. We will support amendment Nos 14 and 15, which amend clauses 2 and 3 respectively. We have satisfied ourselves that those amendments are purely technical. As already mentioned, amendment Nos 16 and 17 and amendment Nos 49 to 51 are linked, and what they are trying to achieve is very similar in substance. We are content to listen to all the arguments that will be made before deciding which of the amendments is the most appropriate. We value the opportunity to engage on those amendments in the Chamber today. Lastly, we are content to support the remaining amendments in the group and to change the long title of the Bill.

In conclusion, we broadly welcome the amendments in group 1 and believe that they improve the Bill.

Mr McGuigan: As my party colleague has said, Sinn Féin will support most of the amendments in group 1. He outlined the politics of why we continue to oppose the Bill. We have been consistent in that approach from the outset and do not believe that the Bill is necessary. I listened to Paul Frew talk about reform coming from the Executive. However, in the context of the Bill, the issue was dealt with and agreed by all parties in NDNA, and, as Matthew O'Toole has said, the Minister has brought forward reform and changes and is working on further reform of the issue.

Jim Allister has named the Bill —.

Dr Aiken: I am sorry. I apologise. I ask respectfully whether the Member will give way.

Mr McGuigan: Go ahead.

Dr Aiken: Thank you very much indeed. For clarity, when it came to the discussions about NDNA, many of the things that our party, in particular, asked to be included were not put on the table and, indeed, are not reflected in the document at all.

Mr McGuigan: That is an issue for all parties. NDNA is an agreement, and not every party got everything that it asked or wished for.

As I and others have pointed out in this and other debates, even the name of the Bill as the Functioning of Government (Miscellaneous Provisions) Bill is ironic, in that its sponsor's intentions are, in all likelihood, that it should cause dysfunction in the work of the Government, Ministers and spads, and strangle effective government.

Mr Storey: Will the Member give way?

Mr McGuigan: Go ahead.

Mr Storey: Why is it that every time we come to the House when a Bill or a proposal comes from the Members on the opposite Benches, they say, "This is how it is", but when someone else does it, they say, "There is an ulterior motive. Let us question it". If we started to question the motives of the Members opposite for all that they have done over the years, we would be in a far worse place than we are now. Will the Member, at least, show respect to the House and to the sponsor of the private Member's Bill? There are more private Member's Bills to come, and we need to accept the fact that the Member brought the Bill in good faith. We should, at least, have the decency to let it be heard in the Chamber today.

Mr McGuigan: Over many years, I have listened to the sponsor speak in relation this House, these institutions and the Good Friday Agreement. Never once have I heard him speak positively about the outworking of any of the institutions. As I say, he makes no secret of his opposition, quite the opposite. Despite Mervyn Storey's allusion to a road to Damascus change, I doubt very much that the Bill's sponsor has changed his opinion on this institution.

We have said from the outset that the Bill is unnecessary, and that must also be stated today. The amendments, though, will mitigate some of the most problematic clauses in the Bill and, I hope, ensure that any legislation that may emerge does not inhibit Ministers from delivering the good and efficient government that we should all want to see in this institution.

Supporting the amendments does not, in itself, indicate support for the Bill; rather, it is an attempt to mitigate the worst and most damaging aspects of it, in the event that it should pass.

Mr Wells: Will the Member give way?

Mr McGuigan: I will.

Mr Wells: Will the Member reflect and agree with me, that the attitude of his party's Members is negative? He, himself, cannot be blamed, because he only arrived in the Committee late in the process, having replaced the dynamic contribution of Mr Lynch.

Does he agree with me that the entirely negative approach of his party does not reflect well on it? I have sat in this Chamber for 26 years, and I have never seen a party oppose the long title of any Bill, in that time. That just does not happen. It does not happen in the Oireachtas, Westminster or any parliamentary assembly. Does he not accept that there was ample opportunity to deal with his concerns at the Committee, and it was not taken? I have never seen a more negative approach taken by any party to any Bill in my long time in the Chamber.

Mr McGuigan: I made the point, the last time, about the title of the Bill. I have made it already. The title is, "Functioning of Government" and, in my view, the Bill's sponsor is not bringing it forward to enhance the functioning of Government. That point has already been made.

My party colleague made a really good point about the mitigations and amendments brought forward by the Minister, when he described Brexit. That is a situation similar to the one that we are in with this Bill. Supporting these amendments, as I have said, does not indicate support for the Bill. It is, rather, an attempt to mitigate the worst aspects of it, should it pass.

The Minister has already outlined, in great detail, the substance of the amendments, and I echo much of what he has said about them. As others have said, many of the amendments are technical in nature and are designed to fix unfortunate or ill-conceived wording, provide greater clarity and indeed cover —

Mr Frew: I thank the Member for giving way; he knows that I always give way too. I reserve and protect his right to oppose any Bill, legislation or amendment. However, what the Member is saying is that he is opposed to the Bill, not because of the content but because of the sponsor. That is really bad form. I ask the Member, if he opposes

the content of the Bill, is there not one clause that he can support on a blank blue page?

Mr McGuigan: The Member obviously has not been listening to my contribution. My opposition is not because of the Bill's sponsor. The Bill itself is unnecessary and unwieldy. It is bad legislation. All that has been pointed out, and the proposed amendments are, in some way, an attempt to mitigate it. Amendment Nos 3 and 4, for example, will reassert the primacy of the Minister over the special adviser. Special advisers are political appointments, and Ministers are, therefore, granted full discretion in their appointments. That is why spads should not be subject to the Civil Service disciplinary procedures. The Minister is ultimately accountable for the actions of the special adviser and should, therefore, have full discretion when it comes to disciplining spads, including removal from the post, should that be necessary.

Amendment No 8 deals with the problematic clause 1, subsection 4, which renders the appointment of a special adviser of no effect, if the appointing authority does not adhere to the code of appointment outside the Civil Service (Special Advisers) Act 2013.

Retrospectively invalidating an appointment leaves open the possibility of legal challenge over remuneration for work already done. The amendment provides for immediate rather than retrospective termination, and that is just one example of the short-sightedness of the Bill. There are many others, of course, and I finish by reiterating that the Bill is not necessary.

12.15 pm

Mr Carroll: I welcome the opportunity to speak about the Bill again. One of the most pressing matters of this part of the debate is when we get the measures into place in the Assembly and when they will come into operation. Few of us will doubt why it is important to get changes relating to junior Ministers and spads in place as swiftly as possible and to ensure that there is a code of practice in place that at least attempts to get the standard of behaviour from those in power and their advisers that the public should expect.

From my reading, at least, of some of the amendments, it is concerning that, while the Bill's sponsor seeks to ensure that as much as possible of the Bill comes into effect the day after it receives Royal Assent, the Minister wants to put in a six-month delay for some clauses and, indeed, to maintain a delay until 1 April for others. Will the Minister, in his closing remarks, speak to his desire and rationale for that? I did not hear it in his introduction of the amendments, especially on the ability to appoint a spad and insert a six-month delay before the changes to the code of conduct will be made. His answer may provide clarity on the amendments that we will vote on shortly. I cannot see the need to push the measures back. We have gone long enough with a lack of rules in this place and the scandalous effects resulting from them. We would be in favour, without further explanation from the Minister, of introducing the measures as quickly as possible.

To be frank, if we were in the Executive and in a position to set rules on the issue — we are obviously not — junior Ministers would not have spads. There would never have been as many spads to begin with, and they should have and would have been paid in line with the average

worker's wage, along with Ministers. The upper echelons of this institution should not be and would not have been allowed to get away with some of the dodgy schemes and decisions that we have seen over the past 10 years and, in some cases, longer.

If we had been bringing through the Bill, we would have sought to go much further and, in some cases, in different directions. I remain as unconvinced as ever that strengthening the hand of this institution when it comes to doling out punishment or taking action is the sole solution to many of the scandalous problems at the heart of the Assembly. As it goes, we are obviously not calling the shots, probably to the relief of many in the upper echelons of the Assembly, but we are able to talk to some measures in the Bill that seek to curtail the actions and conditions that led to the RHI scandal in the first place.

We are satisfied with most of the amendments and seek clarification of amendment Nos 48, 49 and 50.

Mr Catney: I enjoyed the work that was done at the Committee Stage of the Bill and being able to take an in-depth look into the impact of each clause. It is clear — I suggest that no party here will disagree — that there is a responsibility on all of us to restore the public's confidence in these institutions. Many will point to occasions when we failed to do that, but we have another opportunity in how we look at the Bill and the important reforms that it is trying to bring in. The Bill speaks to the heart of how this place operates, how Ministers interact with Departments and the Chamber, how special advisers fulfil their role without stepping over boundaries and how this place can operate in a transparent and effective way that the public can have faith in. We all know that that has not been the case in the past, and it goes further than RHI. It is a culture that must be rooted out from structures that must be reformed. Although there are disagreements on how that should be done, there is no disagreement on the fact that it must be done.

The issue of whether the changes that the Bill would make should be implemented through a private Member's Bill has been raised at each stage. Some have suggested that as a reason to vote against the Bill in its entirety. I agree that legislation must be properly formed, and poor legislation leads to poor outcomes. Although I have many disagreements with the Member on policy, there is a saying about broken clocks. The Bill sponsor has shown himself to be well versed in all the detail required to create sound legislation, the meaning of which would be unnecessarily debated for years to come by — dare I say it? — overpriced lawyers. It would be a poor decision to reject the Bill just because of the person who is sponsoring it. That said, those who engaged fully with the process will know that the amendments at each stage have made a positive contribution and will improve the functioning of the Bill. I thank the Bill sponsor for his willingness to listen to Members' concerns. A lot of his amendments sought to address many of those concerns. That positive attitude has gone a long way towards finding consensus. *Who knows? Maybe the Member is softening in his old age [Laughter.]* The amendments in this group are largely technical, so I see no issue with them. I welcome the clarity brought by amendment Nos 4, 5 and 8. Those amendments should be made, as they allow for the Bill to function more clearly in real life. Amendment Nos 16, 17, 48 and 49 address commencement, which was a concern for some. Each

amendment should allow for the provisions to come into force in an acceptable but realistic time frame. As I said, most of the amendments are technical and provide clarity. I will speak to the amendments on administrative reform and accountability later.

Mr Wells: We are in a rather surreal situation. I sat for every minute of the scrutiny of Mr Allister's Bill in the Finance Committee. As I said in a previous debate, the Finance Committee has turned out to be an extraordinarily interesting body to be on, and that is reflected in the very high member turnout for the scrutiny of Mr Allister's private Member's Bill.

I have never seen a more negative approach by any party in any Committee in my time in this Building. The attitude of Mr McGuigan's colleagues was simply that they were against every line, jot and tittle of the legislation: "We are totally opposed to it and will vote against every clause and sentence", which they did. Now, at the very last minute — the eleventh hour — the Minister comes forward with amendments, having not put forward one change or one amendment at Second Reading or at any part of the Committee scrutiny. Why? That is no way to do legislation. I have opposed much legislation over the years, but I have always made a point of coming in early at Second Reading to flag up my concerns and submit amendments and changes as the process went along. We now have Sinn Féin coming up with a series of amendments.

Mr McGuigan has let the cat out of the bag, for which I thank him. The reason that there is so much opposition from his party is not about the Bill; it is about the person who wrote it. If Mr Allister stands up and says, "Crows are black", Sinn Féin immediately says that it is a plot to bring down the Assembly and crows must be white. Everything that emanates from the mouth of Mr Allister is wrong because his motivation is to bring this place crashing down". He is opposed to the Good Friday Agreement: well, I was too.

He is opposed to the institutions and to mandatory coalition, and, because of that, everything that he does must be suspect and thus must be opposed, even when most reasonable Members of the House are saying, "Let us look at the content. Do not look at the motivation. What does the legislation actually say?". Mr Allister has been successful in achieving consensus across the House, apart from one party, that there is an awful lot to be said for what he is trying to do. Sinn Féin knows full well that, if the legislation goes ahead, the obscene situation in which dozens of Executive decisions were delayed because Ministers from Mr McGuigan's party were referring material — confidential material — to Connolly House, where super-spads made important decisions on behalf of the people of Northern Ireland, can no longer happen. Those super-spads were never elected, never stood for election, were never appointed through the normal process, were never subject to the limited controls that there were —.

Mr O'Dowd: Will the Member give way?

Mr Wells: I certainly will.

Mr Deputy Speaker (Mr Beggs): I draw the Member back to the amendments.

Mr O'Dowd: First, can the Member clarify whether he includes himself in those whom he considers "reasonable

Members of the House"? That would be an interesting confirmation or denial.

I doubt that the spads who caused problems with RHI ever set foot in Connolly House. They spent a lot of time around DUP headquarters, though.

Mr Deputy Speaker (Mr Beggs): Again, I encourage all Members to return to our duty today, which is to discuss and decide on the specific amendments in front of us.

Mr Wells: That is an awful lot of *[Inaudible]*, Mr Deputy Speaker. Anyhow, I will try to come back to the amendments anyhow. I will just respond to Mr O'Dowd's intervention first. Yes, but at least the DUP has had the sense to see that things went badly wrong with its spads and is supporting Mr Allister's legislation. Mr O'Dowd's party is still opposed to every jot and tittle of it. That is the difference. His party has not realised the fundamental mistake that it made by having people who were totally detached from the democratic process in bunkers up in Connolly House making decisions on behalf of the people of Northern Ireland.

Again, Mr McGuigan let the cat out of the bag by saying that the legislation is wrong because Mr Allister suggested it, including some of the amendments. I say that just to keep myself right with the Deputy Speaker. The fact is that I have never seen anybody be so reasonable in promoting a private Member's Bill. He spent hours before the Committee discussing its concerns with the Bill. As it happened, fortunately, he turned out to be a member of the Finance Committee, so the Committee had the benefit of his expertise. There is a lot of merit to the proposal that those who are promoting a private Member's Bill should be allowed to sit *ex officio*, but without a vote, on the relevant Committee. I see a lot of merit in that, because, fortuitously, we had that situation with Mr Allister. It was absolutely invaluable. Regularly, he had to declare an interest for that reason. It certainly helped the promotion and scrutiny of the legislation, however.

I would not like to think how many amendments to the Bill Mr Allister proposed, including quite a few that are before us, such as those to the first clause. Once again, I am keeping myself within the correct parameters. He has tried and tried to meet the concerns of Members. In many cases, his amendments have strengthened the legislation. It was unfortunate that, on a couple of major points, that did not happen, however. Mr Muir, having obviously received his orders from the Justice Minister, stood up and opposed what I thought was an important part of the Bill, and that helped to secure its defeat. I hope that Mrs Long is proud of what she achieved. The point is that, time and time again, Mr Allister came back with amendments and tweaks to his Bill to try to achieve consensus. The Members opposite have just thrown that back in his face.

In the years leading up to the RHI inquiry, the behaviour of spads on all sides in this Building was absolutely disgraceful. It besmirched this Building. In fact, it led directly to the fall of the Executive. I believe that Mr Allister's Bill goes some way — in fact, a long way — to addressing public concern about the behaviour of spads.

The amendments before us are very much technical in nature and clarify what should have been brought up long before now, but I accept that many of them improve the Bill. I do not see that there is much in the way of controversy, but I would like an answer to Mr Frew's

point about the status of the senior civil servant who can intervene. Who will that be? What powers will they exercise? That needs to be clarified. Beyond that, there is a lot of merit in the proposals.

12.30 pm

The meat of the debate will come after this — presumably after lunch — when we get down to the much more controversial nitty-gritty issues. Please do not oppose the Bill simply because Jim Allister's fingerprints are all over it. That is an absolute nonsense. If Mr McGuigan was to propose a Bill — an anti-litter campaign Bill — I would not stand up and say that it has got to be wrong because it is from Sinn Féin. I would look at the merit of the legislation and judge it by that, rather than by the person who is proposing it.

Mr Deputy Speaker (Mr Beggs): No other Member has indicated that they wish to speak, so I call the sponsor of the Bill, Jim Allister.

Mr Allister: Thank you, Mr Deputy Speaker. I too will be relatively brief. I am not going to be tempted into a debate about the chronology and history of the Bill. I am big enough to take the churlish jibes of Mr O'Dowd, recognising a sense of embarrassment and discomfort amongst the ranks of Sinn Féin, having spurned every opportunity to help frame the Bill until this last moment. The Chairman made the legitimate point that, when the Department was asked, it had nothing to say. I am glad that it has something to say now, because I have no interest in putting on the statute book anything but the most orderly of legislation. I therefore welcome the assistance being given by way of the various stylistic and textual amendments that have belatedly come forward. Sinn Féin's biggest problem is probably not with just the messenger, which causes them not to look at the message, but with the fact that it is probably continuing to smart over the fact that my first private Member's Bill removed from office convicted terrorists as spads. That still smarts, and I think that bringing a second private Member's Bill stretches Sinn Féin beyond the point where it can be rational and supportive.

Mr Storey: Will the Member give way?

Mr Allister: Yes.

Mr Storey: I thank the Member for reminding us of that. Does he accept that, unfortunately, it found another way to circumnavigate that piece of legislation and that some of the same people are still under the confines of the party opposite?

Mr Deputy Speaker (Mr Beggs): Members, again, I encourage you to speak on the amendments that are before us.

Mr Allister: Yes, but, of course, that relates directly to clause 1(6) of the Bill, because that is precisely what it is directed at: trying to curb that abuse.

I want to make another general point, albeit when we come to the Final Stage, in a fortnight's time or thereabouts, there will, no doubt, be more opportunity to make wider comments. Mr Wells made the legitimate point that, post-RHI, if there was one party that, understandably, might have felt a need to bury its head in the sand, it was the DUP, but that, to its credit, in this Bill, it has faced up to issues. On the other hand, Sinn Féin cannot get past the

small-mindedness of who is bringing the Bill. That is a commentary more on Sinn Féin than it is on me.

I raise no objection to amendment Nos 1 to 15. They are stylistic and textual in nature. I want to comment on amendment No 8, because Mr Frew commented on it. Amendment No 8 introduces the idea that a senior officer, as defined in the Departments (Northern Ireland) Order 1999, in the Department of Finance — which, of course, it would be, because ultimately the Department of Finance has responsibility for personnel — can intervene and abort an appointment if it did not follow the code of appointment.

That is of incidental significance because the code of appointment does not have any process for appointment, courtesy of Minister Murphy. The code of appointment had all the process stripped out of it whereby you had to have a pool of candidates and keep a record of why you chose whom you chose etc. It is hard to imagine how a senior officer could find anything in terms of process that might have been done inappropriately if the code does not contain any process. The impact of amendment No 8 is more imagined than real. It could become real if we, hopefully, reached the day that the code of appointment actually had proper processes. This legislation would govern that, and that would be good. As of now, I do not see that amendment No 8 makes any tangible difference.

I will now move to the first of my amendments — amendment Nos 16 and 17. I am trying to meet some points that were legitimately raised with me during Consideration Stage, and some Members have recognised that I have striven to meet those points. Let us be frank. If you are a single Member trying to introduce legislation, you can only sustain and progress it if you seek to meet the objections raised. I am grateful to those who have acknowledged that I have sought to do that.

In amendment Nos 16 and 17, I try to get away from being calendar-led about when the impact of those measures come into effect, recognising that time is telescoping and that there is a better way. The better way is simply to say that clause 4 will come into effect three months after Royal Assent has been given. Those who raised it raised a sensible and rational point, and I am more than happy to meet it. It tangentially affects the link to the commencement clause in 14(1).

I want to come briefly to that because amendment Nos 48 to 51 deal with commencement. At amendment No 48, the Department seeks to introduce a six-month grace period to revise the Civil Service code as it would apply, disciplinary-wise, to spads. I had a useful engagement last Friday with departmental officials and probed them on why they needed six months, as that struck me as a rather long period. They explained that, because it involves revision of the Civil Service code, there has to be a stipulated process of consultation with the unions and that, of its nature, tends to be longer rather than shorter. Therefore, it was explained that it might take up to six months to complete that process, although hopefully fewer. If that is correct, I will not die in a ditch over it. If the Minister confirms that that is the rationale for the six months, then, although it seems somewhat long, I will not divide the House on it. I will accept it.

Amendment No 49 comes from me. It flows from the alternative provision being made under amendment Nos 16 and 17 to give the three-month delay on the end of the

employment of anyone engaged under the 2007 Order who has to lose their employment. As I understand it, that simply means that the spad appointed by the Sinn Féin junior Minister in the Executive Office or anyone in position — a David Gordon-type figure — who was appointed under prerogative powers. If such a person was in position, they too would have the three months. Through amendment No 49, I want to take out clause 14(1) because, on reflection, I see no reason to delay the repeal of the 2007 Order, which is the one removing junior Ministers' spads, or the prerogative power Order, which relates to the David Gordon-type appointment. There is no logical reason to delay that beyond the Bill coming into effect. Therefore, clause 14(1) no longer has any function. Hence, my desire to remove it.

Amendment No 49 is compatible with accepting the Minister's amendment No 48. The outcome would be that everything except the disciplinary code aspect of clause 1 would come into effect upon Royal Assent, and that aspect would have the six months' grace. That seems appropriate to me.

In view of amendment No 48, I will not move amendment No 51. In relation to amendment No 52, the Department has advised that it is not necessary in legislation to define the Executive Office. I am quite happy to accept the Department's word on that and to accept amendment Nos 52 and 53. That simply leaves amendment No 56, which tidies up the long title.

There is little of controversy in group 1. There is a little more meat in group 2. I am content to accept any amendments that make for more-orderly legislation and have indicated to the House my expectations in that regard.

Mr Murphy: I thank the Members who contributed to the debate and gave their attention to the extensive list of amendments, some of which make significant and important changes to the Bill.

As Minister of Finance, with responsibility for most policy areas covered by the Bill, I am interested in ensuring that the legislation, at the very least, does not prevent the effective work of Ministers and civil servants, including special advisers.

I am happy to respond to a number of points raised by Members. There is a fundamental misunderstanding of my role as a Minister, and therefore the role of the Department, in a private Member's Bill. I absolutely encourage all private Members to bring forward legislation. I have no difficulty with that. I am sure that private Members from all parties will bring forward legislation, so I am not sure where the notion that private Member's Bills should not be brought forward has come from. It is not part of the opposition to this particular legislation. Nor do I have any particular issue with the sponsor of the Bill bringing it forward. He is perfectly entitled to do so, and that does not in any way reflect my view of the Bill itself. However, the Chair and Deputy Chair of the Committee have advanced a notion about my opposition.

This Bill does not come in a vacuum, although some, including its sponsor, have tried to create that impression. It comes on the back of a process agreed by all Executive parties for dealing with the issues that came from the fallout of the RHI inquiry, a process that was talked through by the parties before the Executive were reformed.

The course of action that the parties agreed did not require legislation. It was translated to the Executive, who also confirmed that legislation was not required, and the Executive agreed a course of action. Having taken up the post of Finance Minister on the restoration of the Executive, I was given the responsibility of leading on that course of action and bringing forward significant reform of the codes. I will get back to that area of work in due course.

That was the context in which the Executive and Executive parties agreed to approach this. People who are part of Executive parties are very much entitled to change their view. Obviously, the SDLP has: at one stage, it agreed that legislation was not required; now, it does not.

They want to see legislation coming forward in whatever form, through a private Member's Bill or otherwise. However, the Chair and Deputy Chair have assumed that the Department, having opposed that — I was leading on the agreed Executive position on how the issues should be addressed — has a responsibility to fix flawed legislation that we opposed at an early stage and to make it better. I expressed at every opportunity, as the Member has acknowledged, opposition to legislation being brought forward, but Members opposite, including Mr Wells and others, assumed that I would come in like a knight on a white horse over the hill to fix the Bill and make it good legislation. I had argued that it should not be brought forward, and I opposed it at Consideration Stage.

12.45 pm

Now that the legislation has been voted for at Consideration Stage, it can no longer be opposed, unless the entire Bill is brought down at Final Stage, which is still the prerogative of the House and one that I advise it to consider. We now have a responsibility to try to fix the bad legislation that the Assembly voted through at Consideration Stage. It is an entirely consistent position, and it is a fundamental misunderstanding of my role to suggest that the Department, as led by me, had some responsibility to come in at an early stage, after we had opposed the legislation, stated that we opposed it and outlined the reasons why we opposed it. We were true and consistent to the agreed position of the five parties that make up the Executive and their Executive colleagues who sit on the RHI subcommittee representing all five parties. It would have been inconsistent to try to fix what we considered flawed legislation, so I am aghast.

Mr Frew, showing, I think, that some lessons have not been learned from RHI, went on to suggest that I should have somehow used my Department's resources to feed information to my party colleagues on the Finance Committee to allow them to engage with the Bill. I am sure that I would have been before the Committee to answer questions about why that was the case. You cannot have your cake and eat it. You cannot insist that, if I was not going to engage with the Bill, I should have given Sinn Féin Committee members information to engage. That is the Department's information, and that is why I, as Finance Minister — not as a member of Sinn Féin — have come forward at this stage to try to fix what has already been passed by this legislature. I took a consistent position of opposition to the Bill throughout. However, I now have a duty and obligation on behalf of the Executive to make sure that this flawed legislation that the Assembly, in its

wisdom, has voted for does not become so damaging as to absolutely prevent the proper functioning of government. I am happy to give way.

Mr Frew: I thank the Minister for giving way. The Minister well knows, as do I and the House, that the Department of Finance and the Minister are completely and utterly separate from any political party, namely Sinn Féin this time. However, both the Department and Sinn Féin have failed miserably on this legislation.

Mr Murphy: First, that is his political viewpoint, but I think that, if he reads Hansard, he will see that he suggested that I should have facilitated my party colleagues on the Finance Committee in engaging with the Bill. Of course, it is not the role of a Finance Minister or, indeed, any Minister to use departmental resources to inform a party political approach.

Far from failing the Bill, as I have said — the Member chooses not to listen, and that is his prerogative — I have been consistent in my approach. That is not just in my personal approach; I have been consistent on behalf of the Executive and the Executive parties, who agreed that the way to do this was through amending the codes, which we have already done. That is the way to achieve this.

Mr Frew said that he supported the Bill because it was reform and that I should have carried out reform. He is the Deputy Chair of the Committee, and we have put all of the documents to the Committee. Maybe they bypassed him. We have reformed the ministerial code of conduct, the guidance for Ministers, the spad code of conduct, the code for the appointment of spads, a letter for the appointment of spads and enforcement arrangements. They have all been brought forward. He and others have tried to create an impression that there has been a vacuum and the only thing that can fill it is Mr Allister's Bill. Mr Allister is entitled, in any circumstances, even had we brought forward what he might have considered to be the most robust codes and guidance, to introduce his Bill. However, suggesting that there was a vacuum and that there was no proposition of reform is not just to deny what I, as Finance Minister, have done; it denies what his party colleagues have done in the Executive. The Executive subcommittee and the Executive approved all of those things. His party's fingerprints are on those pieces of reform, which were the agreed Executive approach to dealing with the outcome of the RHI inquiry. What Mr Allister has brought forth, which you now support, was not that.

I have been consistent about not only my position, which I outlined, but the position of the Executive.

Mr Frew: Will the Minister give way?

Mr Murphy: Yes.

Mr Frew: I thank the Minister for his clarification, but he neglects to realise that, just because parties agree on a certain stance, that stance cannot be added to and enhanced by other ways and means. That is simply what we have considered. If you come to a political agreement between parties to advance something and somebody else then has a better idea that will enhance and add to it, we should look at and review that, and, if it is worthy and acceptable, we should accept it.

Mr Deputy Speaker (Mr Beggs): Members, we are getting into a debate that is beyond the legislation that is in front of us.

Mr Murphy: I said in an earlier response that, if parties change their position, that is entirely a matter for them. They are entitled to change their position and decide that legislation is now required. Mr Frew made the point during his contribution, which was allowed, that the Department should have brought forward reform. However, not only did the Department bring forward reform but the Executive endorsed it. The Executive as a whole brought forward a number of pieces of reform of code. To try to suggest that this legislation appears in a vacuum of no other activity is incorrect and misleading. I just wanted to put that point on the record.

He raised some points and questions about amendment No 8. A termination would be the fault of the appointing Minister through neglect, error or deliberate intent. The Bill requires that the appointment be ended. That was decided by the Assembly at Consideration Stage, so I am trying to fix some things that the Assembly, in its wisdom, already agreed to. The amendment ensures that termination is not retrospective, which would be very unfair. The senior officer I am referring to is a senior civil servant in the Department of Finance — they are at grade 5 and above — and it would be for that official to examine evidence to their satisfaction. The Bill does not specify a procedure for doing that. The amendment reflects the need to give someone the duty to effect the termination of appointment. The original clause did not place that duty on anyone, which raises the question of whether it could have been effective. A senior official would be bound, of course, by the code of ethics, which require objectivity, impartiality, integrity and honesty.

Mr Frew also raised a question that, I think, Mr Carroll asked about the Bill's sponsor, who engaged with departmental officials with my approval last Friday. I was happy to have them engage with him. We are beyond the stage where we can prevent this, which we tried to do. We are at the stage of trying to tidy up the mess. Of course, the amendment to the handbook is a matter of negotiation, as he outlined, with the Civil Service. The six months, as the Department has said, may be on the longer side, but it is much better to give a longer time in order to recognise the unions and to give them their place. I am sure that that is something that Mr Carroll does not disagree with. He asked questions about that. Others might not give the unions the required attention, role or right to consultation that they deserve, but that is the purpose of the extra six months. I hope that that answers a number of the questions that Members raised about that.

Mr O'Toole and others in the SDLP outlined their view of the need for legislation. It is not fair to say that it was the Civil Service view that codes are all that are required. It was the parties that agreed that codes are required to deal with the issues coming out of RHI. It was the parties in the Executive that agreed to continue that approach. To somehow suggest —

Mr O'Toole: Will the Minister give way?

Mr Murphy: Let me finish my point.

It is not fair to suggest that the idea of codes coming forward was almost a Civil Service means of cocooning itself from any real reform and that we went with that. I know that he was not part of it because he was not in this institution or active in the SDLP here at that time, but the parties sat round the table in the working group

and decided and agreed that the way forward was an amendment of codes of practice and to enforce those and make them as strong as possible. That work was then carried on in to the Executive. I was given the responsibility of leading it, and the Executive parties agreed that that was the way forward. It is not fair to suggest that the idea of codes is the Civil Service view.

He gave some rationale for the SDLP changing its view by talking about the importance of legislation as public presentation so that we can tell the public that we are doing something. It may be flawed and may create a mess down the road, but at least we can say that we did something. I am happy to give way.

Mr O'Toole: I thank the Minister for giving way. Is he saying that, because there were working groups before NDNA, all parties that were in those working groups are, for ever and a day, committed to not examining legislation, or is it that the Executive subcommittee on RHI looked at specific proposals and said, "Yes?". Were they, consequential to that, also saying, "No other form of reform, legislative or non-legislative, will ever be required, and we are precluding our support for it"? That seems to be what the Minister is saying.

Mr Deputy Speaker (Mr Beggs): I again encourage Members to speak to the amendments before us.

Mr Murphy: I have already said that parties are entitled to change their view. I am leading the debate on behalf of the Department, as an Executive Minister, reflecting the approach that the Executive took and that is agreed by all the political parties. The Executive have never suggested that we should legislate for this. None of the Ministers in the RHI subcommittee has ever suggested that we require legislation. If they do, that will obviously be considered.

Of course the Member is entitled to change his point of view. What I was challenging in his contribution was the suggestion that somehow the idea of producing codes as a way to deal with this was a Civil Service view: it was not. It was the view of the five parties that make up the Executive, and that has been carried through in the Executive's approach to this. Absolutely, parties are entitled to change their mind if they feel that public presentation is more important than an effective way to deal with such things.

Mr Wells lamented a negative approach. I know that he has created clear blue water between him and the party — maybe the party has created clear blue water between it and him — but that party has blocked more legislation in the Assembly than all the other parties put together. I would love to have seen that open-mindedness in his engagement with marriage equality legislation, against which he continues to fight a lonesome battle, or reproductive rights for women or, indeed, the language legislation that will come to the Chamber. I am sure that he will embrace that in the spirit of being a parliamentarian. He laments the behaviour of spads over a long number of years. That did not prevent him becoming a Minister for the party whose behaviour he laments. He was obviously able to put that to one side; indeed, he challenged and advocated his being brought back into a ministerial position at that point.

I know that we are coming to a break, so it is probably a suitable point for me to draw my remarks to a conclusion. The idea that the Bill is proceeding in a vacuum is a

falsehood. I still believe that the legislation is unnecessary and wrong and will create more problems than it resolves. I have a responsibility, on behalf of the Executive, the Department and any future Ministers who will have to deal with the legislation, to try to tidy it up in some shape or form. That is consistent with my approach throughout the process of the Bill.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to meet at 1.00 pm. I therefore 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 Minister for Communities. Further Consideration Stage of the Bill will resume immediately after Question Time, when the Question will be put on amendment No 1.

The debate stood suspended.

The sitting was suspended at 12.58 pm.

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

2.00 pm

Oral Answers to Questions

Mr Principal Deputy Speaker: Before we proceed, I remind Members that the Business Committee has agreed to reduce, on a trial basis, the number of Ministers responding to Question Time, so only one Minister will respond to questions each Tuesday until Easter 2021, at which point the Committee will review that arrangement. Only the Minister for Communities will respond to questions for oral answer today, and the remaining Assembly business will resume promptly at 2.45 pm.

Before I call Ms Sinead McLaughlin to ask her question, I take the opportunity, on behalf of all Members of the House, to welcome the Minister back to her place and to wish her all the best for a speedy recovery from her recent health difficulties.

Communities

Children Living in Poverty

1. **Ms McLaughlin** asked the Minister for Communities to outline her plans to reduce the number of children living in poverty. (AQO 1419/17-22)

Ms Hargey (The Minister for Communities): Before I start, thank you, Christopher, for your well wishes. I place on record my thanks to the Chair of the Committee, who was in contact with me when I took sick. I also thank Carál Ní Chuilín, who stood in for me very quickly at a challenging time, and all Members for the well wishes for my health. I am back again and glad to be engaging with everyone.

I thank the Member for her question. When Minister Ní Chuilín was in post recently, she announced the extension of the 2016-19 child poverty strategy until May 2022. The purpose of the strategy is to ensure that work is done collectively to tackle the issues faced by children and families impacted on by poverty. The extension will allow time for further engagement with the anti-poverty strategy expert panel and co-design group on how to address child poverty in the longer term. The panel and the group have been established just in recent months. They will consider whether the measures to deal with child poverty in the overarching anti-poverty strategy currently in development are the right approach or whether a stand-alone child poverty strategy is required.

A review of 'People and Place: A Strategy for Neighbourhood Renewal' is ongoing and involves a co-design approach with the key stakeholders. It is expected that the review will be completed within the current Assembly mandate, and its findings will inform the development of the anti-poverty strategy. As work progresses on the strategy, there will be a number of opportunities, particularly for young people, to engage with the development process. I will be engaging with the Children's Commissioner and other stakeholders who give young people a voice. It is planned that the anti-poverty

strategy will be published this December, subject to Executive approval.

Ms McLaughlin: Thank you, Minister, for your response. As you will be aware, organisations that work to support families in poverty, many of which have at least one parent who is working, are clear that the benefit cap is a significant factor in child poverty. Will the Minister ensure that mitigations are provided for the benefit cap?

Ms Hargey: The Member will be aware that existing mitigations were included in yesterday's Budget announcement. I have a commitment to bring the paper on mitigations to the Executive in the coming weeks. I am also carrying out a review with departmental officials and, importantly, engaging with the critical stakeholders that impact on areas around poverty to look at what further mitigations and protections we can bring in. It is part of ongoing work, and I will inform the Committee and the Assembly as we take all of that forward.

Ms Mullan: I join you, a Phríomh-LeasCheann Comhairle, in welcoming back the Minister. It is great to have her back.

In your answer to the Member, Minister, you outlined her plan to engage with the Children's Commissioner and other stakeholders. Will you give some detail on how you plan to include young people in the development of the anti-poverty strategy?

Ms Hargey: It is critical to hear the voices of those who are directly impacted on by the policy that I, the Executive and the Assembly as a whole want to take forward. I had an engagement with the NI Youth Forum just last week on those issues and issues across my Department's remit.

I want to look at all the strategies in a co-design process with the stakeholders impacted on by the policies and strategies. The co-design panels and expert panels that have been designed are starting to look at that. We have ongoing engagement with the organisations that work in and around the wider policy issues around poverty and, indeed, with children and young people. Obviously, I want to directly hear the voices of children and young people and how any future policy will impact on them. I want them to be involved in that co-design process. Again, we are looking at ways to do that in the midst of a pandemic, to hear their voices and, importantly, to work with the organisations that support them directly, such as the NI Youth Forum and other local forums and organisations.

Mr Principal Deputy Speaker: Before I call Mr John Blair to ask question 2, I have a bit of housekeeping to do, Members. Question 8 has been withdrawn, and topical question 9 has been withdrawn.

PIP Assessment Process

2. **Mr Blair** asked the Minister for Communities when she will publish her response to the recommendations of the second independent review of the personal independence payment (PIP) assessment process. (AQO 1420/17-22)

Ms Hargey: The independent reviewer, Marie Cavanagh, provided my Department with a copy of her final report on 11 December 2020. I take the opportunity to place on record my thanks to Marie for her report, which is extremely comprehensive, and for completing the review despite the unprecedented challenges that have arisen as a result of the pandemic. I acknowledge the

important contribution made to the review by people and organisations and recognise that the findings are important in continuing to improve the PIP process and to ensure that it is delivered with compassion and in an empathetic manner. My officials are currently considering the recommendations in the full report. In line with the approach adopted for the first independent review, my Department will publish a formal response in spring this year, so, in the coming months, we will publish a response on how we are taking that forward.

Mr Blair: I thank the Minister for that reply. Mr Principal Deputy Speaker, I echo your sentiments: it is good to see her back here.

Further to that question, will the Minister do all that she can to ensure that the future provision of PIP assessments will concentrate on helping people to live independently, rather than making them prove their disability?

Ms Hargey: That is obviously an important question. In the review, Marie Cavanagh came forward with 12 recommendations in certain areas. We have engaged with over 250 responses on the impact of PIP. We are looking at disability assessor training around that. Giving those with a disability their independence and empowering them to engage is something that I want to seriously consider. When my officials come back with their assessment of the recommendations, I will pick up on those issues in the time ahead. The report will be published by the spring.

Mr Durkan: I welcome the Minister's return to the Assembly and the Executive.

Ms Cavanagh recommends that PIP assessments be brought in-house, given the well-publicised negative experience of claimants at the hands of Capita, yet the Minister has confirmed to me in a written answer that the contract with Capita that was due to end in July may be extended for another two years. The problems with Capita long predate the pandemic, so can the Minister tell us whether she is content to reward Capita with more public money for failure?

Ms Hargey: When I came into the Department, that was one of the areas I was acutely aware of, given the impact of the assessments and the concerns raised by the people who go through them and by the independent advice sector in terms of people's experience. As I said, I want to create a social security system that works with people, empowers citizens and is empathetic to their needs. There are restrictions at the moment. I cannot change a complete system right away. You will understand that a lot of the processes and the IT infrastructure do not just pertain to here; they work across England, Scotland and Wales. However, I have instructed officials to look at a reworked in-house model. I know that that has been picked up in the recommendations as well. When I review my officials' recommendations on the reassessment of the PIP process, that is one of the critical areas that I will look at in more detail.

We cannot change it right away; we cannot change something like that in a matter of months. However, I am instructing officials to look at what we need to do in the time ahead. We are looking at that in-house model, as, importantly, it meets the needs of those who require it. Engagement with those individuals, and with the advice sector, in the design and in what that will look like will be

critical in the time ahead. There is a commitment from me to look at all of it and to do that.

Ms Dolan: I too welcome the Minister back to the Executive. Minister, does the Department plan to ensure that all communications issued to disabled people meet their requirements?

Ms Hargey: That is one of the issues. We are considering the comments made by Marie in her assessment. It is one of the areas that we are looking at in terms of disability and the requirements there. I will bring forward an assessment of it, as well as what the next steps will be, when we publish it, along with my Department's commitments, in the spring.

Mr Butler: I welcome the Minister back; it is good to see to see her in such good health. I thank your stand-in deputy, Carál Ní Chuilín. She was more than capable of doing the job.

Minister, you will note that the review recommendations on the special rules for terminal illness have been mentioned. They come further to the first review and to the cross-party support for scrapping the special rules. Can you provide an update on the Department's work in this respect?

Ms Hargey: Thanks very much. It is an important question. The Member will be aware that when Carál was in this role on a temporary basis she signalled a commitment to reform the terminal illness rules during the debate that took place at that time. The issue has been raised at the Executive. I think that there is broad support for urgent change. Treasury has raised areas of clarification in our attempts to make changes. Officials are working with Treasury to get the clarifications sorted out as soon as possible. A paper will be brought to the Executive for approval to make those changes. I will update members of the Committee, and the Chamber, when we do that. I want to expedite this as quickly as possible.

Museums: Reopening Preparations

3. **Mr Harvey** asked the Minister for Communities what preparations have been made for the reopening of museums. (AQO 1421/17-22)

Ms Hargey: Thanks very much for your question. Preparations are under way for the reopening of museums by National Museums and the Museums Council, building on the processes developed last year. That includes updating risk assessments to comply with the latest COVID guidance; working collaboratively with other bodies to redesign exhibitions and the visitor experience; and undertaking promotional activity in advance of reopening. I know that our museums are looking forward to welcoming visitors back and to ensuring that they do that safely.

Mr Harvey: First of all, it is good to see you back again, Minister. I too wish you well. My supplementary question is this: would you consider progressing a proposed development of a much-needed historic motor exhibition centre in a forest park in the Newry, Mourne and Down District Council area, with the hope of increasing footfall and serving the classic motoring fraternity?

Ms Hargey: Thanks very much. I am not aware of any request pertaining to that exhibition coming into the Department. However, if the Member and the council want to write to me, we can arrange a meeting to look at the

issues and the request and then see how we can take it forward.

Mr Principal Deputy Speaker: Spot the classic car enthusiast.

Mr Sheehan: Gabhaim buíochas leis an Aire, agus fáilte ar ais arís, a Aire. I thank the Minister and welcome her back. What financial support has been given to museums during the COVID-19 pandemic?

Ms Hargey: National Museums has received an additional £1.22 million in resources from the Department. Working with the NI Museums Council and collaborating with the Art Fund, we have been looking at a programme to support 14 museums to reopen and to work in a safe environment. The outline value of that work so far has been £11,000. The NI Museums Council has also collaborated with the Arts Council and with the organisations emergency fund for local museums to the value so far of £50,000.

In the midst of the pandemic, and given the impact that it has had, when looking at these organisations and their sustainability, I am keeping these measures and any supports that we can introduce under constant review, and I am liaising with colleagues in the Executive on budgetary issues and commitments. I will update Members as those progress.

2.15 pm

Mr O'Toole: I, too, welcome back the Minister, who is my constituency colleague. It is great to have her back and at the Dispatch Box.

In the plan for a safe reopening, arts venues and galleries are, I think, currently in the same category as wet pubs. While I, and many others, would very much like to get back to a wet pub and an art gallery, is it worth looking at whether they belong in the same category for safe reopening? Is your Department looking at that?

Ms Hargey: We are keeping the regulations under constant review, which is in line with seeking the health advice on what is safe to do. We want to engage with the sector, and we have ongoing engagement with officials. I am not aware of any issues with the two being compared. We are looking at all of this in the context of health and safety. If an issue has arisen, I am happy to look at it. I will take your question away to get an answer.

Staff continue to engage with the sector. Obviously, we want things to reopen as quickly as possible, but only when it is safe to do so. In the coming days, the Executive will look at issues with the current regulations and where things sit. That discussion will depend on what the Health Minister brings to the meeting.

The regulations are under constant review, and we will engage with the sector on how to reopen safely. I will update Members on that. On the specific issue that you raised, Matthew, I will come back to you in a bit more detail.

Mr Muir: I join others in welcoming the Minister back to her post.

A number of years ago, when I was fortunate enough to get a tour behind the scenes of the Ulster Folk and Transport Museum, I was amazed to see the number of items that were in storage. What percentage of items are in

storage, and what plans are there to bring more items out of storage and put them on display?

Ms Hargey: I am not aware of the percentage but I can get that information to you. We do, of course, engage with museums. Your question feeds into the initial question. Given the pandemic, we are working with our museum partners to try to get as many exhibits as possible into the public sphere, rotating them where possible. The worst thing to do is to keep material in storage where members of the public do not see it.

There is an ongoing programme, and we are learning how to put virtual exhibitions online. As a result of the pandemic, people have not been able to visit these spaces, so we are trying to look at ways of improving and doing more of that. We are also looking at whether, when things open up again, some exhibitions can go out beyond the museum building.

We continue to keep that under review. If you are looking for specifics on a programme at the Ulster Folk and Transport Museum, I am happy to give you that detail after this sitting.

Mr Principal Deputy Speaker: Now, for an encore, Mr Andrew Muir.

Job Start: Update

4. **Mr Muir** asked the Minister for Communities for an update on the establishment of the Job Start scheme. (AQO 1422/17-22)

Ms Hargey: I thank the Member for his question. The Job Start scheme was due to launch on 14 December. Unfortunately, the Department has had to pause the scheme because clarification is needed on funding approval for it going into the new financial year. I continue to keep the situation under review and will advise of developments. There have also been limitations due to the current regulations, which encourage people to stay at home.

We engaged with employers and key stakeholders in devising the Job Start scheme, and I want to get it kicked off as soon as I possibly can. The Budget was announced yesterday, and we can see the pressures that it has presented. I continue to engage with the Finance Department and other Executive colleagues. I continue to look at the labour market and at what interventions we can make. I commit to getting the Job Start scheme up and running as soon as possible.

Mr Muir: I thank the Minister for her response. I asked a question about this on 8 September after the Kickstart scheme was launched across the water on 8 July.

I was told that it would launch in November, and it is now being put off yet again. Rather than Job Start, it seems more like "Non Start". Can the Minister outline what funding was bid for and say whether any money has been returned to the centre as a result of the delays in launching this much-wanted scheme?

Ms Hargey: We are trying to launch the scheme in this financial year, so, as yet, no money for the scheme has been returned to the centre. The delays are around financial commitments in terms of whether we can run the scheme in the new financial year. I completely understand the frustrations. I have been raising this in terms of the

financial commitments in the Budget, because this is one of the critical areas as we start to look at recovery from the pandemic. Because of the current restrictions, there are limitations on what we can do to engage with young people entering the labour market, albeit that we hope that those restrictions will start to ease in the coming months. This is under constant review. It is an urgent matter for me to get the programme up and running as soon as possible when we have the resources committed to do so.

I will update Members as we move through this, and I appreciate that the Member has communicated with me on this; others have as well. We want to get this resolved as soon as possible.

Ms Sheerin: I join others in welcoming the Minister back. I have the honour of being next door to Carál Ni Chuilín upstairs, and, when the Minister was off, the biscuit supply was affected, so I have a dual reason for welcoming you back.

Minister, can you advise what types of job young people will be advised to enter in the Job Start scheme?

Ms Hargey: The Job Start scheme is different from Kickstart. There is greater flexibility in the Job Start scheme in that, if a single job opportunity arises, we can engage with the employer. There are restrictions in the scheme across the water in that a smaller employer would need at least 30 applications before that can be considered.

We are looking at any area across the employment sector. We want to engage with young people to ensure that they are job-ready to look at opportunities lasting up to six months, where they can be placed in a work-based environment with job and youth work coaches who can support the young person and match them to job opportunities. Engagement is ongoing with employers to look at potential placements, and I hope that, as soon as we can go live with the scheme, we can issue more details on the uptake that we get from young people.

Mrs Barton: Minister, I wish you all the best in your recovery too. You are very welcome back here.

Will there be any training for the young people for the jobs that they are interested in and, perhaps, for the people who will employ them?

Ms Hargey: There will be training and support. We are working with psychology experts in the Department on the barriers and limitations for the young people. They will be assigned support from the Department to work with them to ensure that they are job-ready and to prepare them for the transition into a six-month placement. We will work with them through designated work coaches who deal specifically with young people on the issues and barriers pertaining to young people.

There will be opportunities for young people to be employed for a minimum of 25 hours per week for six months. Training will be assigned to meet the young person's individual needs as they work through the initial application stage.

Mr Givan: I welcome the Minister back to her place and wish her well.

The job support scheme is an important one that we would like to see commenced; however, it is equally important to keep people currently in jobs. What representation is

the Minister making on behalf of sports clubs that have hospitality, including bars, that are being denied access to the localised restrictions support scheme? I refer to clubs such as Ballymacash Rangers Football Club, which you visited, that are being deprived of that support, which is jeopardising their projects.

Ms Hargey: I thank the Member for his question. That matter has also been raised in my constituency. I know that it not only relates to social premises in sporting clubs but includes social clubs as well. There are limitations. I have given support to sport through the grants that have been made available. Where there is lost income from the social club end that benefits the sport, that can be picked up under that sports programme. The closing date for that is tomorrow, so I encourage all Members who have sports organisations in their constituency to ensure that they put in for that grant.

Last year, during the first lockdown, sports clubs and social clubs were impacted, and I wrote to the Minister for the Economy about schemes in that Department. In reference to this scheme, you pointed to the Department of Finance, and we have raised the matter with it. Officials from both Departments are looking at this to see what additional scheme can be put in place. I cannot amend the existing sports scheme because it is a live application process. We are now working collectively and urgently. We had a meeting at the end of last week, and we will re-engage this week to see whether we can look at an additional measure to meet the need that is being expressed by Members.

It is a concern for people. There is a concern that their profit should not go into private pockets but should go to meet a broader social need in how they reinvest it. We are looking to see whether a scheme can be created, and, again, we will keep Members updated on where that sits.

I am told that the difficulty with the existing scheme at the finance end is with the rate and the rateable value. If some of those organisations were to be paid on the basis of their rateable value, although they may operate only a room, they would be paid more than some of our hotels. Obviously, there is a disparity that we need to address, but I am conscious that there is a gap and that we need to find a way as urgently as possible to meet the need and fill that gap. We can update Members as we progress in those discussions, and that will come to a conclusion over the next week or so because, obviously, we need something in place before the end of this financial year to support those sports clubs and, indeed, social clubs.

Welfare Mitigations: Two-child Limit

5. **Ms Bradshaw** asked the Minister for Communities whether there will be any measures in the revised welfare mitigations to prevent the continued application of the two-child limit. (AQO 1423/17-22)

Ms Hargey: Thanks very much for the question. The New Decade, New Approach deal committed to a review of future welfare mitigation measures. I am finalising proposals for the review, and I plan to make a formal announcement on how it will be taken forward in due course. Details of the review will be shared with the Committee for Communities at the earliest opportunity, and members will be afforded the chance to present their views on the proposal. I am not yet in a position to provide the specific details on the issues that will be covered in

the review; however, I can confirm that mitigation of the two-child policy will be considered. That is part of the considerations. The overarching purpose will be to identify the need to develop a prioritised mitigation package that will be costed and assessed for affordability.

I am committed to the principles of co-design and the desire to embed human rights in all that the Department does, and that will be an integral part in the development of any new mitigation measures. It is therefore planned to include representatives of the independent advice sector and other groups that have an interest in social security at all stages.

We know that, on 6 April 2017, the British Government introduced a limit on support for a maximum of two children. Families are not able to claim a child element for a third or subsequent child born on or after 6 April 2017. There are a number of exceptions to the two-child limit.

I recognise that children living in poverty are subject to poorer outcomes in education, health and other opportunities, and I want to look at how we can close those gaps to allow children to prosper and participate fully in society. There are few things more important than the well-being of children and young people, and, as part of the review of welfare mitigations on the two-child policy that are being considered, I want to bring forward the new proposals as soon as possible.

Ms Bradshaw: I also welcome the Minister back. It is great to see you.

Will you give us an update on the child anti-poverty strategy? We are a year on from 'New Decade, New Approach'.

Ms Hargey: Yes, I covered that in an earlier answer; I am not sure whether the Member was in the Chamber. There is a commitment to have a draft paper ready for December, and there were delays at the start of last year due to the pandemic. On the social strategies — the child poverty and anti-poverty strategies — we have engaged a group of academics and experts who are trying to bring together all the information and data. We are engaging in a co-design panel with people who represent and have a voice in dealing with those issues. We will bring forward recommendations for the next stages of the policy by December, subject to Executive approval.

2.30 pm

As I touched on earlier, the expert panel that has been established for the child poverty strategy is considering whether it needs to be a stand-alone policy or can be knitted into the wider anti-poverty strategy. We are looking at those issues, and I will update the Committee and Members as the expert panels that are looking at those two important strategies come forward with their work. We also want to continue to engage the sector because lessons have been learned, even as a result of the pandemic. One of those is about the impact of the pandemic on women and children. We want to look at using gender lenses and to gender proof all the strategies.

I am keen to engage and will engage with some of the key sectors. I will also look at some of the lessons from the pandemic and at how they feed into the poverty strategy work. Indeed, I am sure that members of the expert panel, who are embedded in that work regularly, will also

be thinking about those issues so that lessons can be learned, and we do not lose anything from the strategies that are coming forward. There is a commitment to complete that work and present it by December.

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

Housing: New Homes

T1. **Mr Blair** asked the Minister for Communities whether she can confirm that when, yesterday, in his Budget statement, the Minister of Finance said that there could be an additional £70 million for housing, which could lead to 1,900 new homes, that is the correct number and to state whether that is in addition to existing targets or to supplement them. (AQT 881/17-22)

Ms Hargey: We have made a bid under reinvestment and reform initiative (RRI) borrowing for our overall capital programme, of which housing is a part. We want to bring forward a housing programme of just over 1,900 homes for the incoming financial year. That will be the biggest housing programme in recent years. In the longer term, I want to build capacity. We need to build more social homes.

In the first six months of the pandemic, 2,000 additional people presented with housing stress. It would normally take two years to reach those kinds of figures, and the pandemic has definitely increased the pressures. I want to look at ways in which I can not only increase the social housing build programme but put more investment into co-ownership and other types of housing choices.

The draft Budget is out for consultation and has to come back to the Executive to be signed off. Once I know the definite figure for the borrowing and the overall budget allocation for the Department, I can give more clarity.

Mr Blair: I thank the Minister for her reply. Can she confirm where those new homes will be built? Will she ensure that rural housing need in constituencies such as mine will be addressed?

Ms Hargey: The social housing development programme is in the public domain and looks at where the housing need exists. There are big pressures, particularly in areas of the highest housing need, and we are not building enough homes in those areas. I know that Carál wanted to look at that when she was in post, and I raised the issue when I came into the Department last year.

There is a programme. I can forward to the Member the specific details of the proposals and where the homes will be ready in this financial year, but we are looking at how we can potentially ring-fence or focus on areas of the greatest housing need. I am also committed to rural proofing the strategy and identifying where there are disparities. There are unique challenges for rural communities, particularly in accessing or maintaining homes, and I have asked staff to look at that in more detail. Again, I can engage with the Member on those specific areas.

I want to ensure that we have a more ambitious social housing building programme in order to build infrastructure and capacity. That is part of the housing transformation and revitalisation piece that was mentioned in Carál's

November statement, and I will update Members as we move through that. If the Member has any specific issues or queries, we can follow them up afterwards.

Sports Sustainability Fund: Update

T2. **Mr Nesbitt** asked the Minister for Communities, after wishing her a better 2021 than 2020, for an update, in her capacity as the Minister responsible for sport, on the sports sustainability fund, which closes to applications tomorrow. (AQT 882/17-22)

Ms Hargey: The fund was launched just before Christmas, and COVID response money was committed. As the Member said, it is open to applications at the moment, and I encourage any sports organisation to apply to the fund, which is closing tomorrow. We hope to do an assessment and have a quick turnaround of applications to see what the demand is. Mr Givan mentioned social entities and the impact that the loss of alcohol sales has on some sports. Some of those areas can be picked up through the existing fund if it can be proved that the lost income has had an impact on the sport itself. I am working with DOF to look at what other measures we can put in place.

We know that there will be a huge demand for funding. That was the case when we released the initial hardship fund of £2 million. I want to continue to engage with Sport NI and with the sports organisations and codes to see whether, if the fund is oversubscribed, there are other things that we can do. Applications are live at the moment, but the closing date is tomorrow, so I encourage organisations and, indeed, Members here to get applications in before close of play tomorrow.

Mr Nesbitt: I thank the Minister. I believe that the fund totals £25 million. As chair of the all-party group on sport, I have been warned that, if the big three — Ulster GAA, the IFA and Ulster Rugby — put in big bids, there could be less than £10 million left for everybody else. Will the Minister commit to two things? First, I ask that she lobby the Finance Minister for some of the £126.9 million of COVID mitigations that he said is being held back — that was in his Budget announcement yesterday — and, secondly, that she lobby for sports clubs to be included in the localised restrictions support scheme.

Ms Hargey: I thank the Member. We are keeping all those issues, be they sports-, culture- or arts-related, under review and are looking at the initial community COVID response. There is a capacity issue with getting the money out in the time in which we need to spend it. The process is live, and the closing date is tomorrow. At close of play tomorrow, we will know how many applications are in. Over the coming weeks, we will know what the budget for the fund is going to look like. I have been engaging with DOF, Sport NI and others on whether there are additional pressures and what those might look like in monetary terms in order to allow us to make a bid.

The important thing is to get certainty from arm's-length bodies that, if the money is there, we are able to ensure that it can be spent in time. There are specific capacity challenges around doing that, because none of the organisations could have foreseen the pandemic. The situation is under constant review, and I am looking at it at the moment. We will know more after close of play tomorrow.

I am not sure whether the Member was here for it, but the other issue that I covered is that there is a gap where social clubs are linked to sporting organisations. Indeed, there is a gap for social clubs more broadly. In some of the engagement that I have had around the rates scheme, some people have told me that there is a huge disparity as a result of rates being based on the building in which the club is situated. In some clubs, drinking takes place in one room yet the rateable value is based on the entire site. For example, a club with a bar in one room may be paying more in rates than a hotel. That will cause a huge disparity and an imbalance. We want to see whether, in this financial year, there is anything else that we can be doing. I cannot amend the existing sports scheme, because it is live for applications. My officials and DOF officials are working proactively at the moment to see whether we can find a solution and a way forward to meet the needs not only of clubs that are affiliated to sports but of social clubs more widely.

Belfast Multicultural Association

T3. **Mr Boylan** asked the Minister for Communities, after welcoming her back, whether she will join him in sending the Assembly's support to the management and staff of the Belfast Multicultural Association and to state what support can be provided. (AQT 883/17-22)

Ms Hargey: Thank you for the question. Obviously, I was devastated by the news that came through last week of the fire that took place. It was not just that a beautiful historic building was destroyed, but that the Belfast Multicultural Association was doing vital work in the midst of the pandemic. I attended the scene on Friday and spoke to members of the association to give my support and ask what I could do. There was fear at that point, because we did not know what was going on. The police had not confirmed that it was a hate crime; that news came through later in the evening. Over the weekend, I liaised with members of the association, and I held a Zoom meeting yesterday with the association and affiliated groups. With this attack, fears have risen in the community. It is not just pertaining to now; there has been a building of events and there have been previous attacks. There is concern, anger and frustration amongst the members of the association and minority ethnic communities generally. Were all the protections put in place, or were there gaps?

Officials in my Department are working with Belfast City Council on this. The first intervention is to ensure that there is temporary accommodation, because association members deliver essential food and other support to communities and families in need. At the weekend, they operated that from their homes, but that is not sustainable, so we are looking at other locations. Last night, Belfast City Council offered the use of the Waterfront Hall. Other voluntary associations have come forward to the Department offering support and buildings that they can get on a temporary basis. We are working through the food programme that the Department supports with Belfast City Council, in this instance, so that we can get food to those families as soon as possible.

In the longer term, we hope to get the organisation back into the building. That is one of the big things. There is support from the Assembly and others; we want the building opened again, with the association back in it and delivering more services than it does at present. There is

an aspiration and an ambition in the project to do that. I will engage with the association on a regular basis. Obviously there are issues pertaining to the Executive Office in terms of race relations, and to the Department of Justice around security, protection and concerns that the association has raised. I will be engaging proactively with Ministers in the coming days and weeks on that as well.

Mr Principal Deputy Speaker: Before I call Mr Boylan for a supplementary question, let me say that it is at Ministers' discretion if they wish to spend over two minutes on an answer. However, they should let me know beforehand. Given the importance of this subject, I was loath to interrupt the Minister's answer because it is important that the House is informed.

Mr Boylan: I thank the Minister for her comprehensive answer. Will she commit to keeping the proactive engagement going and working with the relevant authorities to ensure that we get out the message that this behaviour will not be tolerated in our society?

Ms Hargey: Racism cannot be tolerated, and it has to be faced down. One of the things that members of the association and the wider community want to see more of is visible support out on the ground when incidents like this happen. That needs to be the case when racism or sectarianism raises its ugly head. I will continue to support the association through the Department where I can. I will obviously look at the wider community and what else can be done. The big thing is to ensure that we get the organisation back into its existing building as soon as possible. I am committed to that.

War Pensioners' Mobility Supplement: COVID-19 Payments

T4. **Mr Easton** asked the Minister for Communities, after welcoming her back, to state why people who receive the war pensioners' mobility supplement are not entitled to the COVID-19 heating payment and how she plans to address that. (AQT 884/17-22)

Ms Hargey: This is a live issue at the moment. Carál was Minister when it came forward. She recognised that fuel poverty was a growing issue during the pandemic, and her main motivation was to get additional support to people who needed it.

I am glad that the Committee has agreed that the corresponding benefits should be picked up. The issue was raised by Andy and others in the Committee, and I recognise that. The system is in place to work with the Department for Work and Pensions (DWP) to release the payment as soon as possible. I am proactively looking at how we close the gap with the corresponding benefit and whether any other corresponding benefits have been missed.

2.45 pm

I want to get as much support and payments out to people as I can, particularly during the pandemic. The gap has been recognised, and I thank the Members who highlighted it. We are trying to work with DWP and key stakeholders to find ways of making that payment. About 800 people are entitled to that benefit, and we are trying to find a way to pay it as soon as possible. Once we have

clarity, we will bring it back to the Committee. However, there is a definite commitment to address the issue.

Mr Principal Deputy Speaker: I am afraid that time is up. The Minister is like Geoff Boycott at the crease, slow and steady. I thank the Minister and, again, welcome her back.

We will return to the Further Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill shortly. I ask the House to take its ease for a few moments. If you are leaving the Chamber, please wipe down the surface where you were. Please, take your ease for a few moments.

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Further 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 clause 1, page 1, line 5, leave out "amend subsection 3 to read 'Within" and insert -

"for subsection (3) substitute—

'(3) Within".— [Mr Murphy (The Minister of Finance).]

The remaining amendments in the group stood on the Marshalled List.

Mr Principal Deputy Speaker: We return to the Further Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill. We have a series of Questions to deal with.

Amendment No 1 agreed to.

Amendment No 2 made:

In page 1, line 7, leave out "under" and insert "mentioned in".— *[Mr Murphy (The Minister of Finance).]*

Amendment No 3 made:

In page 1, line 12, after "Service" insert -

“, as that code applies to special advisers.”.— [Mr Murphy (The Minister of Finance).]

Amendment No 4 made:

In page 1, line 15, at end insert -

“(3C) For the purposes of subsection (3A), the following are not Ministerial interference—

(a) the carrying-out of a role given to a Minister by the disciplinary code mentioned in that subsection;

(b) the termination of a special adviser's appointment by the appointing Minister outside of, or before the conclusion of, any process or procedure under that code.”.— [Mr Murphy (The Minister of Finance).]

Amendment No 5 made:

In page 1, line 16, leave out subsection (4).— *[Mr Murphy (The Minister of Finance).]*

Amendment No 6 made:

In page 1, line 18, leave out "After subsection (3)(b)," and insert -

“In section 8(3) (contents of code for appointments), after paragraph (b)”.— [Mr Murphy (The Minister of Finance).]

Amendment No 7 made:

In page 2, line 1, leave out from "above" to "(Grade 5)" on line 2 and insert -

“at a level higher than the highest level under the published pay scale applicable to an Assistant Secretary (Grade 5)

in the Northern Ireland Civil Service.”— [Mr Murphy (The Minister of Finance).]

Amendment No 8 made:

In page 2, line 2, at end insert -

“(5A) In section 8, after subsection (5) insert—

“(6) If, at any time after a special adviser is appointed (and whether or not the appointment has taken effect), a senior officer in the Department of Finance is satisfied that a person exercising functions in respect of the appointment did not have regard to the code, the Department of Finance must as soon as reasonably practicable after that time give the special adviser notice terminating the appointment with effect from the giving of the notice, but this—

(a) does not apply if the appointment otherwise terminates before the notice is given, and

(b) is without prejudice to the person’s rights (if any) to payment in lieu of notice.

(7) In subsection (6) ‘senior officer’ has the meaning given by Article 2(3) of the Departments (Northern Ireland) Order 1999.”.— [Mr Murphy (The Minister of Finance).]

Amendment No 9 made:

In page 2, line 4, leave out “the duly appointed” and insert -

“a person duly appointed as a”.— [Mr Murphy (The Minister of Finance).]

Amendment No 10 made:

In page 2, line 5, after first “the” insert “Minister’s”.— [Mr Murphy (The Minister of Finance).]

Amendment No 11 made:

In page 2, line 6, leave out “post” and insert -

“person’s post as a special adviser”.— [Mr Murphy (The Minister of Finance).]

Amendment No 12 made:

In page 2, line 6, leave out “a permanent secretary” and insert -

“the permanent secretary to a Northern Ireland department”.— [Mr Murphy (The Minister of Finance).]

Amendment No 13 made:

In page 2, leave out lines 10 to 13 and insert -

“(2) A special adviser—

(a) in carrying out the functions of their post, is not to be supervised or directed by,

(b) is not to report on their carrying-out of the functions of their post to, and

(c) is not answerable for their carrying-out of the functions of their post to,

any person other than their appointing Minister, save as permitted by subsection (3) or (4) or section 7(3) or required by section 7(3A).

(3) A special adviser’s appointing Minister may authorise the special adviser, to such extent as the appointing Minister specifies, to be directed by or report to a junior

Minister in the same department as the appointing Minister.

(4) Where a special adviser is a member of a profession or organisation, subsection (2) does not stop them being answerable to the profession or organisation for acts done in carrying out the functions of their post if they would be similarly answerable—

(a) for corresponding acts done in carrying out the duties of an employment otherwise than as a special adviser, or

(b) for corresponding acts done otherwise than in the course of an employment.”.— [Mr Murphy (The Minister of Finance).]

Clause 2 (Repeal of the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007)

Amendment No 14 made:

In page 2, line 16, at the beginning insert -

“(1) In article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 (selection on merit)—

(a) in paragraph (3) omit sub-paragraph (d) (and the ‘or’ preceding it); and

(b) in paragraph (4) omit the words after ‘paragraph (2)(b)’.

(2) In consequence of subsection (1),”.— [Mr Murphy (The Minister of Finance).]

Clause 3 (Repeal of the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016)

Amendment No 15 made:

In page 2, line 20, at the beginning insert -

“In article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 (selection on merit)—

(a) in paragraph (2), omit sub-paragraph (c) (and the ‘or’ preceding it);

(b) omit paragraph (4A); and

(c) in paragraph (5), omit ‘or (c)’.

(1A) In consequence of subsection (1),”.— [Mr Murphy (The Minister of Finance).]

Clause 4 (Special Advisers in the Executive Office)

Amendment No 16 made:

In page 2, line 28, leave out “on 31 March 2021” and insert -

“at the end of the period of three months, beginning with the day on which this Act receives Royal Assent”.— [Mr Allister.]

Amendment No 17 made:

In page 2, line 30, leave out from “on” to “2021” on line 31 and insert -

“at the end of the period of three months, beginning with the day on which this Act receives Royal Assent”.— [Mr Allister.]

Mr Principal Deputy Speaker: That is the first group of amendments addressed.

Some Members: There are more.

Mr Principal Deputy Speaker: More? [Laughter.] Fair enough. I thought that we were just doing one group, but that is OK. Here we go. We will keep going.

You asked for more, and we now come to the second group of amendments for debate. With amendment No 18, it will be convenient to debate amendment Nos 19 to 47, 54 and 55. Within this group, amendment Nos 21 and 22 are mutually exclusive; amendment No 24 is consequential to amendment No 23; amendment Nos 31 and 32 are mutually exclusive; amendment No 37 is consequential to amendment No 36; amendment Nos 38, 39 and 40 are consequential to amendment No 37; amendment No 41 is consequential to amendment Nos 36 and 37; and amendment No 54 is mutually exclusive with amendment No 35. If you understand that, you are a better man than me.

I call the Minister of Finance to move amendment No 18 and to address the other amendments in the group.

Mr Murphy (The Minister of Finance): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. By way of information and for advice, I assume that amendment Nos 48 to 56, which were part of the first debate, will be voted on at a later stage.

Mr Principal Deputy Speaker: Yes.

Mr Murphy: Thank you for that.

Clause 5 (Amendment of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011)

Mr Murphy (The Minister of Finance): I beg to move amendment No 18: In page 2, line 41, leave out “the complaint” and insert -

“in the case of a complaint that it”.

The following amendments stood on the Marshalled List:

No 19: In page 3, line 6, leave out subsection (6) and insert -

“(6) In section 17(3), at the appropriate place insert—

‘the Ministerial Code’ means the Ministerial Code of Conduct set out in Schedule 4 to the 1998 Act;.”— [Mr Murphy (The Minister of Finance).]

No 20: In page 3, line 9, leave out “for the purposes of defining ‘relevant time’” and insert -

“, in the definition of ‘relevant time’;.”— [Mr Murphy (The Minister of Finance).]

No 21: Leave out clause 6 and insert -

“Records of meetings

6. *The Civil Service will make and keep an accurate written record of every meeting attended by a Minister in departmental service during which any substantive Ministerial decision including the authorisation of spending, or the development of legislation in the Northern Ireland Assembly is taken.”— [Mr O’Toole.]*

No 22: Leave out clause 6 and insert -

“Records of meetings

6.—(1) *The permanent secretary to a Northern Ireland department must ensure that relevant arrangements are put in place.*

(2) *‘Relevant arrangements’ are arrangements designed to ensure—*

(a) *that an appropriate written record of each relevant meeting is compiled by the civil servant, or one of the civil servants, attending the meeting,*

(b) *that, where an official Ministerial decision is made at a meeting other than a relevant meeting, an appropriate written record of the decision is compiled by a civil servant as soon as reasonably practicable after the decision is first communicated to a civil servant, and*

(c) *that the written records mentioned in paragraphs (a) and (b) are retained in accordance with the department’s policy on the retention and disposal of records.*

(3) *A ‘relevant meeting’ is a pre-arranged meeting set up to conduct official business—*

(a) *where those attending include—*

(i) *at least one Minister, and*

(ii) *at least one civil servant serving in the department, or*

(b) *where those attending include—*

(i) *at least one special adviser,*

(ii) *at least one civil servant serving in the department, and*

(iii) *at least one person who is not a Minister, is not a special adviser and is not a civil servant,*

but this is subject to subsection (4).

(4) *The following are not relevant meetings—*

(a) *a meeting of the Assembly;*

(b) *a meeting of any committee of the Assembly other than the Executive Committee of the Assembly;*

(c) *a meeting of any sub-committee of the Assembly other than a sub-committee of the Executive Committee of the Assembly;*

(d) *a meeting within subsection (3)(a) where the official business does not include anything other than the presence of, or a presentation by, the Minister.*

(5) *An ‘official Ministerial decision’ is a decision made by a Minister—*

(a) *under any statutory provision (as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954),*

(b) *in exercising any of the prerogative or other executive powers of Her Majesty in relation to Northern Ireland, or*

(c) *otherwise in the course of official business.*

(6) *In this section ‘civil servant’ means a person serving in the Northern Ireland Civil Service who is not a special adviser.”— [Mr Murphy (The Minister of Finance).]*

No 23: Leave out clause 7 and insert -

“Presence of civil servants

7.—(1) *A Minister, or special adviser, who holds a meeting with a third party about official business must take such*

steps as are reasonable to ensure that the meeting is attended by at least one person serving in the Northern Ireland Civil Service who is not a special adviser.

(2) Subsection (1) does not apply if the meeting is for liaison with the Minister's political party.

(3) In this section 'third party' means a person who is not acting in the person's capacity as—

(a) a Minister or a Minister of the Crown or a member of the Scottish or Welsh Government or a junior Scottish Minister,

(b) a Minister of the Government of Ireland,

(c) a member of—

(i) the Assembly,

(ii) the House of Commons,

(iii) the House of Lords,

(iv) the Scottish Parliament,

(v) Senedd Cymru,

(vi) Dáil Éireann, or

(vii) Seanad Éireann,

(d) a member of the Assembly's staff,

(e) a person serving in any part of the civil service of the State,

(f) the Attorney General, or

(g) a member of the Attorney General's staff.

(4) The duty under subsection (1) applies only so far as it is exercisable in or as regards Northern Ireland.— [Mr Murphy (The Minister of Finance).]

No 24: In clause 7, page 3, line 22, after "party" insert -
"or other Members of the Assembly".— [Mr Allister.]

No 25: In clause 8, page 3, line 25, leave out from ", other" to "then," on line 26 and insert "being lobbied,".— [Mr Murphy (The Minister of Finance).]

No 26: In clause 8, page 3, line 27, leave out from "provide" to end of line 28 and insert -

"as soon as reasonably practicable provide their department with a written record of the lobbying; and the department must retain the record in accordance with its policy on the retention and disposal of records."— [Mr Murphy (The Minister of Finance).]

No 27: In clause 8, page 3, line 33, after "to" insert "seek,".— [Mr Murphy (The Minister of Finance).]

No 28: In clause 8, page 3, line 40, leave out from second "or" to end of line 41.— [Mr Murphy (The Minister of Finance).]

No 29: In clause 8, page 4, line 2, at end insert -

"(3A) The Minister may determine to waive compliance with subsection (1) if the subject matter is inconsequential."— [Mr Allister.]

No 30: In clause 8, page 4, line 5, after "Committee" insert -

"of the Assembly or any sub-committee of that Committee or any other committee or sub-committee of the Assembly".— [Mr Murphy (The Minister of Finance).]

No 31: In clause 8, page 4, line 6, after "party" insert -
"or other Members of the Assembly".— [Mr Allister.]

No 32: In clause 8, page 4, line 6, after "party" insert -
"or members of the Assembly".— [Mr Murphy (The Minister of Finance).]

No 33: In clause 8, page 4, line 6, at end insert -"(c) made at a meeting attended by a person serving in the Northern Ireland Civil Service who is not a special adviser,

(d) received personally by a Minister or special adviser after having been first received and recorded by a person serving in the Northern Ireland Civil Service who is not a special adviser, or

(e) made to a Minister by a member of the public in their capacity as a member of the public, or in their capacity as a community representative, and relating to a matter in which the person making the communication has only the same interest as all other members of the public or all other members of a section of the public."— [Mr Murphy (The Minister of Finance).]

No 34: After clause 8 insert -

"Use of official systems

8A.—(1) A Minister or special adviser when communicating on official business by electronic means should 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 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 of consequence relating to departmental matters."— [Mr Allister.]

No 35: In clause 9, page 4, line 20, at end insert -

"(4) For the purposes of subsection (3)(a), two people are partners if—

(a) they are civil partners of each other, or

(b) they are not married to, or civil partners of, each other but are living together as if spouses of each other.

(5) For the purposes of subsection (3)(a) 'close family member', in relation to a person, means someone who is—

(a) a parent, or parent-in-law, of the person,

(b) a child of the person,

(c) a whole-blood sibling of the person, or

(d) the spouse or civil partner of someone within paragraph (b) or (c)."— [Mr Murphy (The Minister of Finance).]

No 36: In clause 10, page 4, line 24, leave out ", civil servant".— [Mr Allister.]

No 37: In clause 10, page 4, line 24, leave out from “, civil servant” to end of line 26 and insert -

“or special adviser to communicate official information to another for the financial benefit or other improper advantage of any person or third party, except for a communication arising in the course of liaison with the Minister’s political party.”— [Mr O’Toole.]

No 38: In clause 10, page 4, line 25, leave out “, directly or indirectly,”.— *[Mr Murphy (The Minister of Finance).]*

No 39: In clause 10, page 4, line 26, leave out “financial or other improper” and insert “improper (financial or other)”.— *[Mr Murphy (The Minister of Finance).]*

No 40: In clause 10, page 4, line 26, leave out “or third party”.— *[Mr Murphy (The Minister of Finance).]*

No 41: In clause 10, page 4, line 38, at end insert -

“(5) In this section ‘civil servant’ means a person serving in the Northern Ireland Civil Service who is not a special adviser.”— [Mr Murphy (The Minister of Finance).]

No 42: In clause 10, page 4, line 38, at end insert -

“(6) In this section ‘statutory obligation’ means—

(a) an obligation under a statutory provision, as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954, or

(b) an obligation under any legislation for the time being in force in any part of Great Britain or in any country or territory outside the United Kingdom.”— [Mr Murphy (The Minister of Finance).]

No 43: In clause 11, page 4, line 40, leave out “Ministers and their departments” and insert -

“A Minister and their department”.— [Mr Murphy (The Minister of Finance).]

No 44: In clause 13, page 5, line 16, leave out “Ministers and their officials” and insert -

“The Minister in charge of a Northern Ireland department, or the department.”.— [Mr Murphy (The Minister of Finance).]

No 45: In clause 13, page 5, line 18, leave out “in advance of it being submitted” and insert -

“no longer than 7 days following submission”.— [Mr O’Toole.]

No 46: In clause 13, page 5, line 20, leave out “Ministerial approval being granted” and insert -

“its being approved by the Executive Committee of the Assembly”.— [Mr Murphy (The Minister of Finance).]

No 47: In clause 13, page 5, line 22, leave out “(1)” and insert “(2)”.— *[Mr Murphy (The Minister of Finance).]*

No 54: In clause 15, page 5, line 41, at end insert -

“close family members’ means—

(a) parent or parent-in-law;

(b) child;

(c) brother or sister; and

(d) spouse or partner of any person set out in paragraphs (b) or (c).”— [Mr Allister.]

No 55: In clause 15, page 6, leave out lines 1 to 4.— *[Mr Murphy (The Minister of Finance).]*

Mr Murphy: The second group of amendments is concerned with the role of Ministers, in particular, and administrative matters in Departments, more widely. It is worth reiterating my belief that the legislation is unnecessary. The effect of the Bill becoming law will be that administrative practice becomes a matter of lawfulness and unlawfulness.

The Bill would increase bureaucracy and reduce the scope to operate on the basis of professional judgement and good sense. Government, which is often already risk-averse, would become more defensive rather than responsive. Therefore, I cannot support the legislation, but I will seek to ensure that it does no more damage than it must.

3.00 pm

I will take each of the amendments in turn. Amendment No 18 would make a small technical amendment to clause 5 that would amend section 17(1)(a) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011. It would cover not only complaints but referrals made under Assembly Standing Orders. The amendment clarifies that the amendment to section 17(1)(a) relates only to complaints.

Amendment No 19 would clarify the reference to the ministerial code in clause 5. The definition of “Ministerial Code” inserted by subsection (6) refers to the existing ministerial code, although section 1 of the code includes the Pledge of Office. There would be questions about what was intended if a future revision of the code were restructured so that a new section 1 was not the relevant section.

Amendment No 20 is a technical amendment to clause 5 to use the usual words for amending a definition.

Amendment No 22 is an attempt to provide a more effective and precise clause to replace clause 6. It would require the permanent secretary of a Department to ensure that that Department has arrangements for recording meetings and decisions and for records to be kept in line with existing policies. The clause that is currently in the Bill applies a blanket approach and leaves the key term “meeting” undefined. As a consequence, it would render unlawful any minutes that did not contain specific details, however irrelevant those details might be, and would render unlawful the actions of an official who failed to record something that might or might not be a meeting. It would risk real problems of data protection and clashes with the principles of good records management.

My amendment attempts to make the provision workable. It defines a relevant meeting and a relevant decision in order to capture organised meetings and decisions that are taken outside organised meetings. It would require that an appropriate written record is made, allowing reference to good practice and guidance and to what constitutes an appropriate record. It would ensure that records are kept in line with the existing policy on the retention of records rather than conflicting with existing public records legislation. It would achieve what, I hope, the Bill intends to achieve, which is to prevent ministerial decision-making going unrecorded. I still believe that the provision would require Departments to erect and police bureaucratic

structures rather than encourage good practice and engender professionalism and confidence in the Civil Service. That is precisely why such statutory provisions are inappropriate and counterproductive.

Amendment No 23 would replace clause 7 and needs to be read alongside amendment No 22 in the same way as clauses 6 and 7 are closely connected. It would place a duty on the Minister and special adviser to ensure that a civil servant attends every meeting about official business. The civil servant would then record that meeting, as set out in the previous clause. The amendment expresses how reasonable steps should be taken to ensure that a civil servant is present. That is to ensure that the legislation does not render unlawful a situation in which a civil servant could not reasonably be expected to attend, where no civil servant was available to do so, where IT links fail or where planned travel became impossible. Those circumstances may be rare, but the legislation has to take account of them.

The original clause acknowledges that there are occasions where Ministers and their special advisers meet in a wholly political context with their party colleagues. It would not be appropriate for civil servants to attend such meetings, both to preserve the Minister's right to private meetings of a political nature and to protect the political impartiality of the Civil Service. The Bill sponsor has recognised that principle in his amendment to extend the exemption to meetings with MLAs and other parties. My amendment extends that principle so that it is possible but not necessary for Ministers and special advisers to have wholly private meetings of a political nature with other Ministers, legislatures and Assembly staff. It also extends to meetings with the Attorney General and their staff so that legally sensitive matters can be discussed in that context.

Amendment No 25 is intended to correct the drafting in clause 8(1).

Amendment No 26 would change the use of the term "earliest opportunity" in clause 8 to "as soon as reasonably practicable", which allows for appropriate discretion on what is reasonable. It would also ensure that the record of the lobbying was retained in line with the Department's existing policy.

Amendment No 27 is a technical amendment to clause 8 to reflect the fact that Departments do not make primary legislation but seek it. As Members made clear at Consideration Stage, clause 8 as currently drafted would have an immense impact on Ministers, special advisers and their offices, both departmental and constituency. It would require a huge bureaucratic machine to capture and record every communication on any matter in the Department's remit. It would, without doubt, hamper good government. I believe that the Bill sponsor has accepted that and tabled his own amendment to clause 29. I can see the benefits of his amendment, although it would be challenging for any Minister to decide that an issue of real importance to an individual member of the public was, in his words, inconsequential.

I have proposed two amendments likewise intended to limit the damage that the clause would have on good government. Amendment No 28 would remove from the scope of the clause any lobbying on issues that are not about legislation, policy, contracts, grants or licences. The

functions of a Minister's Department are so diverse and can cover so many issues close to the interests of so many people that making "lobbying" refer to any communication about any function of a Department is too wide.

Amendment Nos 30, 32 and 33 are also intended to narrow the impact of the clause as drafted. They do so by extending the original list of communications excluded from the requirement on Ministers and special advisers to make a record. I propose that we add communications made in subcommittees of Assembly Committees and the Executive Committee, communications made in meetings with MLAs and meetings attended by a civil servant. Those meetings will be recorded by Assembly staff and civil servants. The list at clause 8(4) would also be extended to include communications already received by a Minister's Department through private offices or otherwise.

The final exclusion in amendment No 33 is an attempt to reflect the real concerns of Members about Ministers and special advisers having to report to the Department every comment or approach by a member of the public that would otherwise be captured by the clause. It is intended to ensure that Ministers and special advisers are not required to report to the Department every casual remark, every comment at a public meeting and every call to a radio phone-in.

Amendment No 35 clarifies the meaning of "partner" in clause 9, which is otherwise ambiguous.

Amendment Nos 38, 39 and 40 attempt to address the language of clause 10. Amendment No 38 removes the phrase "directly or indirectly" from the clause. It is unnecessary, since the key factor is that the communication is made for improper benefit, however it is made. Amendment No 39 corrects the word order to make it clear that not every financial benefit is an improper benefit. As the clause is drafted, any financial benefit, whether improper or proper, would be captured, and that would render the clause wholly damaging to normal government business. Amendment No 40 removes words that add nothing to "any person".

Amendment No 41 clarifies the meaning of "civil servant" in the clause, and, in particular, excludes civil servants working in Whitehall Departments within the jurisdiction.

Amendment No 42 clarifies the meaning of "statutory obligation" in clause 10, and saves officials, when travelling or based in Brussels, Washington or Beijing, from having to rely on the reasonableness defence to justify having complied with local law.

Amendment No 43 is intended to achieve coherence between the opening words of clause 11 and the words in paragraph (b).

Amendment No 44 captures the drafting in clause 13 and ensures that duties are placed on Departments rather than unidentified individual officials.

Amendment No 46 addresses the ambiguity in the term "Ministerial" in the original clause 13, as it could refer to approval by the Minister of Finance ahead of a submission to the Executive.

Amendment No 47 corrects an apparent typographical error in clause 13.

Amendment No 54 defines “close family members” in clause 15 as required for the purposes of registration of interests.

Amendment No 55 removes an unnecessary definition in clause 15. The definition of “department” is unnecessary because the Bill would refer to a Minister’s Department, which would, necessarily, be an Executive Department, or expressly to an Executive Department.

Dr Aiken (The Chairperson of the Committee for Finance): My remarks as Chairperson of the Committee for Finance in relation to group 2 relate solely to clause 13. That is amendment Nos 44 to 47 for those of you who are following it in your paperwork.

As clause 13 was introduced at Consideration Stage, the Committee did not have the opportunity to express a view on it. However, the clause relates to an area within its remit on which the Committee has a very clear view.

The Department of Finance’s strategic priority 5 is to:

“Ensure government continues to work in an open and transparent way, by championing open government principles for transparency, accountability, good governance and citizen participation.”

One of the Committee for Finance’s strategic objectives in our strategic plan is:

“to have in place a Budget Process that supports full consultation by the Department of Finance with the Committee, robust scrutiny across all statutory committees; and open and transparent accountability to the Assembly by the Executive throughout the Budget Cycle.”

Guidance and in-year monitoring of public expenditure is issued by the Department of Finance each year, normally in advance of June monitoring.

The current guidance is quite clear about what is expected of Departments as they engage with Committees on monitoring rounds. It states:

“departments must ensure that they engage fully with their Assembly Committees in respect of the In-year Monitoring process.”

It continues:

“The extent and timing of this engagement is obviously a matter for individual Committees”

rather than for Departments. That means that Committees should have the opportunity to receive oral evidence from their Department, including full details of proposed easements, movements and bids. That is an important part of the monitoring process, especially for bids for resources, in that it provides Committees with information on departmental pressures and the steps proposed to alleviate those pressures.

Generally speaking, the in-year monitoring process largely seems to have been working appropriately since the Assembly returned last year. The Committee has received only two complaints from Statutory Committees about Ministers failing to meet their responsibilities to provide complete and timely information to their Committee. As drafted, clause 13 would provide a legislative basis for what is currently happening in most cases, and it would

ensure that, for in-year monitoring, the Committee’s objective for openness, transparency and accountability is enshrined in legislation. Amendment No 45, however, would do away with that openness, transparency and accountability by removing the requirement for Departments to share information with their Committee prior to submitting returns to the Department of Finance.

In turn, that would mean that Committees would not receive information on where the pressures are in Departments and that they would have access only to information on successful reallocations to Departments. For example, the Committee for Health may welcome an allocation of £1 million in September monitoring to help support a particular need, but, if the Committee had not seen the original bid information, it would not know that the Department may have requested 10 times that amount, and it would never have known to ask the Department how it proposed to address the outstanding need in the absence of sufficient resources. Providing departmental bids to Committees is an essential part of the scrutiny process, as it is one of the few mechanisms for providing Committees with a detailed insight into the internal pressures in Departments. The Department of Finance’s priorities and the Committee for Finance’s strategic objectives focus, however, on the need for transparency and accountability. Members may wish to consider whether amendment No 45 is in the spirit of those priorities and objectives. That concludes my remarks on the second group of amendments as the Chairperson of the Committee for Finance.

Mr Frew: Again, I welcome the debate and commentary so far from the Members who have taken part in the debate on the second group of amendments, as I did from those who spoke to the previous group before lunch.

I know that my colleague across the room Mr O’Dowd will not like me talking about reform again, but it is essential to do so, because this group deals with transparency. It deals with the transparency of the functions of government, which is transparency that allows members of our public and the media to light up the mechanisms and look into the structures, actions and decisions that are taken across all arms of government. That can only be a healthy thing and a healthy place in which to be. The more transparent that we can be, the better that it is for having good government. Transparency should not stop at any one sector, whether that be a ministerial post, a permanent secretary’s post or a spad’s post, or, indeed, the Civil Service in its entirety. For that matter, nor should it stop at ministerial decisions or Committee structures. Every single function of government should be as transparent as possible in order to allow information to flow, and, with that, scrutiny. It is important that we enhance the requirements of scrutiny in this place, whether that be through the House or through Committee structures. It is vital that we scrutinise every decision that is taken and ensure that those decisions are as solid as they can be and are in the appropriate direction of travel.

3.15 pm

Record-keeping is also critical to transparency and scrutiny. All of these things are linked; they are tied together. Ultimately, they lead to better functioning of government. With that in mind and all of those aspects coming together, maybe — just maybe — the people of

Northern Ireland will have a Government that actually functions as best it can. Clearly, that has not been the case to date. Whilst there are many good things that happen because of the Executive, the Assembly, all the scrutiny Committees and everything that goes on, there have also been cases where there has been failure. There have sometimes been cases where there has been a failure to be transparent about failure. That is a road to no town. That has to cease. When we make mistakes — and we all make mistakes — we have to be upfront and honest. We have to learn from our mistakes. That is how you will achieve better government, because we cannot get everything right. How could we?

It is important that all those aspects be enshrined in everything we do at every level of government. That is why my party supports reform in those areas. In fact, we always have. It has been in countless manifestos, year in and year out: reform of spad positions, reform of the numbers of spads, reform with regard to transparency and scrutiny. It is all there for anyone who cares to read DUP manifestos. This is a very consistent approach for my party to take. It is one that I will champion for as long as I stand here in the House. It is essential that we keep moving forward and endeavouring to change for the better. I welcome that, whatever guise or form it comes in or direction it comes from.

Here we are, scrutinising the Bill. I thank the Minister and the Department for coming forward with a raft of amendments that make the Bill even better by tidying up some of the wording and clarifying some places and positions that maybe needed to be tidied up. I welcome those, and I will support the Minister in his endeavours with regard to most of those amendments.

Amendment Nos 18, 19 and 20 are all very stylistic; they tidy up language and wording. That is to be welcomed. Amendment No 21 is from the SDLP and my colleagues Matthew O'Toole and Pat Catney; we share time together in the Committee. Amendment No 22 seeks to completely amend clause 6. If I recall correctly, the sponsor of the Bill tried to amend what is now clause 6 at an earlier stage, so that was always going to be a natural movement. I do not know what the SDLP's latest position is, but, whilst I have no problem with amendment No 21, the Minister's amendment contains a lot more clarification and detail.

Mr O'Toole: I thank the Member for giving way. When I speak, I will make clear that we will not be moving that particular amendment in favour of the one that the Minister has provided.

Mr Frew: I thank the Member for that clarification. It is very important. We probably all agree that that is the case with regard to the Minister's amendment No 22. It provides much more clarity for everyone involved, including the Civil Service. That should be welcomed.

On amendment No 23, the Minister stated that they all range together. I agree with him with regard to clause 6, "Records of meetings"; clause 7, "Presence of civil servants"; and, if you like, clause 8, "Record of being lobbied". The Minister has had a stab at amending clause 7 in its entirety by adding all of these legislatures and other political arenas. When I first read that, I was a bit nervous about adding those, because surely when a Minister visits any of those legislatures there would always be civil servants present to support the Minister in his work or

to keep a record of action points and matters that were debated or discussed with other Ministers or MPs.

I understand the need to amend clause 7. I am not, however, sure why we need to go into detail on all the different legislatures. I suppose that I am worried that we could leave something vital out. Just because it is in legislation in clause 7, if it is amended, does not mean that you do not have to have civil servants there; they should be there in most cases. I would just like a wee bit more clarity on why the Department of Finance and the Minister needed to list all the legislatures mentioned in amendment No 23.

I have no problems with amendment Nos 24 to —.

Mr Allister: Will the Member give way?

Mr Frew: Yes, I will.

Mr Allister: I suggest to the Member that, on amendment No 23, in addition to the concerns that he raised about the exemptions, there is perhaps a more fundamentally alarming thing about the Minister's amendment. The Member will be aware that, in clause 7, as approved at Consideration Stage, a record must be taken of such meetings and that the Department must retain the record. Strangely, the Minister's amendment removes entirely the need to make or to keep any record. Is that not a matter of considerable concern?

Mr Frew: The Member makes a very valid point. Whilst I did not have long to look at it, it was remiss of me not to mention it. I thank the Member for raising that issue; I am sure that he will speak to it in his contribution. I wait to hear what he has to say and then, hopefully, what the Minister has to say in winding up. It is a fundamental issue. We have not resolved to vote one way or the other on the amendment. I welcome the debate on amendment No 23.

I have no problems with either the Bill sponsor's amendment or the Minister's amendments from amendment Nos 24 to 28. They are tidying-up and stylistic amendments.

Amendment No 33 amends clause 8. Paragraph (e) reads:

"made to a Minister by a member of the public in their capacity as a member of the public, or in their capacity as a community representative, and relating to a matter in which the person making the communication has only the same interest as all other members of the public or all other members of a section of the public."

I may not be reading that correctly, or perhaps my primitive mind cannot get round it, but I ask the Minister to elaborate on what exactly paragraph (e) is designed to do and what it means. I suspect that it has something to do with community groups, chairpersons of community groups, and that type of thing, but it would be good for the House to hear further clarification on it.

Amendment No 34 is the Bill sponsor's attempt to get back in the Bill a provision on the use of official systems, which was negated at Consideration Stage, albeit without the tariff and the offence. There was merit in the provision. I know that there were concerns in the House about the tariff and the sentencing, but there should be standards. I give the Bill sponsor credit: he moved from a position at the start of the Bill process and amended the clause,

having taken regard of the work and the belief of the Committee at that stage. I think that we could support it.

I have no problems with amendment No 35, which is one of the Minister's.

Amendment No 37 is to clause 10. When I first read this, I chuckled to myself — I did not mean to do so — because of how it reads. I am sure that the Members did not mean to word it so that I would interpret it in this way, but it sounded as though it was OK to gain financial benefit and other improper advantages as long as you were liaising with your own party.

Mr O'Toole: Will the Member give way?

Mr Frew: I will give way, yes.

Mr O'Toole: I am grateful to the Member, not for giving way exactly but because he has prompted me to say that we will not move that amendment. In deference to other amendments from the Minister that capture the intention of amendment No 37, and, indeed, in deference to amendment No 36 from the Bill sponsor, we will not move that particular amendment.

Mr Frew: Thanks for that very useful clarification, which has reminded me to go back to amendment No 36, in which the Bill sponsor proposes to leave out "civil servant". I know that the Member who has just intervened was very concerned about the Civil Service being encapsulated in clause 10. I do not share that concern, because I think that it has to be the case that there should be standards here for all, not least the Civil Service. However, I will not die in a ditch over it or divide the House on it. Ministers and spads should be held in the highest esteem, and their standards should be beyond all reproach. However, the same should and could be said for the Civil Service. I do not see the need to take "civil servant" out, but the Bill sponsor has moved in that direction, and I am sure that he did so after liaising with other parties and other members of the Finance Committee. I can only welcome that engagement, because it was very proactive and very important to the political process and the scrutiny of this place. I will not say any more on that.

I do not seem to have any other problems except for the amendment to clause 13 from Mr O'Toole and Mr Catney, which is similar to one that I tabled at Consideration Stage. I have great problems with this issue. The problem is not that Members are trying to amend it — absolutely not — but the impact and effect of it. Since we came back, I have not been 100% convinced that Departments treat Committees with respect. In fact, my experience is that the opposite is true and that Departments still treat Committees with a certain disdain. I wish that I did not have to say that but I believe that it is the case. When Committees ask questions, some are not answered, and other answers are delayed. Sometimes, our questions are only half answered and so much effort is then wasted trying to get to the truth. That is simply not good enough.

Mr Humphrey: I am grateful to the Member for giving way. I am Chair of the Public Accounts Committee. I am not sure that that Committee has encountered disdain but it has certainly encountered some withholding of information, whether deliberate or not. Therefore, our Committee policy is to ask witnesses who have not answered questions in a way that we would have liked or as fulsomely as we would have liked, to come back. That is one of the ways in which

Committees can ensure that questions are answered and that they can deliver proper scrutiny, which is why they are there.

Mr Frew: I thank the Member for his intervention. He holds a very esteemed place and position, and he will know better than anyone how these things are dealt with.

It is not good enough for a Committee to have to ask repeatedly for the same information and for the Department to treat that as a new request rather than a repeat of the original request. That takes up a lot of time and effort that could be used by a Committee to support and advise the Department. If we are chasing the Department's tail for information that may not be of any great relevance except that the Committee wants to know, it becomes a major issue; a major story, even. That can erode confidence, not only among the population or the media but among members of the Committee who sit in the House. That is just not acceptable.

3.30 pm

This amendment strives to change clause 13 which, as it sits, states:

"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."

What does that really mean? We had a bit of a debate the last time around, and Mr O'Toole said that it is not really for the Committee to change or make a Department do something to a bid to the Finance Minister. I agree 100% with that; it is not up to the Committee, nor do they have the vires, to do that. However, it is just good government for a Department, before submitting a bid to the Finance Department and the Finance Minister, to allow the Committee sight of that bid for the very reasons that my colleague, the Chairperson of the Finance Committee, raised, especially when it comes to financial matters. For example, it is all well and good if the Finance Minister declares, in a positive light, that Health or Education will receive £1 million. That sounds like a really good and positive story, but if the Health Department or Education Department had asked for £1 billion, it then becomes a very negative story. In that light, context is added to the bid. Remember, I am not asking for departmental officials to come before their relevant Committee before they submit a bid; I am asking for a written or oral briefing on a Department's submission in each monitoring round in advance of the bid being submitted to the Department of Finance.

Committees get oral briefings all the time, but we also get written briefings. Documents come to the Committee staff before going into a pack. Members then get the pack in advance of the meeting, at which we discuss the written briefings. If that is done in advance of any bid going to the Department of Finance, it means that the Committee will get good and timely sight of that bid. It does not mean that they can effect change or pressure the Minister or Department into changing the bid, nor does it mean that they have the power to change it; it just means that they get it in good time. It is about respect, more than anything, for the Committee. The Committee's role is not only to scrutinise but to support and advise. Amendment No

45 prolongs that information flow by at least seven days following submission. I really do not see the need for that delay after everything that I have outlined.

It is right that Departments submit their bids, in either written or oral form, to their Committee in advance of them going to the Department of Finance. Remember, some of those bids take weeks to formulate, and there will have been brainstorming throughout the Department on what it does and does not require and what it wants to do and pursue and what it does not. It will have taken weeks — months, in fact — to formulate a bid for a monitoring round, so there is no way that a Committee can just throw its size nine into the middle of that process; it just would not be right, nor would I want it to be the case. It is about transparency and respect, and surely every Department can give that.

Alas, that is not the case, because even the Finance Committee has received complaints from Chairpersons of Committees about late information flow from the Departments on monitoring rounds, no less.

That is why it is vital that, especially as we have a Budget process, albeit that it is consulted on, uniquely throughout the world, through the monitoring rounds — I think that there are three stages now — Committees for every Department get a grip of what is taking place. They need not only the information, the numbers, the noughts and the pound signs but the context. The Committee may say, "What did you bid for, Minister? You bid for £50 million, but what did you get? You got £1 million". That is a debate that is to be had, and it can be had only in the Committee. It is vital that scrutiny Committees are furnished with that information in advance.

I have said enough on that point, and I am sure that Members will agree. We will not support that amendment from the SDLP. I appreciate that the Members have tried, in their eyes, to make the clause better, but I do not see that. That is not what the clause was designed for; it is prolonging it. I have spoken to all the Minister's amendments, and I seek clarification on some points. I look forward to the rest of the debate.

Mr McGuigan: It is always difficult to speak on any subject after my constituency colleague Paul Frew, because I stand up forgetting what we are talking about. The majority of his conversation had nothing to do with the Bill. In the midst of it, I went off into a wee daydream about warmer days and being out cycling. As people know, I am a keen cyclist. One of the skills of cycling in a bike race is to sit behind others who break the wind for you. You then have to account for only 60% of the energy, they say. The term for those who come to the front and shield the rest from the wind is "domestiques". As Mr Frew was speaking, I was thinking to myself that we really need a phrase for those in the Chamber who do the opposite of breaking the wind and create wind.

Mr Buckley: Will the Member give way?

Mr McGuigan: Go ahead. He is going to come up with a French term for that.

Mr Buckley: I thank the Member for giving way. Does the Principal Deputy Speaker agree that, if the Member found it hard to follow Mr Frew's contribution, perhaps he could explain what he is talking about? It is certainly not what we are reading in the Bill today.

Mr McGuigan: I was making the point through jest.

Mr Principal Deputy Speaker: I was about to say that throughout the debate we have seen long and winding conversations on all sides of the House [*Laughter.*]

Mr McGuigan: I was just about to turn my bicycle around to get to the point.

Sinn Féin will support many of the amendments in group 2. In this morning's debate, we reiterated the point that the Bill is unnecessary and could constrain the work of government. To clarify, Mr Wells laboured on the point that I made about Mr Allister's opposition to the Good Friday Agreement and all that flowed from that, including power-sharing and this institution, and he said that that was the sole reason for Sinn Féin's opposition to the Bill. That is not the case. We said that at the time, and I reiterate it. I do not believe that Mr Allister has had a road to Damascus transformation and suddenly wants Stormont to work. That said, Sinn Féin does. We want good government, and our opposition to the Bill is on that basis. I will just point out that Mr Allister and I, as constituency colleagues, have worked and agreed on plenty of issues. For example, we have agreed time and again on the scandalous behaviour of the DUP MP in North Antrim when he was found to have broken the Westminster code of conduct.

To reiterate a point made by the Minister, the Bill is not filling a vacuum in reform. Codes of practice have been strengthened. The Executive subcommittee has started its work on implementing the RHI recommendations. Let us not forget that at no stage did Justice Coghlin, after rigorous investigation of the issues that led to the DUP-led RHI scandal, recommend legislation in his report. It should also be said that legislation will not necessarily be the deterrent that the Bill sponsor hopes that it will be. Corrupt behaviour can be hard to police, as we saw in the RHI scandal. What is needed is an attitude change in which all those who are in positions of power have due regard for the office that they hold and respect for the people whom they represent.

I turn to the amendments at hand. Amendment No 22 deals with clause 6, which is flawed in its current state. The clause does not even define what a meeting is, and remember that there is no scope for interpretation once this becomes law. A meeting could be someone stopping you for a chat outside Mass or a supermarket and mentioning government business. The amendment sets the parameters of what constitutes a relevant meeting and tidies up clause 6 so that it is workable. The amendment also inserts a provision that requires that appropriate levels of detail are recorded when taking notes of meetings. Otherwise, civil servants could be found to have broken the law for not recording every level of detail in a relevant meeting, even if that information was inconsequential. Even in its fixed state, the clause will add much more bureaucracy than is needed. Departments will be required to police the new system.

Amendment Nos 38 to 42 relate to clause 10, which creates a new criminal offence of the unauthorised disclosure of official information for improper benefit. The clause is flawed and assumes that any kind of financial benefit must be improper. We know that that is not always the case. Amendment No 42 defines what a statutory obligation is and protects special advisers who, in carrying out their duty, may be required to carry out their work

outside the jurisdiction. Again, even with the amendments, the clause that creates the offence could have dire consequences for the workings of government.

I finish my remarks by once again asking that Members closely consider the consequences of enacting the Bill as it stands and asking whether we really need to bind ourselves in a straitjacket in that way.

Mr O'Toole: I will reflect on all the amendments in group 2 and will speak to the three amendments in my name and that of my colleague Pat Catney. As I indicated, we will not move two of those amendments. We will not move amendment No 21, which relates to clause 6 and record-keeping. We have talked about that already. We will defer to the Minister's amendment No 22, which, we think, serves the purpose more usefully and, in a sense, underlines the importance of having officials lend their drafting skills to the legislation. We will not move amendment No 21. Likewise, we will not move amendment No 37, because we think that a combination of amendment No 36, which is absolutely critical, and the Finance Minister's subsequent amendments from amendment No 38 onwards do some of the tidying up that we sought to do. I will come to the meat of why amendment No 36 is important and may well be the most important of today's amendments. We have always been extremely careful about the consequences of passing some of the criminalisation clauses into law. We saw more merit in this than in what was originally in clause 9. We did not think that that was an appropriate place to create a criminal offence. There is more merit in this one, but we want to see it sharpened and narrowed, to be perfectly honest. That is why I am pleased that the amendments are on the Marshalled List, and I very much hope that they pass. We will support amendment No 36 in the Bill sponsor's name and the subsequent amendments from the Minister and will not move our amendments.

I go back to the context for the group 2 amendments. Many of the amendments touch directly on the functioning of government. They will affect not only Ministers and special advisers but the Civil Service.

That is why we sought, with an open mind to the legislation, to get it right and to look at where there are useful and substantial things. Just to correct something that the Minister said earlier, the SDLP has not been supportive of elements of the Bill just because we think that the Bill is presentationally good. We think that there are substantial arguments for having parts of the reforms in legislation. That is clear. Not all of the Bill has merit, and that is why we voted against significant parts of it.

3.45 pm

To answer the point that Philip McGuigan has just made, with respect, we do not think that the legislation will completely address everything that is in the Coghlin report. There are two things to say. I do not have the quotation to hand, but Patrick Coghlin did not state in his report that his recommendations marked the entirety of what Executive should do. He specifically stated that his report did not preclude or rule out any other reforms. Moreover, we are happy to look at further post-RHI and Civil Service reforms that the Finance Minister brings forward, and we look forward to his doing so.

On the broader context, as I said, we have always sought to approach the legislation with an open but critical mind. As I mentioned, our proposed new clause 6 on a record of meetings sought to address some of the concerns that we and others had about the burden that that would create for the Civil Service. As someone who was a civil servant for many years, I know the volume of meetings that are informal and short, involving a Minister signing off a piece of correspondence or having a chat with an official in a corridor. It was always going to be difficult to codify all that in legislation, and doing so risked adding an undue burden. Our amendment No 21 was designed to ameliorate that and to focus on what is important, which is ensuring proper record-keeping. Let us be honest: it was clear from the Coghlin report that there was a terrible failure of record-keeping in the Northern Ireland Civil Service. The Minister's amendment is better than ours, however, and I am more than happy to admit that and to defer to it. There is no conceit on our part, so we will not be moving amendment No 21, because amendment No 22 does it better than we did.

As I said, amendment No 23 will replace clause 7. The Minister touched a little bit on that. We are not necessarily wholly opposed to the amendment, but some of the concerns that Paul Frew outlined are the things that we would like to hear about. I see some merit in the specific exclusions for the various parliamentary bodies from these islands, so, when the Minister is wrapping up, it would be helpful if he could give a little more clarity on the purpose of the amendment. For example, can he explain whether, in his mind, the clause serves to create an exclusion, whereby Ministers can hold those meetings without civil servants or will it create a default position whereby civil servants do not go to those meetings? I presume that it is the former and not the latter, but it would be helpful to understand what it means.

As I should have said, amendment Nos 18 to 20 are technical amendments. Again, they are a welcome tightening of the language. Amendment Nos 24 to 33 are broadly the same. We are happy with amendment No 33. I should go back and say that some of those amendments are not so much technical. There is a degree of substance in them, because they tighten up some of the exclusions on lobbying. It is important that they do that, and we welcome that.

Amendment No 34 is significant. It is a new clause. In a sense, it is a substitute for the previous clause 9, which created a criminal offence for the use of unofficial systems. For a couple of connected reasons, that gave us pause for thought. One was that, frankly, it seemed fairly draconian to make it into a criminal offence. We could not agree to it being a criminal offence for that reason. Secondly, it did not seem to reflect some of the realities of how not just civil servants but special advisers and Ministers do business, often in an entirely innocent way. The Bill's sponsor addressed some of that in the original clause and has changed some of it here, in the sense that there is a 48-hour period in which you can put information on official systems. However, there are two outstanding questions, and it would be helpful if the Bill's sponsor were to clarify them when he comes to speak. One is around devices. The amendment as currently drafted refers to:

“anything other than devices issued by the department, systems used by the department and departmental email addresses.”

That seems to suggest to me that it will capture people, such as many of us in the Chamber, who use our Assembly email on our iPhones or personal phones. There are probably lots of civil servants in a similar position. The amendment, it seems to me, will capture that. I am sure that that is not what it is intended to do, but it would be helpful if the Bill's sponsor could clarify that. Secondly, there will be a significant amount of contact between Ministers of different Departments, and between Ministers and special advisers and other people, via text. Lots of that will be routine and not substantial departmental business. We have a concern that this amendment, as currently drafted, might capture that. It would be helpful if the Bill's sponsor could make clear, when he speaks, his position on that and why he thinks it is or is not included.

I welcome amendment No 35, which is a tidying-up measure.

I am very pleased to see amendment No 36; as I said, we think that it is possibly the most important amendment that we are debating today, and I will explain why. Amendment No 36 removes civil servants from the scope of the criminal offence, which is that of unlawful disclosure. Let us be absolutely clear: as legislators, one of the biggest and most serious things that we can do is to create a criminal offence and, thereby, create a new possibility of someone being deprived of their liberty. It is really important that we are very careful about how we use that power. We felt that, not just in the context of RHI but more broadly, the Bill would be better narrowing the scope of that potential criminal offence to those people whose culpability is, naturally, higher than that of others. If you are a Minister or a special adviser, then your culpability — Mr Allister knows a lot more about the philosophy of sentencing in the criminal law framework than I ever will, but my understanding is that, the more culpable you are, the more serious the penalty should be. If you are a Minister or a special adviser, your culpability is automatically higher. There are more than 20,000 civil servants in Northern Ireland; to have all of them potentially caught up in a criminal offence would have a chilling effect.

Nevertheless, there is a very real public concern about some of the actions that were highlighted through RHI. There is a broader concern, frankly, that has permeated in the last decade or so around practices, around information being disclosed to certain parties and around levels of good governance and standards. There is a significant argument that, if we can get that criminal offence right, it might help answer some of that concern and create a specific deterrent — that is the word that I was looking for — to certain types of bad behaviour.

As I said, we are not going to move amendment No 37, because others have done it better. I mentioned the Bill sponsor's amendment No 36; the Minister's amendments from No 38 to No 42 are better than ours because they clarify and lead to a more focused clause 10, which will hopefully mean that the offence that will be created if the Bill is passed will be more focused on those whose culpability is highest and that activity that is not sought to be in the scope of the Bill will not be captured. Ideally,

this offence would never be invoked and no one ever prosecuted under it, because it improves behaviour.

We have no objection to amendment Nos 43 and 44.

I will move on to amendment No 45. This is the only one of our three amendments that we will move. It relates to clause 13, which is the Frew clause, as it were. It is about scrutiny by Committees. I have been in the Assembly a little over a year, and it is clear to me that the work of Committees is fundamental to the Assembly. It is where some, if not most, of the best work is done.

There are clearly inconsistencies in the information that Departments share with Committees and the level of information that Committees get. There is no doubt about that. Broadly speaking, there is merit in the clause, which is why we supported it at the previous stage. However, our amendment clarifies it. It makes more sense for the Department in question to share information. Statute should provide that the Department has to share its monitoring bid with the Committee within seven days of its having been submitted to the Department of Finance. We want to avoid a bidding war, or a bun fight, inside Committees, before something is submitted to the Department of Finance. There is no SDLP party or departmental interest in this. It is simply put on the basis that this provision would work better.

If this provision goes forward as it is, Departments will have to send stuff to Committees in advance of it going to the Department of Finance. There is nothing to stop a Department doing that if it wants. However, if it is in law that Departments have to share their bid with the Committee before they send it to the Department of Finance, surely that would be a strong political incentive for members of the Health, Education, or Communities Committee to say, “Hang on, why are you not bidding for this, in my constituency? Why are you bidding for that thing?”. It is genuinely a straightforward question. Why create a perverse incentive? We are all politicians in this Chamber, apart from the officials who have to sit and listen to us.

Mr Wells: Will the Member give way?

Mr O'Toole: I will.

Mr Wells: Would it not be absolutely terrible if members of a Committee, having had that information released to them, used it as an opportunity to push for deserving schemes for the benefit of the people of Northern Ireland or their constituency? We cannot have that going on in the Assembly. That would be terrible. *[Laughter.]*

Mr O'Toole: There are a couple of things that I can say to that. There is nothing stopping anyone doing that, of course. The logical extension is that you get information, in live time, from the Department and you can check and second-guess every email sent out by a civil servant.

Personally, I do not think that that is a good way to do government or scrutiny. Our job is to scrutinise. Co-creation is a good thing, and, yes, we input into the policymaking process, but there is a limit to which it is constructive to have MLAs second-, third- and fourth-guessing information as it is being debated live in the Executive. There will be no shortage of opportunity for people to call for money to be spent on particular projects. I will be doing a lot more of it in the weeks to come, as we

debate and scrutinise the Budget that was presented last night, the January monitoring round.

I worry that, if we create a provision in statute where a bid has to go, effectively before it has been finalised, to a Committee, what you are saying is, "Here is our draft. What do you think of it? Will you help us with our working out?".

Mr Frew is a great speaker and a very good collegiate Committee colleague. I have learnt that he is completely sincere in his belief in the importance of scrutiny. I agree with him on a lot of it. However, we have to be realistic: virtually all of us, with the possible exception of Mr Wells, are members of a political party. Even Mr Wells is not completely apolitical. We are politicians, and getting this information about how much the Health Minister has bid for in relation to a specific area of care or a specific development in a hospital in a particular area is of interest to us.

Not so long ago, Mr Wells convincingly pointed out the difficulty that he had as Health Minister in carrying out important health service reforms because of the tendency for MLAs to be very protective of their local patch and rather parochial about these things. I say this to him: clause 13 would deepen that challenge because it would create an incentive for MLAs to ask, "Why did the Communities Minister not bid for more 3D pitches? I want a 3D pitch in my area". I could go on.

4.00 pm

Mr Frew: I thank the Member for giving way. He is very gracious with his time.

Nowhere in clause 13(1) does it say that any Minister has to gain the approval of or get ratification from their respective Committee before submitting a bid to the centre, and I would not request or support that. It is not a Committee bid or a shared bid; it is the Department's bid. The officials will have spent months on these issues. One thing that I have learnt is that Committee members usually give due respect to the expertise of officials. It is not a Committee member's job to formulate or ratify a bid.

Mr O'Toole: I am grateful to the Member. What he said is true in a literal sense, but my argument is not that clause 13 creates a power for the Committee to say yea or nay to the bid; I am saying that it creates a political incentive for members of that Committee to second-guess and challenge. I am sure that I will challenge the Finance Minister about what is in the Budget before too long, and I will challenge other Ministers on how they have spent money. All I say is that the provision creates a specific unintended consequence. It is not about whether the Committee approves the monitoring bid, and I am not saying that. Unfortunately, it creates a fairly distorted political incentive.

I go back to something else that the Member said about amendment No 45. My Committee colleague Mr Frew said that Committees would never know whether the Department had asked for more money. Nothing is stopping the Committee getting that information. Nothing is stopping the Committee making the request and the Department giving its original bid. I am sure that, very often, it will be in the Department's political interest to say, "We bid for another £50 million, but Conor Murphy did not give it to us". The point that I make is that it is better to do

that after the fact. If you insert a Committee process where you suggest, it will create unintended consequences. Therefore, amendment No 45 is the one amendment that we will move today.

Given that we have all spoken for so long on the Bill, I will keep my remarks brief, other than to say that I welcome the fact that we have made progress in particular areas. I am not in any way naive about the capacity of legislation to reform completely the culture of our politics, good practice in governance or standards in the Civil Service; nor am I saying that everything about our system of government is bust. We believe passionately and profoundly in the Good Friday institutions, and that belief is at the core of our party. Given my previous life, I also believe in the role, function and work of special advisers. I believe that most politicians — even politicians in the Chamber with whom I profoundly disagree — want to deliver for their communities and for the people whom they represent. Civil servants do a huge amount of good work. I will never be found wanting when it comes to talking up the capacity of civil servants versus that of politicians because I know the difference between the two roles. Notwithstanding all that, the Bill has substantial merits. The SDLP still has specific reservations but is broadly supportive. As I said, I want a bit more clarity on specific areas, but my mind is not closed. Those areas are the Minister's amendment to clause 7 and the Bill sponsor's amendment No 34. At that, I wrap up my remarks.

Mr Muir: I rise on behalf of the Alliance Party to speak on the amendments in group 2.

My party will support amendment Nos 18 to 20, which are technical amendments to clause 5.

Amendment Nos 21 and 22 rewrite clause 6 on the requirement to maintain minutes of meetings. Both amendments improve the wording that was passed at Consideration Stage, as they tighten the definition so that it refers only to meetings where policy or spending decisions are taken. I note that the SDLP does not intend to move amendment No 21. Before we even knew that, my party's preference, on balance, was for amendment No 22, which places the requirement on permanent secretaries to put relevant arrangements in place and provides further detail regarding what is and is not a relevant meeting, as well as what constitutes a ministerial decision.

Moving on to clause 7, we support amendment No 23 proposed by the Finance Minister. It tightens the definition with regard to where the presence of a civil servant is required and includes meetings with elected representatives of another Parliament in the UK or Ireland. I know that there are different views on that amendment in the Chamber and welcome the debate. However, on balance, I feel that it is right to support the proposed changes.

We will support amendment Nos 25 to 33, which will help to ensure that clause 8 will not present an unrealistic burden on Ministers and special advisers by clarifying when they need to record lobbying. We maintain that additional specific legislation is required in that area, specifically on the creation of a register of lobbyists and to place more of the burden on the lobbyists. Some of the arguments that were outlined at Consideration Stage still apply with regard to the appropriateness of some key

elements of the legislation and whether it will add to the better functioning of government or detract from it.

We will oppose amendment No 34, the new clause 8A, which would reintroduce the provisions on the use of official email systems and devices that were rejected at Consideration Stage, this time without the criminal sanctions. Concerns were raised at Consideration Stage about how that law would work in practice, and they have not been addressed. I have my own iPad, laptop and iPhone; largely, I use my own devices. That is the way of the world nowadays, in 2021. By passing the amendment, we would pass bad, impractical law that would inhibit the functioning of government and would not reflect the reality of how communications occur at the moment. I urge Members not to support the amendment.

Proper record-keeping and the use of official systems by Ministers and spads are essential components of good governance. At this stage, we maintain that that is better dealt with through relevant codes than by inclusion in the legislation. We are passing legislation here — not codes — that places requirements on how government will work. We have to tread carefully.

Amendment No 35 addresses a concern that we raised at Consideration Stage regarding the register of interests and the definition of a “close family member”. We note that amendment Nos 35 and 54 substantially attempt to achieve the same thing. We will support amendment No 35 with its definition of “partner” and tighter definition of “close family member”.

Amendment Nos 36 to 42 deal with clause 10 on unauthorised disclosures. We raised concerns with clause 10 at Consideration Stage, including the overlap with the offence of misconduct in public office and the potential impact on lower-grade civil servants. The amendments will go some way to dealing with the latter point in particular, but they do not leave the legislation in any way perfect.

We will support the amendments relating to the monitoring rounds tabled by the Finance Minister and the SDLP. Our view is that those changes in relation to monitoring rounds should not be in legislation. We need to be practical about how that will operate. In some ways, the amendments make that more practical, but not passing them would make the issue around monitoring rounds and how they work and the interface with Committees even more cumbersome.

Once again, I thank all those who contributed to the amendments and Members for the important debate. Whilst my party does not agree with everything in the Bill — there is a substantial amount that we do not agree with at all — many of the amendments will improve it before, potentially, it becomes the law of the land. That is why the debate is so important.

Mr O’Dowd: The amendments that are before us once again prove the weakness of the original piece of draft legislation. The original, as published by Mr Allister, had 15 clauses in a seven-page Bill, which is a very short piece of draft legislation. As a collective, we have tabled a total of 81 amendments to that 15-clause, seven-page Bill. That is 81 amendments to a piece of draft legislation that was published with great gusto as something that was going to cure all the ills of the Assembly and Executive and resolve the issues in the RHI report. Clearly, it was not capable of doing that in its original format. If the Assembly passes

the Bill, it will go down in history as Jim Allister’s private Members’ Bill, but it is no longer Jim Allister’s private Members’ Bill; it is a Bill that has been brought together by a variety of resources and individuals who are trying to make bad legislation workable.

Mr Frew: I thank the Member for giving way. Does the Member realise that the way that he comes across makes it sound like a personal vendetta against the Bill’s sponsor? Given the way the Bill was designed and notwithstanding the Minister’s amendments, I was able to table an amendment that had nothing to do with previous clauses. I was able to add it on. Perhaps that is a positive, not a negative, for the Bill.

Mr O’Dowd: I do not know how it comes across to the Member. I have no strong personal feelings about Mr Allister either way. I am politically opposed to him. Like the Member, I try to make friends. I know that you spend a lot of time in Committees trying to make friends. I try to make friends too. I am maybe not always as successful as you are, but I do my best.

I want to give an example, and Mr Muir touched on this: we are making legislation, not passing a motion in the Assembly. Legislation has consequences, and the consequences of passing legislation here could have a very detrimental impact on the functioning of government. The purpose of the Bill is to — allegedly — improve the functioning of government.

How will the clauses be implemented? If you look at amendment No 29, you see that it relates to clause 8 and, as we discussed at Consideration Stage, when a Minister is lobbied. How do you define that lobby? How do you manage what is and is not an important lobby? There was some discussion back and forth on that. We have now reached a point where Mr Allister has amended his Bill to say that it is a matter for the Minister to determine whether a matter is “inconsequential”. Previously, we used an example of a Minister coming out of a supermarket, so I will stick with that. That Minister might be lobbied about street lighting. The Minister may walk away and say, “That’s not important to me. That should not be reported”. However, the member of the public thinks that it is important. Perhaps they did not declare that they were the chairperson of the local residents’ group and were making a representation on behalf of the group in that area, or they did not declare that, as a result of poor street lighting in the area, someone had been knocked down and killed. The Minister, however, has made the decision in his or her head that it is not important so has not registered it. Six months later, the Minister might be pulled up on it and told, “Minister, you have breached the legislation. You were lobbied on an important issue — street lighting — and a person died as a result of poor street lighting. You did not register it”. Who decides who is right or wrong there? The legislation does not give an arbitrator for that. Perhaps it is the courts; maybe that is Mr Allister’s intention. It seems a bit extreme, but perhaps the most extreme circumstances would go to the courts.

It strikes me as poor legislation. I know that the Minister tabled amendments for the same clause in an attempt to tidy it up, but it shows that legislating for every incident is, if not impossible, almost impossible.

Mr Allister: Will the Member give way?

Mr O’Dowd: I will.

Mr Allister: Does the Member think that when the Copyright Act talks about not needing to do things that are incidental it too is bad legislation?

Mr O'Dowd: I tip my hat to the Member's knowledge of the Copyright Act. If you pay another barrister enough, I am sure that he or she would argue that point with you, hence the reason why we have so many barristers.

On the statute books, there are laws that are good, bad or unwieldy, but do we need to add other legislation that is the same? I will use this amendment as an example. Those who are genuine about the process are attempting to pass legislation for good governance, but the Bill will not achieve that goal because there are so many different aspects to it.

4.15 pm

In the Minister's winding-up speech on the last debate, he pointed out an important issue. The Bill, from the point of view of the sponsor and others, is about improving the functioning of government. Right? The Minister pointed out that there is an agreement in NDNA on how to deal with the recommendations in the RHI report, which is not to legislate. The Minister revealed that there is an Executive agreement — apologies if I am putting words into the Minister's mouth; he can correct me later if I am not exactly right on this — on how to deal with the RHI recommendations, and it did not involve legislation. To those supporting the legislation, tell me this: how can the functioning of government be improved if an agreement is breached? What does that do for the confidence of the parties sitting around the Executive table and working together if the legislation is in breach of an agreement? Think of the consequences of that, if you are not thinking of the consequences that this legislation will have in trying to administer good government.

Mr Allister: Will the Member give way?

Mr O'Dowd: I will.

Mr Allister: The basic tenet of the Member's contention is that legislation is not needed because all these things could be provided for in codes. The Member might have more credibility on the issue if he and his party had not voted in 2013, in my first private Member's Bill, on the necessity for codes. The Civil Service (Special Advisers) Act (Northern Ireland) 2013 provides that codes shall be in place. It was Sinn Féin that sought to vote that down. Now they tell us that codes are enough. Does the Member not think that he should take a look in the mirror before he makes that comment?

Mr O'Dowd: Again, the Member tries to cite an example as a blanket response to all scenarios. There will be scenarios in which codes or legislation, or a hybrid of both, are enough. You cannot say, "You said a, b or c once, so that is a definitive position on all". Mr Allister, the point is that it was not Sinn Féin that said that codes were enough; the Executive said that codes were enough. A Bill to improve the functioning of government that is based on breaching an agreement from that Government is surely not getting off to a good start. I will end on that point.

Mr Catney: The group 2 amendments speak to the key reforms that are required in government. They concern reforms of how meetings take place, how they are recorded and how information is provided for those

meetings. They address requirements on who must be in attendance at meetings so that there is optimal transparency. They also address reforms of lobbying so that the public can be assured of complete fairness in Ministers' decisions, reforms in how technology is used and provisions for the suitable use of computers and data. It is important, however, that we strike the right balance. The provisions must be effective in promoting reform and transparency, but they must not be cumbersome. The provisions must allow for the effective functioning of government and must not prevent that by creating an environment of restrictions, which require so much time and energy in order to adhere to noting those functions.

Most of the amendments strike that correct balance and will add to and improve the functioning of the Bill.

I welcome the Minister's amendment No 22 to replace clause 6 and thank him for the clarity that he has given. We must be clear about what constitutes a relevant meeting and an official ministerial decision. Ambiguity could lead to inaction, which goes against what the Bill is trying to achieve. The amendment gives clarity, so it is an improvement.

I am happy to support the amendments on lobbying. They allow for the reforms needed and set out how the provisions will operate in real-life terms. That should allow for better functioning of the provisions and an improvement in impact.

On the new clause proposed by amendment No 34, we welcome the movement that the Bill's sponsor has made on the criminal penalty. That was a sticking point for us as well as for the Northern Ireland Human Rights Commission. I am still concerned about the provision, as it will impact on the fast-paced way in which communication occurs in this day and age. I fear that it may be too easy to fall foul of the clause through zero fault. It therefore creates an undue burden.

I want to speak to the amendments standing in my name and that of Matthew, even though some of them will not be moved. Amendment No 21 is adequately covered by amendment No 22, which the Minister tabled, and therefore does not need to be moved. Amendment No 45 would allow for an extended timescale in clause 13. As I said at Consideration Stage, I understand the importance of clause 13 and the need for information to be provided to the House for scrutiny in a timely manner. We all have clear examples of what should not be done: for example, when we debate health regulations that are already a month out of date. This past year, however, has shown us that we can never be sure what is around the corner, and legislation must, as far as is possible, deal with all scenarios. Our amendment No 45 would allow for the scrutiny that is needed, as well as the flexibility. Again, this is about the Bill being able to allow for the normal functioning of political life while creating the reforms necessary.

Mr Wells: First, I congratulate Mr Allister, because I think that he is on the cusp of being the first MLA in the history of perhaps not just the Assembly but the Northern Ireland Parliament to have successfully steered two private Member's Bills through this Building. That is a remarkable achievement. Mr O'Dowd paid Mr Allister a backhanded compliment by saying that his Bill had attracted 81 amendments: that shows the scrutiny that Mr Allister has

had to face to get his Bill through. I have listened to the contributions from Members, and it looks as though he will be successful in that respect; indeed, I understand that he will get a copy from the Palace of his private Member's Act after Her Majesty gives it Royal Assent. At least, Mr McCallister got one for his Caravans Act. He was delighted to have it, and I am sure that it is behind glass in a drawing room somewhere in South Down.

Mr Murphy seems to be somewhat confused about my status in the Building. I am a semi-detached member of the DUP. Outside the Building, I am the official DUP MLA for South Down; inside the Building, I am an independent unionist wandering in the political darkness and wilderness without the friendly advice of spads and Chief Whips. I miss them so much [*Laughter.*] I am therefore Whip-less and spad-less, and it is absolutely blissful. I am in exactly the same position as Mr Jeremy Corbyn, the former leader of the Labour Party, who is still a Labour MP, but, when he is inside Westminster, he is an independent. I know that Mr Murphy and Mr O'Dowd have been agonising over my status for many months, but it gives me the freedom to say that my experience of spads has not been a happy one and I am delighted that Mr Allister's Bill has made so much progress.

Can there have been a Member who has bent further backwards to meet the concerns of Members about his Bill? In the corridors of the Building, I have many times heard, "That was wonderful, that was sensible, but it comes from Jim Allister. If it comes from Jim Allister, it must be suspect". How often do we hear people measure a Bill, a motion or a question not by its content or validity but by the person who is articulating the argument?

We come now to a crucial stage in the Bill. I am glad to say that there seems to be a coalescence, if I read the tea leaves correctly. Even on the second group of amendments, there is a fair degree of agreement, which surprises me. I told the people back at home not to expect to see me until 2.00 am: actually, it looks like they will see me at a sensible time. That shows that sense is prevailing.

I detect from Sinn Féin that it knows that it has lost the battle, that this is the endgame and that Mr Allister has been able to convince many MLAs of the benefit of the Bill. The one thing that neither Mr O'Dowd nor Mr Murphy, who are the two last big hitters left in Sinn Féin in the Building — big in both stature and political experience — has realised is that codes of conduct and legislation are not mutually exclusive. You can have both, and that is what Mr Allister's Bill, along with the amendments, is trying to achieve.

We all hope and pray that the legislation will never be needed. We hope that the great list of codes of conduct and gentlemen's agreements that Mr Murphy has been eulogising will keep the spads under control and that we will not have a repeat of the dreadful, awful situation that arose as a result of RHI, when spads from all parties broke every code of conduct, every rule in the book and every gentlemen's agreement that was possible. Therefore, we hope and pray that Mr Murphy is right. However, just in case he is not, it is good to have effective legislation to set the framework and to let the spads know that their cards have been marked and that, if they step out of line this time, we are taking it extremely seriously. Remember that, as a result of their activity, the Assembly was frozen in time for three years. Important decisions were not taken,

and there was no control over the Executive of this country for an entire three years. That was a direct result of the misbehaviour of the spads.

I suppose that Mr O'Dowd and Mr Murphy are concerned that the one thing that the Bill will achieve when it is passed is that it will stop Connolly House becoming the fulcrum of power in this country, where decisions sat waiting to be made — maybe for many months — because shadowy figures in the darkened dungeon or basement of Connolly House decided —.

Mr Principal Deputy Speaker: Perhaps Mr Wells could speak to the specifics of the amendments that are being debated here. I noted his remark that he had warned his people that it might be 2.00 am before he got home, so I hope that he will not take it as a challenge to keep us here that long.

Mr Wells: I assure you, Mr Principal Deputy Speaker, that, as everybody else has been relatively brief this evening, it is incumbent on me to be the same. However, I still wanted to get one or two final digs in before the end of the debate, and time was running out.

If all we achieve is that we have reduced the number of spads, reduced their pay to a sensible level, stopped them operating out of Connolly House and made them think twice before they leak information to outside bodies, the Bill will have been a success.

Mr Frew: I thank the Member for giving way. Sinn Féin across the way here has said that the Bill should not go ahead and that the Executive parties should not support it, because of an agreement. However, a subcommittee was set up to review the RHI inquiry and its findings. Surely, if that is all that the Executive can come up with, we have been short-changed as a people. Surely, there has to be more reform from the Executive on the RHI inquiry that the Bill could be part of.

Mr Wells: The Minister and his permanent secretary, along with senior officials, came before the Committee on many occasions and talked to us about the agreement that had been made by the Executive. That basically indicated to us, as mere Committee members, that the Executive as a corporate body had decided that the legislation was not required and should be opposed.

That was very interesting because four of those parties allowed their members at Second Stage to eulogise Mr Allister's Bill and say that it was the best thing since sliced bread. The Chair of the Committee is the leader of the Ulster Unionist Party, but there was absolutely no indication during the Committee's scrutiny of the Bill that he was tied to any decision that had been made at the Executive.

4.30 pm

There have been some tweaks and minor amendments since then. Mr Muir, of course, is speaking the words of Mrs Long; if we want to hear what Mrs Long is thinking, we get it from Mr Muir. By the way, Mr Muir, you will be rewarded in heaven for what you have done today. I know that you are far too intelligent to believe what you said today, but you are following the advice of your leader. I understand that.

The point that I am making is that, even with that, it appears that four of the five parties around the table did

not actually believe that they had signed up to that. Even today, the two remaining big hitters of Sinn Féin — the two big beasts in the jungle — believe that some mythical decision was taken to oppose the Bill. Where is the evidence of it? We will be having visions this evening that many of the members who signed up to that so-called Executive decision will vote in favour of Mr Allister's Bill. In fact, some of them will vote to strengthen it. I just do not get that.

The one area on which there has been some debate today is the use of official systems. Again, with Mr O'Toole, you do not get his words; you get those of Mr Eastwood. Mr Eastwood has told Mr O'Toole what to say. Your good work will be rewarded in heaven. You are on the fast track to greatness. I am on the fast track to obscurity; you are on the fast track to promotion.

He fails to read the amendment by Mr Allister. I accept what Mr O'Dowd said: when he goes to the supermarket, he gets lobbied about street lighting, and he takes down material on his personal iPhone. I have the oldest mobile phone in Northern Ireland and probably one of the oldest mobile phones in Europe; it is only 21 years old. We will soon reach the stage at which there will be MLAs in the Building who are younger than my mobile phone. Even I, when I was Minister, would have been caught by a constituent saying, "What are you going to do about that surgery?" or, "What are you going to do about that hospital waiting list?". I would have put the details on the little Dictaphone in my decrepit ancient phone. The amendment is quite reasonable; it states:

"within 48 hours, or as soon thereafter as reasonably practicable,

... copy to the departmental system any written material generated during the use of non-departmental devices or systems".

Mr O'Toole, you are half my age. You have many mobile phones, iPads etc. If you were a Minister — no doubt you will be some day — and got caught in Sainsbury's or, you could —.

Mr Principal Deputy Speaker: Mr Wells, all remarks go through the Chair. You are here long enough to know that.

Mr Wells: I was here before you were born, Mr Principal Deputy Speaker. [*Laughter.*] You were not born in 1982; I am certain of that.

Mr Principal Deputy Speaker: I was born in 1983.

Mr Wells: Exactly.

Mr O'Toole can go home to his palatial mansion at the top of the Malone Road and ask one of his domestic servants to download the material and transfer it to the departmental system. A time frame of 48 hours is perfectly reasonable. Why is it a dreadful imposition to ask people to do that?

He asked — it is a valid question — what is important and what is not. Download everything and then you have nothing to worry about; simply transpose everything to the departmental official system. If Mr O'Dowd's suggestion were to arise, in which, while walking through Lurgan, he meets a constituent who complains about street lighting and then, after that conversation, somebody gets killed, the precautionary principle is to send the

details of the conversation to the departmental system. He, of all people, should know that; he was Minister of Education for many years. He was certainly an awful lot better than his predecessor, but I guarantee you that that is not a compliment. He would have known, with his vast experience, how to do that. As Minister of Health, I certainly would have known how to do it. Again, Mr Allister bent over backwards to make a reasonable amendment, and amendment No 34 is, in my opinion, more than reasonable.

This entire exercise has been good for the Assembly. It was good for the Finance Committee because there was a keenly fought interchange on the Bill between various Members of the Assembly. For the most part, the Bill has been improved as a result of that scrutiny. Members have articulated very well, often the views of their Minister, no doubt, or the views of their party leader, but they have articulated those extremely well. I have listened to every minute of scrutiny in the Finance Committee and been here for every minute of the debate, and I think that the Assembly will be a much better place. Unfortunately, some of those who transgressed are still stalking the corridors of this Building. Should they ever think of transgressing again, they will think long and hard before doing so. The spectre of Jim Allister will haunt them for many years to come — long after he has left the Building. Yes, that is an awful thought; I realise that. That, to me, will make all of this worthwhile. I am very confident that, when the Division Lobbies are opened — I will be a Teller — Mr Allister will enjoy considerable success, and he is to be congratulated on his efforts.

Mr Principal Deputy Speaker: Mr Allister is to become a spectre, and Mr Muir and Mr O'Toole are on their way to heaven. I am reminded of the line in 'Fawlty Towers':

"If the good Lord is mentioned one more time, I shall move you closer to him."

That is not a threat, Mr Wells, I promise.

Mr Carroll: I will not comment on whether I will get through the gate of heaven. After this debate, it is unlikely.

I want to speak to the clauses behind the amendments in group 2. There is some important stuff in the amendments that my party and I oppose, and I will speak to that now. Recording minutes, having a register of interests and ensuring the presence of a civil servant at meetings are some of the most basic forms of accountability and transparency that should be expected of Ministers. That a Bill is needed to tighten up or, in some cases, introduce those measures is testament to the lack of accountability that we have seen from this Executive for too long.

To be honest, the legislation could go much further. Some amendments, in particular amendment Nos 23 and 28, would even water down transparency and accountability measures. Amendment No 23 would allow for a wide range of meetings about official business at which a civil servant did not need to be present. That could, undoubtedly, result in a meeting between a Minister from the Executive and a Minister from across the water, in which they talk about schemes involving public money, not being recorded and decisions not being registered. It would be a repeat of the lack of transparency that gave rise to the likes of the RHI scheme being implemented. The Minister's reasoning was that asking civil servants to attend every meeting

would be too tall a task. My response is that the risk of allowing the official business of Ministers to go unrecorded and unaccounted for is far greater, especially given the various botched schemes and previous scandals that, unfortunately, attest loudly to that.

I do not think that anyone would expect a civil servant to attend a meeting of his Minister's party or every meeting with an MLA in the House. However, when Ministers are acting in an official capacity or engaging in official business, one has to wonder what they would have to hide and why they would oppose a civil servant being in the room. Some time ago, David Sterling mused that records of meetings and recorded minutes might be embarrassing for some Ministers and their parties. Perhaps that is why there is some opposition to having civil servants in such meetings. Whatever the reason, we do not have any truck with it. If you are in official meetings, potentially discussing the expenditure of public funds and making decisions that impact on people in our communities, you should be prepared to be on the record and in the minute book, and you should be prepared to be totally honest about what is being said and, potentially, being agreed. If we expect people on universal credit to detail, in an online journal, every aspect of their life and how they spend it to get very meagre benefits, and if they do not, they are financially penalised, the least that we should expect from our Ministers, who are very well remunerated, is that they ensure that their meetings, especially those relating to their Department and actions taken by them, are recorded. We cannot have one rule for Ministers and another for everybody else.

Amendment No 28 seeks to curtail the need to record lobbying in some instances. Again, for me, this is unacceptable and not necessary. I have not heard a good explanation of the rationale for that either. In this case, the Bill reads:

"being lobbied" means to receive personally a communication ... relating to:

(d) the exercise of any other function of the department."

Lobbying is lobbying is lobbying. If someone, or their party, potentially, sits to gain from that lobbying, it should be registered — simple as that. I cannot think of any function of any Department that should be free of registering lobbying, and I do not see here the justification or rationale for that or the need for the amendment.

An aspect of amendment No 33 would give leeway in the recording of lobbying from community groups when the lobbying is done on an issue which is mutually beneficial to all sections of society. My concern here would be that the judgment of what benefits all of society could vary from Minister to Minister. Indeed, I argue for issues in this Chamber that community groups endorse and that I believe would benefit all aspects of society, but there are people here, probably on the Benches opposite, who would robustly disagree with me on those issues. In this case, I am unconvinced that a Minister could be totally unbiased about the impact of individual cases of lobbying when making a decision in that regard.

I want to speak briefly to amendment No 22, elements of which give concern to me and my party. For instance, in a totally hypothetical scenario, if a Minister and their spad

were to hold a meeting with Moy Park as official business but a civil servant was not present, relevant arrangements would not have to be put in place to record an account of that meeting. I do not think that I need to explain to this Chamber why I think that such meetings should be recorded.

That is further reason for our opposition to amendment No 23, which would see vast exemptions to meetings where civil servants need to be present. Again, this is a basic function of transparency and accountability. I hope that, in his closing remarks, the Minister will provide some clarity on the outworkings of amendment No 23.

Finally, I wish to speak to amendment No 36, which we welcome. To lump civil servants in with Ministers and spads would be a mistake, and that was touched upon in the previous debate, many weeks ago. It is not only in the case of culpability, but, hopefully, this amendment can protect the many ordinary workers in the Civil Service who need to be protected by this Bill.

Mr Principal Deputy Speaker: Thank you. I call the sponsor of the Bill, Mr Jim Allister.

Mr Allister: In this group, there are a number of issues of non-controversy and some of some controversy. To begin on a non-controversial note, in respect of clause 5, amendment Nos 18 to 20, I take no issue.

In respect of clause 6, the only one now in play is amendment No 22. I want to get some amplification from the Minister on a couple of aspects of his amendment. When it says:

"The permanent secretary to a Northern Ireland department must ensure that relevant arrangements are put in place."

and:

"Relevant arrangements" are arrangements designed to ensure—

(a) that an appropriate written record of each relevant meeting is compiled by the civil servant ... attending the meeting."

What is an "appropriate written record"? That, by its very nature, is wholly subjective. Is that an appropriate written record in the eyes of the Minister or of the civil servant or of someone else? Could it, within that ambit, be appropriate to have no record?

Is that within the ambit, or is it guaranteed to us that there will always be a record of some nature and that the appropriateness informs the extent and the content rather than the existence? I would like some amplification from the Minister on what we should understand by the phrase "an appropriate written record".

4.45 pm

The amendment then says:

"the written records mentioned in paragraphs (a) and (b) are retained in accordance with the department's policy on the retention and disposal of records."

A Department's policy on the retention and disposal of records can, of course, be a moveable feast in that over time, presumably, it can change. What may need to be

retained today may not need to be retained tomorrow. So are we in that amendment subjecting ourselves to the whim of a particular Department to change what needs to be retained? I would like some insight into and undertaking on that.

(Mr Speaker in the Chair)

Is a Department's policy on the retention and disposal of records itself subject to Assembly scrutiny, or is it a policy that is made and changed internally in that Department without Assembly scrutiny? I would like some clarification on that before I agree to bind myself to amendment No 22.

The final point that I want clarity on is whether each Department can have a different policy on the retention and disposal of documents. The policy is Department-specific, but is there commonality today or tomorrow in Departments' policies on the retention and disposal of records? If the Minister could provide satisfactory responses in those regards, clause 6 as amended by amendment No 22 is something that I would probably be amenable to, but I want those clarifications.

I then want to come to clause —.

Dr Aiken: I thank the Member for respectfully giving way. There are concerns with the TRIM system, which is the Civil Service's record-retaining system, and how it retains and accounts for records. The Minister might in his remarks refer to how the systems would be recorded, because there is considerable disquiet with the TRIM system. That might colour the Assembly's view on voting for the amendment.

Mr Allister: I am grateful to the Member. I think that the terminology has changed of late from TRIM, but no doubt we will hear about that.

Of all the Minister's amendments, amendment No 23 is the one that gives me the greatest difficulty. In seeking to suggest to the House that it is not an amendment that is worthy of support, I ask it to consider the relative simplicity and intelligibility of the existing clause 7. That simply says:

"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."

To that I intend to add, out of deference to the point that Ms Sugden made:

"or other Members of the Assembly".

Clause 7(2) is very important in this situation. It states:

"The department must retain the record made pursuant to subsection (1)."

Clause 7 requires that a record be made about official business with non-departmental people, and clause 7(2) requires the retention of that record.

The first thing that alarms me about amendment No 23 is that it wishes to remove not clause 7(1) but all of clause 7, including clause 7(2). Therefore, the amendment changes the circumstances in which a note has to be made but obliterates entirely the obligation to retain a note. That is the fatal flaw in amendment No 23. Even when a note is kept, there is no requirement to retain it or to put it on the

Department's system, as described in amendment No 22. There is no statutory obligation to keep a note.

Amendment No 23 does two critical things: it diminishes the circumstances in which a note should be taken, and it totally obliterates the need to keep any note that is taken. That is what alarms me most. Amendment No 23 also alarms me because of the scale of the exemptions that are written into it. We need to remember that amendment No 23 is about official business:

"A Minister, or special adviser, who holds a meeting with a third party about official business must take such steps as are reasonable".

We need to disabuse ourselves of the idea that this is anything to do with a supermarket meeting. This is about holding a meeting on official business and then taking such steps as are reasonable to ensure that meetings are attended by at least one person serving in the Civil Service who is not a special adviser. That subsection does not apply if the liaison is with the Minister's political party. Fair enough; common ground there. However, what it then goes on to do is to exempt a series of third parties, including Westminster, Scottish, Welsh and Dublin Ministers, and any Member of any legislative Assembly in the British Isles. What that means in practice is that if, for example, the Minister for Infrastructure, or the Minister for the Economy or whoever, was holding a meeting about the North/South interconnector with her counterpart in Dublin, under amendment No 23, there is no obligation to have a civil servant in attendance or to take or keep a note. If, for example, the Infrastructure Minister was holding a meeting about the A75 with her Scottish counterpart, under amendment No 23 as drafted, there is no need for a civil servant or a note.

Let us make the example a little more poignant.

If the Department for the Economy were working on a new RHI scheme and needed to go to talk to its counterpart in Westminster, no civil servant would be required and no note would be required. My, oh-my, was one of the lessons out of the RHI inquiry not about the trouble that that gets you into? I therefore really do not understand amendment No 23 in the scope of the exemptions that the Minister wants to see.

He talked about excluding meetings with the Attorney General. That, I think, is a red herring. It is not that there should not be a note kept of a meeting with the Attorney General. The point is that professional privilege would attach, and that note would never be seen by anyone, unless the Minister chose to release it. Meetings with the Attorney General are not the issue here, but meetings with other Ministers in other jurisdictions most certainly are. I say to the House that, having come through the experience of RHI, it should view amendment No 23 as really being a charter for non-transparency and worse. It seems to me that amendment No 23 is not one that should be put before the House, nor is it one that should be accepted by it. I therefore give notice that I will oppose amendment No 23. I urge support for amendment No 24, which deals with the previously made Claire Sugden point.

I come now to clause 8 and the amendments affecting it. Amendment Nos 25 to 27 are stylistic and technical, and I have no difficulty with them whatsoever. Amendment No 28 does trouble me, however, because it seeks to diminish

the ambit of lobbying. Members will be aware that clause 8(2), with language borrowed from the corresponding GB legislation, which goes under the wonderful title of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, deals with the definition of what it means to be lobbied. It is a lift, effectively, out of the 2014 Act. It includes therefore the line that the Minister wants to exclude, which is that at subsection (2)(d):

“the exercise of any other function of the department.”

The only difference there is that, because I am making these obligations Department-specific, it changes the language that was in the 2014 Act of:

“the exercise of any other function of the government”

to:

“the exercise of any other function of the department.”

If that is the language of the 2014 Act on what lobbying embraces, why would we want to change that? I do not yet understand the logic of amendment No 28. I suggest that the better answer to the supermarket encounter or the lobbying about the pothole is my amendment No 29, which bestows on the Minister the discretion to waive compliance with the need to register it if the subject matter is inconsequential. Obviously, that wording would not appear in this amendment if it were not wording that the Bill Office saw as tenable. I have already pointed out to Mr O’Dowd that language that some might say is imprecise, such as that, already appears in legislation such as the Copyright Act, where it indicates that things that are incidental need not be done.

We all understand what “incidental” and “inconsequential” mean. Certainly, if you were the Minister for Infrastructure or the Agriculture Minister and somebody lobbied you about the need to have a pothole fixed, you might well conclude that that is not something that needs to go into the departmental record. As a constituency Member, you would want to do something about that, but it is not something that you would feel compelled to, maybe, in your own discretion. Or if you met somebody who talked a lot of nonsense to you, as we all do, you might well decide that that was rather inconsequential.

5.00 pm

Mr Wells: Not in South Down.

Mr Allister: Not in South Down, I am sure. You might decide that that was rather inconsequential and did not need to go into the record. Therefore, I say to the House that, if we accept amendment No 29, there is no need for amendment No 28. I suggest that that is the way to go.

I accept amendment Nos 30 and 32 and am aware that amendment No 31 covers the Claire Sugden point about Members of the Assembly. I then come to amendment No 33. The aspect of amendment No 33 that troubles me — well, there are two points. If we reject amendment No 28 and accept amendment Nos 29, 30 and 32, we do not really need amendment No 33. In some ways, it is anodyne and does not make a huge amount of difference, except that I am struggling to understand proposed clause 8(3)(e):

“made to a Minister by a member of the public in their capacity as a member of the public, or in their capacity as a community representative, and relating to a matter in which the person making the communication has only the same interest as all other members of the public or all other members of a section of the public.”

What does that mean? The qualifier seems to be:

“has only the same interest as all other members of the public”.

If that is the determinant, does that not make it a matter of public interest? Are we saying, therefore, that a matter of public interest should not be recorded? I am struggling to get my head around what proposed clause 8(3)(e) actually means in practical terms. I would certainly like some amplification on that from the Minister.

I then come to amendment No 34, which is a new clause. Yes, it has echoes of my failed attempt to insert a criminal offence at Consideration Stage, but my concern was that, in rejecting that, we had thrown the baby out with the bathwater, so to speak. I am trying to recover the baby with this amendment. I am not trying to make a criminal offence but to make it very clear in legislation what is expected of Ministers and special advisers. That is why amendment No 34 — the qualifying clause is again “official business” — states:

“when communicating on official business by electronic means” —

you cannot use —

“anything other than devices issued by the department, systems used by the department and departmental email addresses” —

and, if you do, you should copy it back.

If I understood him correctly, Mr O’Toole asked whether you could not simply use the departmental system on your personal phone. As far as I am concerned, it does not mean that. No matter where you have it, you are using a departmental system. I hope that that allays his concerns on the matter.

His other concern was whether that meant that you had to communicate every tittle-tattle of a text message into the official system. Well, no. The qualifier there is “official business”. New clause 8A(2)(b) makes an express exemption that there has to be a record of “verbal communications of consequence”. That goes back to the value judgement that the Minister must properly make. It seems to me that the same spirit would apply to your text message — that it has to be something of consequence. It is not setting up a timing arrangement for a meeting or a cup of coffee; it is about doing official business. If you do official business of consequence, it seems to me that the right place for that to be recorded in perpetuity is on the departmental system. It is best if you can do it there and then by using the departmental system, but if, of necessity, you cannot, then the sole obligation of this clause is to advise you that:

“within 48 hours, or as soon thereafter as reasonably practicable”

you put it into the official system.

Mr Muir: Will the Member give way?

Mr Allister: Sure.

Mr Muir: Would the Member not consider that the inclusion of the words:

“anything other than devices issued by the department”

poses a significant issue? You could log into departmental systems using your own iPad or your home computer or laptop. This amendment has been specifically worded and does not take into account the reality of how civil servants, Ministers and spads work nowadays.

Mr Allister: I do not think that that is correct. If you are using your personal device to access the departmental system, I do not see a problem. That would not be thought to be a breach at all. I remind the Member that it is not a criminal sanction; it will not put anyone in trouble, in that sense. Rather, it is a timely reminder that RHI revealed that people were hiding emails.

I will remind the Member of some of the RHI evidence. There was a great search that arose from an issue about whether there was an email trail. There was, but it was not on the official system. Where was it? It was on a spad's DUP account. Eventually, through the actions of another spad, it was uncovered and, eventually, handed over to the RHI inquiry.

If we do not have something like this, how are we to discourage a continuation of that practice? That practice is for one purpose and one purpose only: to hide things. There is no other reason not to want this other than to hide things. Having come through RHI, it is important that we set a standard of what is expected and put it in legislation so that we put up in lights that what went on in the past will not be tolerated and that that is the standard that is expected and which must be adhered to.

Amendment No 34 has merit, and I urge the Member, who intervened on behalf of his party, to consider that his choice in voting on amendment No 34 is whether he wants things as they were, where matters could be hidden, or whether he wants to put something in legislation that dissipates that risk. That is the real choice.

Mr Muir: Will the Member give way?

Mr Allister: Sure.

Mr Muir: I understand the Member's arguments. However, we have to decide whether what we are putting in law is right and proper. Once in law, the only way back is to repeal, and we all know the consequences of trying to do that. That is what we have to consider. I do not judge that putting this in law is the right way to go. If we are putting it in law just to send out a message, the question that has to be asked is this: what is the purpose of that? What is the purpose of this amendment? Is it just to send out a message?

Mr Allister: Legislation can be about messaging, and, my goodness, given what came out of RHI, do we not need messaging? I would have thought that we do. The other side of the coin on the issue that the Member raises is that, if you do nothing, you are endorsing the arrangements whereby that which previously happened — the hiding of information — is an OK thing to do.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: It is interesting to listen to the comments of various Members about amendment No 34. During Consideration Stage, their main reason for opposing it was the penal aspect: the fact that you could give someone a criminal record. Your amendment has removed that reason, and there is no criminal record. However, there is, of course, a code of conduct. As I have said, we do not place much store by codes of conduct. However, stepping outside the terms of this Bill would be a clear breach of a code of conduct, so we are sending out a message.

The problem is that neither Mr Muir nor Mr O'Toole was here during the RHI crisis. I do not think that they experienced the skulduggery behind the scenes from those using off-record messaging. The reality is that most of what happened to bring this place down was carried out outside official departmental systems. It was done on personal email accounts, and the information was never transposed to official accounts. It was fortuitous that one spad decided to blow the whistle, thereby opening the hornets' nest and exposing what was going on. Had he not done that, we would have been none the wiser.

Why, having had the issue of criminal sanction removed, does Mr Muir's party leader now feel that we cannot at least give a very clear signal that, when conducting official departmental business, you have to record it on departmental systems. I wonder why there is this opposition. It was not mentioned last time. Then, it was entirely the issue of criminal sanction.

Mr Allister: The Member makes fair enough points.

Members, what is the choice in this regard? Is there a problem? If the answer to that is yes, do we want to do anything about it? I say, gently, to Mr Muir, that amendment No 34 was tabled before Christmas. Had he thought that there were real issues with its drafting, he had the opportunity to engage and to seek to amend it. No such opportunity was taken, but that was his prerogative.

Moving on, I accept amendment No 35.

Dr Aiken: I thank the Member very much for giving way. Looking at amendment No 34 and the use of official systems, I recall that one of the issues raised during RHI was that of unofficial servers. There had been attempts to move beyond the control of government communication systems, which are provided at considerable expense. They are equipped with the means to prevent their being hacked and with added levels of security, which should be of concern to everybody in the Government at the moment. Not only is this a matter of increasing accountability and transparency, it is a matter of increasing security and ensuring that our official systems, which should be the avenue for official government business, are used exclusively for the protection of us all.

Mr Allister: The Member makes valid observations, which, I trust, others will listen to.

I can readily accept amendment No 35. My amendment, amendment No 54 will not therefore be necessary.

5.15 pm

I then come to Clause 10, the surviving criminal offence in this Bill. I have tabled amendment 36 for two reasons. I will be upfront with the House; I mentioned it this morning:

when you are a single Member of the House trying to bring a private Members' Bill, you have to bend and reach an accommodation with others. The fact that the reach of the criminal offence included civil servants was an issue of particular concern to some Members. In principle, it is right that a civil servant who shares information for financial or improper advantage should not be immune from recourse about that. However, I accept the sincerity and the genuineness of those who raised that point.

After Consideration Stage concluded, I went back through my Bill and discovered that this was the only clause of the Bill that imposed a burden — never mind a criminal sanction — on a civil servant. The Bill is now about Ministers and special advisers. So I have been persuaded that it is appropriate, in that context, to remove civil servants from clause 10. The Minister has told us that the Executive are reviewing RHI. They have a subcommittee, and no doubt, they will labour and deliver something in that regard. If that is included, either separately or in tandem with reform of the Civil Service, I presume that that will manifest itself in legislation at some point. If it does, and if the ambit of the Bill permits, I put the Minister on notice that I will be minded at that stage — if it is not already in the Bill — to include some parallel criminal offence for inappropriate leaking by civil servants. However, that is for another day. Today, I am making the concession that some asked for on clause 10, not just because they asked, but because I have come to be persuaded that there is some logic and merit in what they have said.

We are told that amendment 37 is not being moved. I readily accept amendment Nos 38 to 40, and that will cause amendment 41 to fall, if accepted. I accept amendments 42 to 44.

On clause 13 and the interesting debate between Paul Frew and Matthew O'Toole, I am more persuaded by Paul Frew's points than Matthew's. If the SDLP amendment is accepted, it will really neuter clause 13, but that is a matter for the House. It seems to me that clause 13 and clause 11 are, largely, complementary. Clause 11 was introduced for further accountability and puts the duty on Departments to provide information requested. It seems that reads substantially and is compatible with clause 13, but the House will make its choice. I have indicated my view, for what it is worth.

I have covered all the amendments, but I want to make one final point. It has been suggested a couple of times in this debate that we do not need to do any of this, either because of codes or because something more is going to happen. Mr Wells made the very appropriate comment that there is nothing incompatible between codes and legislation. Indeed, we have codes usually only because legislation provides for them. So, it is not an either/or situation.

I do not believe that the Bill answers all the problems that are crying out from RHI. There is a definite piece of work to be done by the Executive, particularly on the Civil Service. I do not think that that was for me to do, but I think that that work exists for the Executive. I am disappointed that, one year on, we have not had any product there. I encourage the Minister to produce something in respect of civil servants so that the Civil Service arrangements can be examined properly by the House. The Bill is not a substitute or proxy for that, nor is it an impediment to it.

Having made those comments, I thank Members for their contributions. Once again, it has been a session where there were positive contributions from most Members. The beneficiaries of that are the House and its standing.

Mr Speaker: I call the Minister of Finance to wind on the debate.

Mr Murphy: We have given close consideration to a very long list of amendments that were tabled in order to improve the Bill. As I stated many times in all stages of debate in the passage of this legislation, I have considerable concerns about the wisdom of legislating in this way. I believe that others in the Chamber agree with that position. Obviously, there is still an opportunity for the Assembly to reject the Bill at Final Stage. That is a matter for the Assembly. In the meantime, it is imperative that we try to improve it as far as we can having not been able to prevent clauses being tabled and agreed at Consideration Stage.

Some of the issues that we addressed are drafting matters that might usefully have been identified and addressed before the Bill was introduced. Others are more substantive and are attempts on my part and that of other Members to mitigate the negative effects of the Bill.

I am happy to address at this stage a number of issues that Members raised. Mr Frew raised a question about what clause 8(4)(e) would actually mean. It would ensure that a member of the public expressing a view to a Minister or special adviser would not be counted as lobbying. "Lobbying" implies that someone is seeking personal or organisational advantage, but a member of the public or community representative setting out their views, which they may share with other members of the public, should not be considered lobbying. It means that the clause would not catch a constituent buttonholing a Minister in a high street about street lights — we talked about some of the examples of how that might be — or tweeting about the coronavirus restrictions that they do not like. It is to ensure that we are clear about what those things actually mean.

Questions were raised about amendment No 23, which is to clause 7, and whether records would properly be kept and how those things would go together. I must say that the greater proportion of meetings that a Minister holds with other Ministers and legislators are attended by at least one civil servant. Ministers and officials are well-served by that default position. However, there may be instances when a Minister will hold a wholly political discussion at which it would be inappropriate for a politically impartial official to be present. If a ministerial decision is taken at such a meeting, that will be conveyed to a civil servant and recorded under clause 6(2)(b) as I propose to amend it. The effect of a ministerial decision being taken has to be communicated to civil servants because there is no other way in which to implement it other than to put it into the system. The Minister cannot take a decision at a whim in some private meeting that can be given effect without going through the Civil Service system. That is as it should be.

Any meeting under clause 7 would either be recorded by a civil servant under clause 6 as amended by my amendment or by the Minister and special adviser under clause 8. That addresses the point that Mr Allister raised about wholly doing away with the requirement for records and retention of records.

Reading the three clauses together should reassure Members that clause 7 does not need to refer to making and retaining a record. It is covered in the additional clauses; it does not stand alone.

Mr Allister: Will the Minister give way?

Mr Murphy: Yes.

Mr Allister: I disagree with the Minister. Clause 6 is about departmental meetings, and clause 7 is about meeting third parties, so the obligation under clause 6 to make and keep a note does not extend in its purview to clause 7. Clause 7 is about something else: it is about meeting third parties on official business. Clause 7 is not crafted with regard to protecting political discussions. That does not appear in it. It covers all discussions with Ministers from anywhere else. That is its flaw. Furthermore, there are no notes.

Mr Murphy: If a decision is taken by a Minister as a consequence of any meeting, that requires that decision to be put into the departmental system and recorded accordingly.

Mr Wells: Will the Minister give way?

Mr Murphy: I will give way.

Mr Wells: Mr Allister raised the issue of the Minister for Infrastructure, for example, meeting her counterpart from the Irish Republic to discuss a road scheme or bridge. The Minister indicates that we will have no record of the discussions. We may have a record of the decision to spend x amount on a new bridge or a new road, but he is saying that a civil servant might not be required to be present, and we will never know what happened in the discussions that led to that decision. What is wrong with keeping a record of that meeting? Why is it excluded?

Mr Murphy: Ordinarily, the default position is that a civil servant is present and a record is kept. However, when a political meeting leads to some action by a Minister, that action has to come back into the Department and, therefore, be captured in proper recording processes. A Minister cannot decide to strengthen the Dublin-Belfast railway line and go off and do it on their own. It has to go back to the Department for Infrastructure to be assessed by Translink, for one, and, I am sure, departmental officials, and Iarnród Éireann on the other side. If Ministers meet for a political chat around North/South arrangements and how they might work, and a consequence of that is a decision in relation to a proposal for a decision on the railway, it has to come back through both Departments. It cannot be enacted in any other way.

Mr Allister asked what an "appropriate written record" is. It allows the record to be proportionate to the nature of the meeting. It will be informed by good practice, particularly the guidance of the Information Commissioner and the advice of records management professionals in the Civil Service. If it is based on guidance from the Information Commissioner and the Civil Service records management professionals, that deals with the issue of consistency.

The Chair of the Committee asked about the TRIM system. The records management professionals in the Civil Service have initiated an impartial review of its functionality and taken on board issues raised by the RHI inquiry and issues raised in engagement with staff on their experience of the system. It is important that officials are

familiar with TRIM and confident in its use, and it is not an obstacle to good record management. Questions were raised about the TRIM system, and we have to make sure that a proper system is in place for the retention of records.

Other questions were raised in relation to decision-making as a consequence of meetings. I think that I have dealt with them.

Mr Allister also asked about the clause that relates to lobbying and, I think, amendment No 28. He asked why it differs from the language of the 2014 Act. The 2014 Act is predicated on the recording of lobbying by registered lobbyists. This Bill places a duty on the Minister to record all lobbying. It is a completely different scenario and has serious consequences for the management of government business.

I have addressed quite a few of the points. Our attempt to put a framework around what a Minister may or may not consider to be a lobby is much more consistent than Mr Allister's proposition of inconsequential guidance that a Minister would present and provide. I do not think that that would lead to consistency in any way. Let us cast our minds back to some of the meetings and discussions of which records were even changed. A get-out clause for a Minister to decide what is inconsequential means that there would be too much chance of an inconsistent approach being taken, which, in itself, would be detrimental.

5.30 pm

Questions were raised about the subcommittee and what else the Executive are doing. I note that Mr Allister wished us well. The work of the RHI subcommittee is all but done. A report will go very shortly to the Executive. In the interim, as they were being developed, we brought a range of policy matters and codes to the Executive for approval, but the final work of the RHI subcommittee is all but done. As with most Executive business, the speed of conclusion has been impacted on by the pandemic. Nonetheless, it has been done in accordance with the report from Judge Coghlin to try to bring those matters to a close. I am sure that it will be a matter for debate in the Chamber in the not-too-distant future.

In closing the debate, I want to reiterate the importance of good government. Anyone who has worked on organisational change will attest to the fact that changing the rules never works by itself. We certainly need to have the right rules in order to provide a framework for new behaviours, but new behaviours grow in a context in which good practice is expected, encouraged and rewarded. Instead, the Bill creates a context in which good practice is demanded, dictated and enforced in law. It risks making administration a matter of defensive compliance and bureaucratic box-ticking, not that of professional competence and sound judgement. It risks undermining, rather than strengthening, good governance.

Amendment No 45 to clause 13 is a matter between Mr Frew and the SDLP. Mr O'Toole's argument is that one of the unforeseen consequences is that people will put forward pet projects. Another unforeseen consequence that I see, and that anyone else with ministerial experience will see, is that Departments will now be obliged to put in all bids from monitoring. The question from Committees will be this: why were bids not put in? To keep themselves

right, you will find a glut of bids being put in, rather than reasoned bids that have been properly thought through and that have a genuine expectation of being met. In a back-covering exercise, officials will put forward bids for everything that they wish for, and we will have a much more congested monitoring process. I speak as the Finance Minister, who is on the receiving end of departmental bids. There are discussions with officials to make sure that bids are sensible, are reasonable and have a realistic chance of meeting some outcome. If Departments are obliged to justify their bids to a Committee — even if the Committee does not have a say and an approval role, the Department is still obliged to present them — my suspicion is that Departments will put in the kitchen sink to justify their own position. As an unintended consequence, it is one —.

Mr Frew: Will the Minister give way?

Mr Murphy: I will. I am just saying that, from a Department of Finance perspective, I expect that the consequence of the new clause that Mr Frew put forward at Consideration Stage is that it will make the monitoring round a much more complex and lengthy process for Departments.

Mr Frew: The Minister will argue that, but I argue that it will lead to a more transparent process. Does the Minister think that it is beyond the remit and capacity of a Committee to realise what are unrealistic bids and then assess that?

Mr Murphy: It is not beyond your capacity, if that is what you want to occupy yourself with. If departmental officials feel that they are going to be criticised for not bidding for things that a Committee or its individual members might consider important, their likely response, without being too cynical about the Civil Service, will be to put in everything so that they cannot be criticised for leaving something out. All those bids will go to the Department of Finance, and that will lead to a much more lengthy process as a result of officials having to sift through them and trying to draft up a monitoring round proposition. I speak from experience, having dealt with a number of monitoring rounds in the past year, for which we try to get reasonable bids in: bids that have a chance of success and that match the amount of funding that we have. Of course, there are bids in every monitoring round that are not met. If we have every single thing coming from every single Department, I predict a much more lengthy and unnecessarily complex process.

As we vote on the amendments, I ask Members to remember the value of improving the Bill and the serious consequences of letting the text as currently drafted reach the statute book.

It is our duty to the community, as legislators, not to make flawed legislation, and our responsibility as elected representatives not to undermine the effectiveness of government. Mr Allister made the point that nothing was incompatible in having both codes and legislation. Of course, he is correct, if it is good legislation. What we want, if legislation is required, is legislation that complements codes, not legislation that cuts across and contradicts the intent behind those codes.

As I said, the RHI subcommittee will shortly be reporting to the Executive, and I look forward —.

Mr Allister: Will the Minister give way?

Mr Murphy: I was about to finish, but I will give way for one last time.

Mr Allister: Surely, in the pecking order, it is not that legislation should not cut across codes, it is that codes that are lesser in their status should not cut across legislation.

Mr Murphy: If things are incompatible, I think that they should be complementary. As I say, there is nothing to say that codes and legislation are not compatible, but we have to ensure that it is the right legislation and good legislation. In my view, this legislation is bad legislation, it is unnecessary legislation, and we have had to put a substantial amount of time and effort into trying to straighten out some of the worst elements of it. I hope that those amendments do achieve some success. They will not undo some of the damage that this legislation will do to governance but they will try to mitigate some of the bad effects of it.

Mr Speaker: I propose, by leave of the Assembly, to suspend the sitting for 10 minutes for a comfort break.

The sitting was suspended at 5.36 pm and resumed at 5.49 pm.

Mr Speaker: Please take your seats. Thank you.

Clause 5 (Amendment of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011)

Amendment No 18 made:

In page 2, line 41, leave out “the complaint” and insert -
“in the case of a complaint that it”.— [Mr Murphy (The Minister of Finance).]

Amendment No 19 made:

In page 3, line 6, leave out subsection (6) and insert -
“(6) In section 17(3), at the appropriate place insert—
‘the Ministerial Code’ means the Ministerial Code of Conduct set out in Schedule 4 to the 1998 Act.”— [Mr Murphy (The Minister of Finance).]

Amendment No 20 made:

In page 3, line 9, leave out “for the purposes of defining ‘relevant time’” and insert -

“, in the definition of ‘relevant time’,”.— [Mr Murphy (The Minister of Finance).]

Amendment No 21 not moved.

Clause 6 (Records of meetings)

Amendment No 22 made:

Leave out clause 6 and insert -

“Records of meetings

6.—(1) The permanent secretary to a Northern Ireland department must ensure that relevant arrangements are put in place.

(2) ‘Relevant arrangements’ are arrangements designed to ensure—

(a) that an appropriate written record of each relevant meeting is compiled by the civil servant, or one of the civil servants, attending the meeting,

(b) that, where an official Ministerial decision is made at a meeting other than a relevant meeting, an appropriate written record of the decision is compiled by a civil servant as soon as reasonably practicable after the decision is first communicated to a civil servant, and

(c) that the written records mentioned in paragraphs (a) and (b) are retained in accordance with the department's policy on the retention and disposal of records.

(3) A 'relevant meeting' is a pre-arranged meeting set up to conduct official business—

(a) where those attending include—

(i) at least one Minister, and

(ii) at least one civil servant serving in the department, or

(b) where those attending include—

(i) at least one special adviser,

(ii) at least one civil servant serving in the department, and

(iii) at least one person who is not a Minister, is not a special adviser and is not a civil servant,

but this is subject to subsection (4).

(4) The following are not relevant meetings—

(a) a meeting of the Assembly;

(b) a meeting of any committee of the Assembly other than the Executive Committee of the Assembly;

(c) a meeting of any sub-committee of the Assembly other than a sub-committee of the Executive Committee of the Assembly;

(d) a meeting within subsection (3)(a) where the official business does not include anything other than the presence of, or a presentation by, the Minister.

(5) An 'official Ministerial decision' is a decision made by a Minister—

(a) under any statutory provision (as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954),

(b) in exercising any of the prerogative or other executive powers of Her Majesty in relation to Northern Ireland, or

(c) otherwise in the course of official business.

(6) In this section 'civil servant' means a person serving in the Northern Ireland Civil Service who is not a special adviser.— [Mr Murphy (The Minister of Finance).]

Clause 7 (Presence of civil servants)

Amendment No 23 proposed: Leave out clause 7 and insert -

"Presence of civil servants

7.—(1) A Minister, or special adviser, who holds a meeting with a third party about official business must take such steps as are reasonable to ensure that the meeting is attended by at least one person serving in the Northern Ireland Civil Service who is not a special adviser.

(2) Subsection (1) does not apply if the meeting is for liaison with the Minister's political party.

(3) In this section 'third party' means a person who is not acting in the person's capacity as—

(a) a Minister or a Minister of the Crown or a member of the Scottish or Welsh Government or a junior Scottish Minister,

(b) a Minister of the Government of Ireland,

(c) a member of—

(i) the Assembly,

(ii) the House of Commons,

(iii) the House of Lords,

(iv) the Scottish Parliament,

(v) Senedd Cymru,

(vi) Dáil Éireann, or

(vii) Seanad Éireann,

(d) a member of the Assembly's staff,

(e) a person serving in any part of the civil service of the State,

(f) the Attorney General, or

(g) a member of the Attorney General's staff.

(4) The duty under subsection (1) applies only so far as it is exercisable in or as regards Northern Ireland.— [Mr Murphy (The Minister of Finance).]

Question put, That amendment No 23 be made.

Some Members: Aye.

Some Members: No.

Mr Speaker: Clear the Lobbies. The Question will be put again in three minutes. I remind Members to continue to observe social distancing in the Chamber.

Before the Assembly divides, I remind you 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 you to ensure that social distancing continues to be observed whilst the Division is taking place.

Question, that the amendment be made, put a second time.

The Assembly divided.

Ayes 47; Noes 36.

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, 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 McGlone, 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, Miss Woods.

Tellers for the Ayes: Ms Ennis and Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, 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 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 Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Allister and Mr Wells.

The following Member voted in both Lobbies and is therefore not counted in the result: Mr Easton

The following Members' votes were cast by their notified proxy in this Division:

Mr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Ms Bailey voted for Miss Woods.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

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, Ayes], 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 S 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.

Mr Speaker: I will not call amendment No 24 as it is consequential to amendment No 23, which has been made.

Clause 8 (Record of being lobbied)

Amendment No 25 made:

In page 3, line 25, leave out from “, other” to “then,” on line 26 and insert “being lobbied.”— [Mr Murphy (The Minister of Finance).]

Amendment No 26 made:

In page 3, line 27, leave out from “provide” to end of line 28 and insert -

“as soon as reasonably practicable provide their department with a written record of the lobbying; and the department must retain the record in accordance with its policy on the retention and disposal of records.”— [Mr Murphy (The Minister of Finance).]

Amendment No 27 made:

In page 3, line 33, after “to” insert “seek.”— [Mr Murphy (The Minister of Finance).]

Amendment No 28 proposed: In page 3, line 40, leave out from second “or” to end of line 41.— [Mr Murphy (The Minister of Finance).]

Question put, That amendment No 28 be made.

Some Members: Aye.

Some Members: No.

Mr Speaker: Members, I have been advised by the party Whips that, in accordance with Standing Order 1(13)(5)(b), there is agreement to dispense with the three minutes and move straight to the Division. Again, I remind all Members to follow the instructions of the Lobby Clerks and to respect the need for social distancing.

Question, that the amendment be made, put a second time.

The Assembly divided.

Ayes 71; Noes 13.

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, 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, Ms Bunting, Mrs Cameron, Mr Catney, 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 Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Storey, Mr Weir.

Tellers for the Ayes: Ms Ennis and Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr Butler, Mr Carroll, Mr Chambers, Mr Nesbitt, Mr Stewart, Mr Swann, 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 Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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 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, Ayes], 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 S 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.

Amendment No 29 not moved.

Amendment No 30 made:

In page 4, line 5, after "Committee" insert -

"of the Assembly or any sub-committee of that Committee or any other committee or sub-committee of the Assembly".— [Mr Murphy (The Minister of Finance).]

Amendment No 31 not moved.

Mr Speaker: Just pause for a wee second.

6.30 pm

Amendment No 32 made:

In page 4, line 6, after "party" insert -

"or members of the Assembly".— [Mr Murphy (The Minister of Finance).]

Amendment No 33 made:

In page 4, line 6, at end insert -"(c) made at a meeting attended by a person serving in the Northern Ireland Civil Service who is not a special adviser,

(d) received personally by a Minister or special adviser after having been first received and recorded by a person serving in the Northern Ireland Civil Service who is not a special adviser, or

(e) made to a Minister by a member of the public in their capacity as a member of the public, or in their capacity as a community representative, and relating to a matter in which the person making the communication has only the same interest as all other members of the public or all other members of a section of the public."— [Mr Murphy (The Minister of Finance).]

New Clause

Amendment No 34 proposed: After clause 8 insert -

"Use of official systems

8A.—(1) A Minister or special adviser when communicating on official business by electronic means should 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 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 of consequence relating to departmental matters."— [Mr Allister.]

Question put, That amendment No 34 be made.

The Assembly divided:

Ayes 40; Noes 45.

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 Stewart, Mr Storey, 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 McGlone, 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 Ennis and Mr McGuigan.

The following Members' votes were cast by their notified proxy in this division:

Mr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Ms Bailey voted for Miss Woods.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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 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 McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Question accordingly negated.

Clause 9 (Register of interests)

Amendment No 35 made:

In page 4, line 20, at end insert

“(4) For the purposes of subsection (3)(a), two people are partners if—

(a) they are civil partners of each other, or

(b) they are not married to, or civil partners of, each other but are living together as if spouses of each other.

(5) For the purposes of subsection (3)(a) ‘close family member’, in relation to a person, means someone who is—

(a) a parent, or parent-in-law, of the person,

(b) a child of the person,

(c) a whole-blood sibling of the person, or

(d) the spouse or civil partner of someone within paragraph (b) or (c).”— [Mr Murphy (The Minister of Finance).]

Clause 10 (Offence of unauthorised disclosure)

Amendment No 36 made:

In page 4, line 24, leave out “, civil servant”.— [Mr Allister.]

Mr Speaker: I will not call amendment No 37, as it is consequential to amendment No 36, which has been made.

Amendment No 38 made:

In page 4, line 25, leave out “, directly or indirectly”.— [Mr Murphy (The Minister of Finance).]

Amendment No 39 made:

In page 4, line 26, leave out “financial or other improper” and insert “improper (financial or other)”.— [Mr Murphy (The Minister of Finance).]

6.45 pm

Amendment No 40 made:

In page 4, line 26, leave out “or third party”.— [Mr Murphy (The Minister of Finance).]

Mr Speaker: I will not call amendment No 41, as it is consequential to amendment Nos 36 and 37, one of which has been made.

Amendment No 42 made:

In page 4, line 38, at end insert -

“(6) In this section ‘statutory obligation’ means—

(a) an obligation under a statutory provision, as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954, or

(b) an obligation under any legislation for the time being in force in any part of Great Britain or in any country or territory outside the United Kingdom.”— [Mr Murphy (The Minister of Finance).]

Clause 11 (Accountability to the Assembly; provision of information)

Amendment No 43 made:

In page 4, line 40, leave out “Ministers and their departments” and insert -

“A Minister and their department”.— [Mr Murphy (The Minister of Finance).]

Clause 13 (Assembly scrutiny of the Executive’s in-year monitoring process)

Amendment No 44 made:

In page 5, line 16, leave out “Ministers and their officials” and insert -

“The Minister in charge of a Northern Ireland department, or the department.”.— [Mr Murphy (The Minister of Finance).]

Amendment No 45 proposed:

In page 5, line 18, leave out “in advance of it being submitted” and insert -

“no longer than 7 days following submission”.— [Mr O’Toole.]

Question put, That the amendment be made.

The Assembly divided:
Ayes 47; Noes 38.

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, 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 McGlone, 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, Miss Woods.

Tellers for the Ayes: Ms Ennis and Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, 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 Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Frew and Mr Middleton.

The following Members’ votes were cast by their notified proxy in this Division:

Mr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Ms Bailey voted for Miss Woods.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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 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, Ayes], 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 S 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.

Amendment No 46 made:

In page 5, line 20, leave out "Ministerial approval being granted" and insert –

"its being approved by the Executive Committee of the Assembly".— [Mr Murphy (The Minister of Finance).]

Amendment No 47 made:

In page 5, line 22, leave out "(1)" and insert "(2)".— *[Mr Murphy (The Minister of Finance).]*

Clause 14 (Commencement)

Amendment No 48 made:

In page 5, line 26, at the beginning insert –

"(A1) Section 1(3) comes into operation at the end of the period of 6 months beginning with the end of the day on which this Act receives Royal Assent."— [Mr Murphy (The Minister of Finance).]

Amendment No 49 made:

In page 5, line 26, leave out subsection (1).— *[Mr Allister.]*

Mr Speaker: I will not call amendment No 50 as it is consequential to amendment Nos 15 and 49.

Amendment No 51 not moved.

Clause 15 (Interpretation)

Amendment No 52 made:

In page 5, leave out lines 34 and 35.— *[Mr Murphy (The Minister of Finance).]*

Amendment No 53 made:

In page 5, line 36, leave out "the Minister" and insert "Minister".— *[Mr Murphy (The Minister of Finance).]*

Mr Speaker: I will not call amendment No 54 as it is mutually exclusive with amendment No 35, which has been made.

Amendment No 55 made:

In page 6, leave out lines 1 to 4.— *[Mr Murphy (The Minister of Finance).]*

Long Title

Amendment No 56 made:

Leave out from "and Article 3" to "section 17" and insert –

", repeal the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2007, repeal the Civil

Service Commissioners (Amendment) Order (Northern Ireland) 2016, amend sections 17 and 27".— [Mr Allister.]

Mr Speaker: That concludes the Further Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill. The Bill stands referred to the Speaker.

Adjourned at 7.02 pm.

Northern Ireland Assembly

Monday 25 January 2021

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Before we commence, Members, I advise the House that I was notified on 20 January 2021 that Ms Linda Dillon has resigned as Chairperson of the Committee on Procedures with immediate effect. At the same time, I received notification from the nominating officer for Sinn Féin that Ms Carál Ní Chuilín has been nominated to fill the vacancy of Chairperson of the Committee on Procedures, also with immediate effect. I am satisfied that the requirements of Standing Orders have been met. Well done.

Ministerial Statements

Review of Support Services for Serving and Retired Prison Staff

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 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, and if they wish to be called, they can do so 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. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or in the question period after. I call the Minister of Justice.

Mrs Long (The Minister of Justice): Thank you, Mr Speaker. I am pleased to publish two reports that I commissioned last summer. One report is on the support services provided for operational prison staff, and the second report deals with the support services provided to retired prison staff. Both reports are well researched and evidence-based, and it would be difficult to disagree with any of their recommendations. Before commenting further on the reports, I place on record my thanks to the authors, Siobhan Keating, Gillian Robinson and Graham Walker, for the work that they undertook. They deserve considerable credit as all three have busy full-time jobs in the public sector, and much of the work was completed in their own time. I have no doubt that all Members, when they have had time to read and digest the reports, will recognise the significant contribution that these three individuals have made.

I will begin by putting the reports in context. The work of our Prison Service is hugely important. Prison staff provide a vital public service. They work in a challenging, complex and, at times, volatile environment, which, for most of society, is out of sight and out of mind. They deal with some of the most difficult and dangerous members of our community and do so in a professional, compassionate and caring way. In reality, many prisoners are themselves vulnerable. Understanding some of their adverse childhood experiences, while not excusing their behaviours and offences, is important not only in helping staff to manage them in a prison but in preparing them for successful rehabilitation in the community.

The scale of the challenge that staff face in seeking to reduce the likelihood of prisoners reoffending should never be underestimated. The truth is that, when everyone else in society has failed to address their often complex needs and the underlying causes of their offending behaviour, we ask our prison staff to step in, challenge and support them to change. It is on record that 80% of those coming into our care left school under the age of 16; 47% had no qualifications; and 69% were not in employment. Over half had a history of alcohol and/or drug misuse; one third had mental health issues; and 58% had a history of self-harm. That is a challenging cohort of individuals, who represent, in microcosm, many of the wider societal challenges that we observe in our community. The Prison Service has an incredibly demanding role in dealing with all of those complex factors while maintaining good order and safety for themselves and those in their care.

It is also worth reflecting on the transformational change that prison staff have delivered in recent years. The latest reports completed by inspectors for our prisons are very positive. Indeed, in 2019, Hydebank Wood received 15 out of a possible 16 marks available from inspectors. All our prisons have received top marks for their resettlement and rehabilitation work, and inspectors have commented on the very positive relationships between staff and those in their care. Our Prison Service has been on a remarkable journey as it has delivered its Prisons 2020 programme, and it is encouraging that inspectors now state that levels of violence have reduced, as have levels of self-harm, while the outcomes for prisoners are among the best that they are seeing anywhere. In 2014-15, there were 112 assaults on staff and 260 prisoner-on-prisoner assaults. Those statistics have been improving year-on-year, and, in the current year, 2020-21, the respective figures are 26 and 33. While there is no room for complacency, that is a very significant improvement.

Further evidence of the progress made by staff can be seen in the way in which the Prison Service has managed the ongoing COVID pandemic. In many other jurisdictions, prisoners are being locked in their cells for up to 23 hours a day. We have taken a very different approach and have worked hard to keep prisoners out of their cells and COVID out of our prisons. We have placed every prisoner in single-cell accommodation, and, with the exception of committal prisoners who are required to self-isolate in quarantine units, all our prisoners are out of their cells and participating in a landing-based regime during the day and for evening association. We have delivered 35,000 virtual family and legal visits, and, within the constraints under which we must operate, we are delivering virtual learning and skills.

Since March 2020, only three prisoners in our general population have tested positive, and I am sure that Members will agree that that is a remarkable statistic. It is appropriate on this occasion that we acknowledge that achievement and recognise that it is a credit to everyone working in our prisons.

When we consider the immense contribution that prison staff have made in the past and are making under difficult circumstances right now, it is right that we do everything that we can to support them. That is why I welcome the reports that I am publishing today. Dealing first with the provision for operational staff — those currently serving — the report recognises the efforts that the Prison Service

has been making as part of its Prisons 2020 programme and commends the service for what has been delivered within the finite resources available. It will be no surprise to Members, however, to learn that much more needs to be done. The report makes 12 key recommendations, which focus on staff recruitment; staff training; supervision; mental health awareness and resilience; HR systems and processes; critical incident procedures; and psychological interventions and counselling. Although many of the recommendations will be straightforward to implement, others will take more time, because services will have to be procured and additional funding secured. A small number of recommendations will also require discussion with the Department of Finance, as the Department with responsibility for Northern Ireland Civil Service HR policies, procedures and practices. In publishing the recommendations, I am also publishing an action plan, with very clear timescales for implementation. I believe, and my view is shared by the authors of the report, that those plans are approaching implementation with commitment and ambition, not least in the context of the current pressures caused by the pandemic.

In reading this report, one thing is clear, and that is that there is no easy or quick solution. A menu of measures is needed if we are to support our prison staff in the way in which we should. That is what the report highlights, and it is what I am committed to providing as we move forward. I have asked the director general to lead an internal implementation group and to report to me on progress as it is made. I will also be asking Siobhan and Gillian to evaluate the progress that we are making. It will, of course, be important to ensure that staff are kept updated as progress on implementing the recommendations is made.

I will now turn to the report that focuses on retired staff. I share the view expressed by many Members that the lack of bespoke support available for former prison officers, when compared with that which is available to former members of the police through the Police Rehabilitation and Retraining Trust (PRRT), is a glaring omission. That must and will be addressed, and I assure Members that I am committed to putting in place a delivery model, as recommended by Graham Walker, later this year. It will take time to make the necessary arrangements. In what is a very challenging financial environment, funding will have to be secured, but I am aiming to have a provider in place by October 2021.

We should not underestimate the scale of the challenge that we will face in addressing the needs of former staff, and it will take considerable time to do so. In publishing the report, I am again publishing an implementation plan to demonstrate that commitment. I hope that the Assembly will support me in making progress, and I look forward to engaging with Members and in particular with the Justice Committee on the implementation of the recommendations and the progress made on delivery. The director general will be briefing members of the Committee further this week.

In acknowledging the very valuable work of our Prison Service, it is right that we as an Assembly ensure that appropriate support mechanisms are put in place in a holistic way for serving and former staff. Consequently, I commend the reports to the House.

Mr Givan (The Chairperson of the Committee for Justice): I join the Minister in thanking the authors of

the reports for the work that they have carried forward. I engaged with both groups, and I am pleased to see some of the recommendations come through in the outworkings of the process.

For many years, Criminal Justice Inspection (CJI) has carried out investigations and made recommendations about prison establishments. There is a Prisoner Ombudsman who advocates for prisoners, but prison officers have often felt left behind and not included. We now have a baseline. It identifies some things of concern, but, nevertheless, we have a baseline to work from, and I assure the Minister that, for my part on the Justice Committee, that will be something on which we will want to engage with her Department.

I welcome the PRRT recommendation for retired officers. I have said before that I have family members who served in the Prison Service.

The Minister is right; this was a glaring omission at the time. When the Maze closed, people were paid off and felt abandoned. They were not given the support that they should have been given. I particularly welcome that outworking of the report. I also thank the Member for East Belfast Mr Lyttle and the Member for Upper Bann Mr Beattie. They have shown an interest in all of this as well and, indeed, this is the outworking of some of those endeavours. I know that they will continue to raise these issues going forward.

Has there been an estimate of the costings associated with the full implementation of these recommendations? How soon will those figures crystallise so that we can engage with the Department of Finance in respect of that?

12.15 pm

Mrs Long: I thank the Chairman for his very supportive remarks on these reports. I agree with him entirely that, whilst serving prison officers have access to the police PRRT, unfortunately that same access is not currently available to former prison officers, and that is a glaring omission that we want to address. Since taking office just over a year ago, I have met prison officers and seen at first hand the vital role that they play in keeping safe the people in their care. I am also well aware of the challenges that they face. Many of the recommendations will be relatively straightforward and can be met within our current budgets. However, others will have to be about reprioritising some of our funding, and we will want to discuss that with the Committee in due course.

The Member is, of course, right that other recommendations will require additional new funding, some of which could be significant. It will be challenging in the context of the challenges that already face the Department. However, I am committed to working with the Department of Finance and other Executive colleagues. We should remember that the mental health of our prison officers is not a stand-alone issue for the Department of Justice. It is a matter for the entire Executive, because these are citizens of Northern Ireland who may be struggling with their mental health because of the service that they are giving to the community. Therefore, all Departments have a role to play in assisting us to reach our objective of having proper support in place. I will be engaging with the Committee when we have more detailed figures about the costings. We will also be engaging with

the Committee — hopefully, constructively — in order to get support as we discuss some of the more complex HR issues with the Department of Finance as we take this forward.

Ms Dillon: I thank the Minister for her statement. I also thank the authors of both these reports. I welcome the fact that Siobhan and Gillian will be evaluating the progress of their recommendations; that is really important. There seems to be almost an expectation that stress is an inevitable consequence of working in the prison system. In the right conditions, staff should not have to think that stress awaits them and lies before them. I met staff in Maghaberry around October time — it seems like a long time ago — when things loosened up a bit and I could meet them. Meeting the staff without management was a really important process to give them an opportunity to highlight their issues and concerns. It also gave them an opportunity to tell me about the things that they think are working and the improvements that they have made. The key to dealing with stress is to recognise the signs early, and early intervention is absolutely vital, as is prevention. We cannot prevent it in all cases, but early intervention is vital. Does the Minister's action plan include actions relating to early intervention and prevention?

Mrs Long: I thank the Member. I know that she has a particular interest, has visited the prisons and spoken to officers and is aware of the challenging circumstances that they have been working under, particularly during the COVID situation. They have done an incredible job.

The wider issue of early intervention is absolutely crucial. It is about not just responding to issues that may cause people distress and harm but building resilience prior to that, and that is included in the report, particularly in terms of, first of all, engaging with families during the recruitment and training process, because there is a family resilience issue. We know that the threat against prison officers follows them home, and that can often be very distressing for members of their family. Extremely distressing incidents while they are in the prison, whether that be acts of violence, self-harm, attempted suicide or suicide, can be very traumatic experiences for officers who come across them in the course of their work. Dealing with people who have, at times, very complex needs can in itself provide a challenge, and engaging with families in a more holistic way is one part of the early intervention.

It is also about trying to build resilience in individual officers so that they have coping strategies. It is also important that they know exactly where to go, so it is about improving signposting so that they can access services.

It is important to say that, while the report sets out the work that needs to be done, it recognises that a considerable amount of work is already happening in prisons. As you know, the Prison Service launched Prisons Well in March 2019, which is an employee well-being programme based on four key strands: support, inform, prevent and assist. That has been ongoing in the prison system over the past year, and important progress is being made already. We hope through these reports to consolidate and build on that and particularly focus on building resilience and supporting those who, despite the investment in resilience, still find some of the work that they do traumatic and disturbing.

Mr O'Toole: I thank the Minister for briefing us today. We, as a party, welcome both reports, and it is welcome that action is being taken on the findings. The Minister touched on the question of Budget allocations, but I am not entirely clear on what the position is. Will an allocation be made in the 2021-22 draft Budget that has just been published, or will you seek a specific allocation from the Finance Minister in the weeks ahead as he goes through the consultation period?

Mrs Long: To clarify, we see most of the recommendations that will be able to be implemented quickly as relatively straightforward. They will be able to be implemented within a few months, mainly through existing resources or reprioritising current funding that is available to the Department. There are others for which more significant funding will have to be secured, but I think that that will be done in discussion with the Department of Finance during the current Budget round and, crucially, in future monitoring rounds. Some of it will have, if you like, an initial start-up cost that might be funded out of one particular year, and the running costs may be something that we can absorb in the Department.

Mr Beattie: I thank the Minister for bringing the report forward. It is a really good report, and I commend those who brought it to us. It addresses so many issues. There are so many questions that need to be asked, but we are limited to one. Recommendation 6 talks about human resource and looks at our prison officers. It makes the point that those suffering from mental health issues are not inefficient. I put a similar motion before the Assembly: unfortunately, it was not carried, but, sometimes, you can lose the battle but win the war.

Minister, you will know that mental health issues can be exacerbated by an increase in workload, which can be due to serious staffing issues. The night custody officers have serious staffing issues, which may be adding to that. Will you outline how we are, in the short, medium or long term, trying to address those staffing issues?

Mrs Long: I thank Doug Beattie for his question. I also thank him for the work that he has done to raise issues concerning the Prison Service. As the Chairman of the Committee recognises, it is an area where he has shown particular interest. I appreciate very much the questions that he has asked and the light that he has shone on the issues. It is hugely important that Members take an active interest. As I said, Linda Dillon has visited the prisons, engaged with officers on-site and seen some of the work that they do. That is important because, so often, people do not understand the prison system or its work.

The Prison Service has continued to recruit operational staff throughout 2020, including custody prison officers, night custody officers and prisoner custody officers. Since January 2020, 114 people have been recruited, and 18 individuals are undergoing training, including 16 night custody officers. There are also plans to bring in further night custody officers before the end of the financial year. However, as with other front-line services, prisons have been affected by the pandemic and the recent increase in community transmission. While the numbers of operational prison staff who have contracted the virus or are self-isolating are fluid, approximately 8% of the staff are currently unavailable.

It is to the credit of the management and staff that that has not impacted on the support provided to people in their care. A landing-based regime has been maintained throughout the pandemic. However, the Member has rightly stated that, often, additional workload can lead to additional stress. Of course, mental health issues are a particular concern and consideration.

As of 20 January, out of an operational staffing level of approximately 1,350 officers, 36 officers were absent on sickness absence due to stress, depression or anxiety, including work-related and personal mental health issues. Some 29 officers are attending PRRT for its psychology-related service, and three are waiting to start.

Mr Lyttle: I thank the Minister for her important statement and for the work of the review team that she appointed. This is a significant day in the ongoing work to deliver adequate support services for our prison officers, and I am grateful and proud that it is an Alliance Party Justice Minister who is showing leadership on the issue. I particularly welcome the recommendation to extend PRRT support services to former prison officers who sacrificed everything for everyone in our community. Is there a timescale for the implementation of that recommendation? Will the Minister need Executive support to fund that vital provision?

Mrs Long: I thank the Member for his question. He is another Member who has shown a particular interest in the well-being of prison officers and the challenges that they face, particularly but not solely retired prison officers. He has also actively campaigned for the extension of PRRT services to prison officers, so I anticipated that he would be delighted at that recommendation. I am not surprised that he homed in on that one, though there are many other good recommendations in the report.

The hope is that we will be able to commission a service around October of this year, and, yes, it will require additional funding and investment. Again, that is where the cooperation of other Executive Ministers and the Department of Finance will be required. This is an important part of ensuring that staff who are about to leave the Prison Service and move on after a period of service with us are able to go back into the community and play a constructive role, be economically active and be healthy. If we can help people to transition successfully from the Prison Service into other lines of work at the end of their career, it has a benefit to our economy, the health service and to the benefits system. It is not only a justice matter but one that we will want to work on in a cross-cutting way, and I anticipate that we will be able to take it forward at pace. I do not anticipate resistance from the Executive on the issue, because, to date, they have been hugely supportive of the work that we have undertaken in trying to develop the right support services for front-line workers.

Ms Flynn: I thank the Minister for today's important statement. We know that, compared with other jurisdictions, levels of sickness and absenteeism are disproportionately higher here. On that basis, has the Department or the Minister carried out any assessment of how those levels vary across the prison sites?

Mrs Long: That is a valid point, because, if you look at prison systems in other parts of these islands, you will see that the levels of absenteeism are lower. However, it is worth bearing in mind that, when prison officers

there go home at night, they are, by and large, removed from the influence of the people whom they serve during the day, unlike the prison officers in Northern Ireland. Unfortunately, our prison staff often go home under severe threat. We should remember that that causes a lot of stress and anxiety that members of the community more widely may not necessarily be aware of. We have all seen incidents in which names of prison officers have been placed on walls, placards, bonfires and other places. That kind of intimidation takes its toll on the mental health not only of the prison officers but of their family and friends. We are, therefore, conscious that there are additional stresses in prison work here that, perhaps, do not exist in other places. However, when the Member has time to read the full report, she will see that good analysis has been done on the causes of stress for prison officers. The evidence base in the reports is robust. The key for us is to look at what we can do to help the officers who genuinely are struggling with anxiety, stress and depression so that they can find a way through that and be able to continue to work as prison officers in a safe and supportive environment. I believe that that is what the majority of people who are off sick in the Prison Service want to be able to do.

12.30 pm

It is also worth noting that, whilst absenteeism in the Prison Service is higher than in other parts of these islands and, for example, in the PSNI, the service is a unique environment. We need to take that into account when we look at the figures. People spend all day in quite intense situations that are emotionally draining in some cases. Much of the work that has been done in existing support for our prison staff has shown an improvement in being able to get people back into their employment, but that is not possible in all cases.

Mr Dunne: I thank the Minister for her statement. We appreciate the effort put in to address the issues. We all appreciate the good work of the Prison Service as staff carry out their business against the ongoing threat and the risk from COVID-19 in the workplace.

Recommendation 12 focuses on HR and occupational health support. Does the Minister recognise the need for further investment to save? We are all concerned about the sickness level. Recommendation 12 mentions that sickness absence is:

“in excess of £3m per year for the last three years”.

We are all concerned about that. More needs to be done to support prison staff and to increase the efficiency of the workforce.

Mrs Long: The Member makes a valid point. Absenteeism costs the Prison Service money, and it costs us money in running the Prison Service. As other Members have said, it also puts other members of staff under pressure, because they have to take up the slack when people are absent, even if that absence is justified and with good reason.

My hope is that people see the opportunity in the report and its recommendations to support people to work through the issues that they have, to continue and to come to the workplace confidently and well. They should be able to continue to work with shorter absences or, indeed, no absences at all. The money saved from that upfront

investment would more than justify the investment that we would have to put in at the start to make that happen.

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

As with all finances — Members are aware, having seen draft Budgets and other things — that money is very tight. I agree with the Member that an invest-to-save argument can definitely be made in this context. The money that we invest at this stage will be recouped in more and better attendance down the line, when people feel better supported and their mental health is in a better position.

Mr O’Dowd: Minister, in your statement, you rightly point out that many people in our prisons are vulnerable, suffer from mental health issues and, indeed, if you had a different system, may be in different centres of care. With the high levels of sick leave for prison officers, what is the Minister doing to ensure that staffing levels are right to ensure that the vulnerable are looked after and that there is not more pressure placed on the prison officers who are present, so that we have a service that is about care and rehabilitation?

Mrs Long: The Member will be aware from my answer to a previous question in that regard that, as things are, we are recruiting new officers and have continued to do so. We continue to recruit new night custody officers, prisoner custody officers and custody prison officers. Since January last year, we have, I think, recruited 114 officers. We have 18 individuals currently undergoing training.

We continue to recruit, and we manage carefully the resources that we have. Members will be aware of the work that I did during COVID to ensure that prison officers who had to work longer shifts in order to be able to manage the particular risks of COVID were recompensed adequately for that. We recognise that prison is a challenging environment and that we have to be properly staffed.

At the outset of COVID-19, we made a strategic decision that, where it was possible, we would not have a 23- or 24-hours-a-day lockdown for prisoners. I do not believe that that would have been sustainable, and that is obvious now that we are over a year into this. Some people may have thought that it was an easy way forward, when we expected that the crisis might last six weeks, but we did not feel that it was tolerable. We did not believe that it was good for the mental health of prisoners or staff. The two are intimately linked. If you find somebody who has been self-harming or attempting suicide, it is a traumatic experience. It is in everybody’s interest for people to have better mental health and well-being in the prisons.

We have worked very hard to end doubling up in prisons. That is one means of controlling transmission. We have also put in controls to ensure that COVID is not being spread in the prisons. We have worked on a landing-based regime that allows us to use our staff to best effect so that people still have some association time and still have the opportunity to not only get some training but to exercise and do all the other things that contribute to mental health and well-being. I very much recognise that, whilst it looks like a simple solution, keeping people in their cell for long periods of time is the cause of much more harm and difficulty.

As a result of that and the work that the director general and others have done on their communication

with prisoners about the regime and how it would be managed, we have seen quite extraordinary levels of cooperation between prisoners and prison staff. That stands as testament to the fact that there has been a huge transformation in the prison environment and in the overall relationships between prison officers and prisoners. People recognise that prison officers are acting in their best interests and are willing to cooperate and work with them. That was most notable when virtual visiting was first introduced and, indeed, when in-person visiting was reintroduced. Many prisoners discussed it with the prison staff and decided, on balance, not to ask family to come to the prison, even though they could, because they felt that it was safer not to do so. They have continued with virtual visiting and have, I think, been finding some benefit from it.

One of the things that we have noticed from virtual visiting is that prisoners benefit from being able to see inside their home, see their family interacting in a more normal setting as opposed to a visitor centre, and see their pets. Those seem like small things, but when you have not seen them for a long time, they make a huge difference to people's mental health. All those things have helped. Obviously, they are not a replacement for in-person visiting, though we intend to keep virtual visiting in place afterwards.

All in all, staffing has been really carefully managed by the prison management, but that has not impacted negatively on prisoners, who are still able to access some training and skills via virtual means and have access to association and exercise. We genuinely believe that we still have to focus on rehabilitation. Many prisoners will finish their sentence during the COVID crisis, so it would not be just or fair if they were in some way deprived unnecessarily of the preparatory work that needs to be done in order to give them the best possible start when they come out of prison.

Mr Butler: I thank the Minister for bringing the report to us today. The review is, indeed, very positive, and I thank the team for its work on the review of support services for prison officers and those who are retired.

Minister, high sickness levels have been brought up on a number of occasions. I will also bring to your attention what I believe to be high rates of early retirement that are predominately due to mental ill health but that can also be related to stress and, sometimes, PTSD. I thank the Minister for her positive response to my first iteration of a private Member's Bill to help to tackle that.

Minister, I take issue with something in the report, and, hopefully, you can shed some light on it. It states that incidents of assault have recently gone down from 112 in 2014-15 to around 26 to 33. I have been told that assaults are not being recorded in the manner in which they were when I worked there. I have been told, for instance, that, if someone empties a cup of urine on a prison officer, that is not counted as assault. Are we confident that, when we look at the reduction in assaults, we are talking about the same thing and that we are not looking at figures that might not mean what we think they mean?

Mrs Long: I thank the Member for bringing that to my attention. Yes, as far as I am aware, the figures for the recordings would still qualify as assault for what was recorded. However, there may be, if you like, a nuance in the recording that was not there previously. I am happy to return to that with the Member in due course and get confirmation of it on his behalf.

I recognise that assaults are not just physical and violent assaults; other assaults can be exerted on people when they are in prison. There can be very challenging environments. There are also people who, because of mental health issues and, indeed, other behavioural issues, can be very challenging and difficult to deal with, but what they do might not qualify as an assault on an officer. It is simply seen as a behavioural problem that has to be managed. That can be challenging for officers. I will come back to the Member on that, because it is important that we have confidence where we see that kind of improvement.

However, if you look at the overall picture of the reduction in self-harming, in the number of suicide attempts and suicides and in the number of violent assaults, you will see that all those things are moving in the right direction, and the trajectory is right. I am not saying for a minute that we can be complacent, because any life lost or anyone harmed in the prison system is one too many, but the overall pattern is improving dramatically. That is in large part due to leadership not only from the management of the Prison Service but from the officers themselves.

Ms Armstrong: Thank you, Minister, for your statement. It is not very often that we get good news on a Monday afternoon, and this is certainly good news. I will always support any actions that help people to do their job and that support their mental health.

Does the Minister agree that this should all be based on need, given the glaring omission that retired prison officers have not been able to avail themselves of the support of the Police Rehabilitation and Retraining Trust (PRRT), with many suffering in silence as they are unsure where to seek the support that they need in an appropriate environment?

Mrs Long: I agree entirely with the Member that it is important that the work that we do with prison officers is not only needs-based but trauma-informed. It is a unique and challenging environment. It is important that the offer that we present to them is bespoke to the service. It is also important to recognise that it is potentially quite a large cohort of people. Many of them will have left the Prison Service in recent years. Some will have left the Prison Service quite a while ago but will not be fully rehabilitated or able to find employment, and they will still require more support for their mental health and well-being. The important thing is that we are able to establish the services. We can then start to address how we meet those needs and make sure that people are aware of the services through signposting and other things. The POA and other bodies will be more than able to ensure that former officers, as well as current officers, are fully aware of the services that we hope to commission later this year.

Miss Woods: I thank the Minister for her statement and for the reports. I also thank the review team, whom I met, along with a number of constituents, to raise their issues; some of the recommendations reflect the conversations that we had. Like Mr Beattie, I wish to ask about recommendation 6 and the wording of letters sent to staff. I am aware that this falls under the remit of the Department of Finance, but is the Minister content with the revised wording? Is she aware whether the word "inefficiency" is still being used?

Mrs Long: The Northern Ireland Civil Service (NICS) HR policy, as you will be aware, is a matter for the Department

of Finance. However, I am sure that the Member will agree that the report shows that a one-size-fits-all policy may not be the best way forward when it comes to HR for people who are desk-bound in their jobs compared with the management of those who are in the prison system. We have discussed this issue on a number of occasions. As things stand, it is a matter for the Department of Finance, but it is one area where we need to have further discussions. Further consideration has to be given to the particular context in which people are working.

I agree about the challenges around the wording of such letters. While it may be standard, and, indeed, appropriate in some cases, to say that there are issues of inefficiency, we have to tread very carefully when it relates to someone's mental health. Suggesting that someone who has mental health issues is simply inefficient is not a helpful start in trying to rehabilitate and support them through what may be very difficult times. We are acutely aware of that challenge, which is reflected in the detail of the reports. It will also be reflected in the engagement that I hope to have with the Department of Finance on these issues, which the Member will see in the action plan.

Mr Allister: Minister, a number of former prison officers who were injured and otherwise suffered in the terrorist campaign expect to be beneficiaries of the victims' pension. Have you any news for them? Will you comment on the fact that, at last Wednesday's Finance Committee meeting, an Executive Office official told us that the cost of the pension for next year, if it were in payment, would be £21.6 million, which is a long way shy of the exaggerated figures that some have been putting around?

12.45 pm

Mrs Long: Mr Deputy Speaker, you will be conscious that the question touches only tangentially on the issue, but I am more than happy to provide the Member with an update. We are currently on track to meet the opening date of the beginning of March for applications to the scheme, which is the date that I had set in the Department. The Member will appreciate that there are a lot of moving parts to it, so I say that with a degree of caution. I would give it a green rating, but, given the high-risk nature of the work and the fact that it is being done in a very pressured environment, I might have to downgrade that to an amber risk, simply because anything at this stage could go wrong and not all things are in my gift. We are, however, making good progress with the application process itself. We have designed the forms and have in place the medical assessment contracts and the computer systems for receiving applications. All those things that are in my remit have moved as I had hoped, so we are hopeful that we will be able to be open for applications in mid-March.

The funding that has been discussed publicly is a whole-life cost not a one-year cost, so we need to be cautious about comparing what is a one-year cost to a whole-life cost. I said at the time that the estimated costs that ran through the Government Actuary's Department were around £165 million initially. That was when the focus was mainly on those who were severely physically injured. The scheme has now expanded geographically for applicants. Psychological injury has been introduced into the mix, and applicants will also now qualify with a reduced level of psychological injury. Initial estimates were that seven to eight times the number of people could apply than when

it was initially estimated at 168,000, so the Member will be able to calculate very quickly in his head from where the upper estimate came. As I said at the time, however, the figure came with a health warning because it was a very rough, back-of-an-envelope-type calculation. It had not been through the Government Actuary's Department. Indeed, there will be overlap between those who have both psychological and physical injuries, so it is not necessarily as straightforward.

The work on that is being taken forward by the Executive Office. It is working very hard to try to identify the cohort of people who may apply and to work out to what degree that is likely to increase costs. My expectation is that the whole-life cost will be greater than the £165 million, and significantly so. I also expect, however, that it will be less than the £800 million upper figure, which was always the ceiling for our preparedness.

What also has to be borne in mind is that, given their age and ill health, rather than take the pension as a regular payment, some people may decide to take a 10-year lump sum in lieu. We also have back payments to make for the pension, because we have to pay back to the date when this was commenced. When you add all of that together, the start-up costs are likely to be quite challenging for the Executive to meet. I am fairly confident in saying that it will be difficult.

The routine, annual costs of paying out the pension may be more manageable for Executive finances, so the discussion that we requested and hope to have with the Secretary of State is about the degree to which he can assist us with the scheme's start-up costs. If we can get over that hurdle, we will be in a much stronger position to be able to put the pension in place.

It is right that the Executive and the Assembly should make a contribution to the scheme, but the UK Government ought to make a significant contribution to it. Securing the finances is not my role. It is for TEO, and the courts have ruled on this, to get the funding and give it to my Department to deliver the scheme. My focus is on making sure that there is a scheme to deliver that funding to and that people can start to submit their applications come March of this year.

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

2020-21 January Monitoring Round and COVID-19 Funding Position

Mr Deputy Speaker (Mr Beggs): The Speaker has received notice from the Finance Minister that he wishes to make a statement.

Mr Murphy (The Minister of Finance): I wish to provide Members with an update on the 2020-21 January monitoring round. Members will be aware that, after the October monitoring round, £100 million of COVID funding was held in reserve, all other available resource funding had been allocated and capital DEL was overcommitted by £12.7 million. On 5 November, the British Government announced a further £400 million in COVID resource funding. On 23 November, the Executive agreed allocations that included £300 million of support for businesses. Some £150 million was held in the hope that it could be carried over for rates support in 2021-22, and £26.6 million of resource was held in reserve to meet any unforeseen emerging pressures over the remaining four months of the year. Shortly before Christmas, the Treasury increased the guaranteed COVID funding that was available to the Executive to £3 billion, which was an uplift of £200 million. Due to the late stage of the financial year at which that was provided, it is anticipated that the Treasury will agree to our request to carry that forward. Therefore, that amount has not been considered as part of this monitoring round.

Departments have declared a significant level of reduced requirements in relation to previous COVID allocations, which has resulted in £219.2 million of resource DEL being available for allocation. In view of the additional £200 million now available, which the Executive should be able to carry forward to next year, I have made the £150 million that was previously held for further rates support available for allocation now.

Reduced requirements totalling £105.4 million of resource have been declared by the Department for the Economy, the most significant of which is the £93 million that was allocated for the high street support scheme. The Department of Health has surrendered £90 million of the funding that was previously provided for the COVID response. It has been confirmed that Treasury will directly fund pressures arising from an increased carry-forward of annual leave. That, along with a contribution from the Department for Transport for airport support, will free up £66.6 million of previously allocated COVID funding. Latest forecasts of regional rate income show that £46.4 million that was previously provided for rate relief measures will not now be required, which reflects a reduced cost rather than a reduction in the support being provided. Taking account of those changes, the total amount of COVID funding available for allocation is now £509.8 million.

The £60 million previously held centrally for support to businesses and the £1.6 million held for the transport sector have now been provided to the Department for the Economy and the Department for Infrastructure. In addition, Departments have bid for a further £215.6 million of COVID support. While Ministers are considering what further support can be provided, it is important that there be no delay in delivering the support that has already been identified. Therefore, departmental bids have been met in full. Details of the allocations are shown in the tables provided with this statement.

Including the £60 million that was previously held centrally, the Department for the Economy has been provided with £154.5 million to provide much-needed support to individuals and businesses in the financial year. That includes further support for tourism and hospitality, small businesses and company directors. The Department of Education will receive £7.5 million to continue the response to COVID-19 in schools and to extend the lost learning programme to special schools. My Department will receive £101.6 million, including £100 million to extend the localised restrictions support scheme in view of the new restrictions and £0.6 million to provide rate relief for local newspapers, which are a key part of the fabric of our society. The Department for Infrastructure will receive £12.1 million to help address the impact of COVID on that Department. Some £294 million of COVID funding remains available for allocation, and I have asked all Ministers to bring forward proposals for further support as a matter of urgency.

In non-COVID spending, Departments have surrendered £93.9 million of resource DEL, £55.7 million of capital DEL and £12 million of financial transactions capital (FTC) during this exercise. On resource DEL, reduced requirements include £23.8 million declared by the Department of Health; £10.9 million from the Department of Finance, reflecting the anticipated return of rate relief funding from large supermarkets; £8 million declared by the Department for Communities as a result of housing benefit for tenants being lower than forecast and £3.5 million due to delays in recruiting staff for universal credit due to COVID-19. The Executive Office has surrendered £8.3 million in relation to funding for historical institutional abuse, and a total of £9.5 million has been returned by the Department of Agriculture, Environment and Rural Affairs and the Food Standards Agency in relation to the Executive funds provided to give certainty ahead of Treasury providing funding related to the Brexit protocol. The Department of Education has surrendered £16.2 million in relation to the education end-year flexibility scheme, which is a mechanism to facilitate local management of school budgets.

On capital DEL, the majority of the reduced requirements are as a result of project delays but also reflect some additional receipts. The Department of Health has surrendered £19 million as a result of delays in ICT projects. In the Department for the Economy, a reduced requirement has arisen as a result of a £7.8 million repayment of the loan to the Presbyterian Mutual Society.

Factoring in changes to centrally held funding, there is £110 million in resource DEL, £46.4 million in capital DEL and £55.7 million in financial transactions capital of non-COVID-19 funding available for allocation in January monitoring. Departments have bid for £98.2 million in resource DEL and £24.2 million in capital DEL for non-COVID-19-related pressures. However, some of those pressures have been funded directly by the Treasury, leaving remaining pressures of £58.4 million in resource DEL and £18.1 million in capital DEL. Those bids have been met in full, and the allocations include £9.7 million to the Department for the Economy for higher education quality research and further education colleges' pay remit. Forty-five million pounds has been allocated to the Department for Infrastructure to support the Driver and Vehicle Agency and Translink. Detail of those allocations is shown in the table accompanying this statement.

In order to ensure transparency, the funding provided for the COVID-19 response, and that from the Executive's existing funds, has been separately identified. However, it is the overall financial position that should ultimately be considered. After meeting all the Departments' bids and taking COVID-19 and non-COVID-19 funding together, there is unallocated funding of £346.4 million in resource DEL, £28.3 million in capital DEL, and £55.7 million in financial transactions capital.

I encourage my Executive colleagues to utilise the funding available in this financial year. A number of significant proposals have already been identified, which the Executive will consider later this week. In addition, alongside the Scottish and Welsh Finance Ministers, I have requested increased flexibility to carry forward COVID-19 funding, and I expect a response from the Treasury shortly.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for meeting me earlier today. Discussing how we will spend an underspend of close to £435 million in a very, very short time was probably one of the more unusual conversations between a Finance Minister and the Chair of the Finance Committee.

The Committee will welcome that all departmental bids have been met in full, including, in particular, a further £100 million for the COVID-19 localised restrictions support scheme, the replacement funding for the European social fund, the £20 million for the company directors' scheme, and the Treasury's capital funding for improved broadband through Project Stratum.

There are, however, a number of features of this monitoring round that make it very unusual and worthy of deeper scrutiny. First, the Minister advised us of £200 million of reduced COVID-19 resource requirements and £100 million of non-COVID-19 reduced resource requirements. After all the allocations have been made, more than £346 million of resources are still available in what is the final monitoring round of the financial year. That is remarkable. However, this, of course, has been a remarkable financial year for all — unfortunately, for the wrong reasons.

Given the substantial sums left unspent, will the Department undertake another monitoring round before the end of the financial year, and will the Minister make a further statement on the other anticipated allocations in a timely manner? Can the Minister also advise on the likelihood of a substantially increased carry-over facility for unspent funding into the next financial year? That is particularly important in areas of health. Will such carried-over amounts be hypothecated as COVID-19, or will the Executive have full discretion in respect of their spending?

I welcome that the Minister is having discussions with the other Finance Ministers, but it would be welcome to have a statement from the Treasury sooner rather than later, if we are capable of doing this.

1.00 pm

Can the Minister also explain some other issues? I will be brief, Mr Deputy Speaker. I refer to the £35 million of reduced capital requirements relating to ICT projects in different Departments. Can the Minister advise whether there is a Department-wide problem getting ICT project money spent, as there appears to be?

Finally, can the Minister explain the allocations from the Treasury in respect of the £8.5 million for annual leave accrual in the Economy, Education and Infrastructure Departments? The reduction in the taking of annual leave in-year appears to coincide fairly neatly with the reduction in sick leave that the Northern Ireland Statistics and Research Agency (NISRA) has reported in the Civil Service in the first quarter of this financial year, coinciding with the lockdown. Can the Minister advise, therefore, if there is a problem with the management of Civil Service sick leave and annual leave?

Mr Frew: Great speech.

Mr Deputy Speaker (Mr Beggs): The Member has asked several questions. Latitude is given to Chairs of Committees, but I would urge all Members and Chairs of Committees to be more concise. Minister.

Dr Aiken: Thank you very much, and I thank the Deputy Chair of the Committee for his remarks — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order. We are in questions to the Minister *[Laughter.]* Minister.

Mr Murphy: I thank the Chairman for his range of questions *[Laughter.]* I will deal with them as briefly as I can.

The first was whether we would have a further monitoring round. As I advised him — of course, it is a matter for the Executive to agree — my intention, given the amount of money that we need to spend before the end of the financial year and the shortness of time, is that we allocate as schemes come in rather than corraling them into a single statement. However, there may be an opportunity at various stages to make additional statements, which he asked about. I do not anticipate another monitoring round, but I anticipate keeping the Assembly and the Finance Committee, in particular, advised, obviously with Executive approval, on spending over the next number of weeks.

The Member asked about the carry-over of funds. We, alongside Wales and Scotland, which face similar issues in dealing with their COVID allocations, are pressing Treasury for flexibility to carry over more. We have, I suppose, some degree of assurance in terms of the £200 million that we received very late in the year, just prior to Christmas. The more of the available money that we can carry over into the next financial year, the better for us because we will face significant pressures next year. The question of discretion in how that is spent is something that we will have to bottom out with Treasury once we get the flexibility explored. I expect to hear something from the Treasury this week, and I can advise the Assembly once I do.

The ICT issue that I referred to in the statement related specifically to the Department of Health. I do not know whether it points to any bigger problem across other Departments, but we can certainly make enquiries.

The annual leave accrual costs were costs for which people had set aside COVID money but which were then met by Treasury. A range of costs have been met by Treasury, amounting to some £60 million, I think, which meant that that money was back in the pot for disbursement as part of COVID, which added to our pot. There was a reduction in the cost of that, and some of the costs were met by Treasury. Whether that coincides with the sick leave issue, I do not know; we will have to analyse that.

There has been a reduction in sick leave over the year; perhaps that points to a way of working, going forward. I have no wish to extend this, but the flexibility that people have in working from home and being able to make family arrangements perhaps does lead to a reduction in sick leave where people may be obliged to take that to meet other family pressures. I think that we will be into different ways of working when we come out the other side of the pandemic, and, hopefully, they will be better ways of working that are more productive for our staff all round.

Mr Frew: A total of £430 million is unallocated, and £346 million of that is resource. The Health Minister alone, with all the Department's pressures and waiting lists, has returned £90 million. What explanation goes from the House and the Finance Minister to the plethora of people who have been deprived of earning a living to provide for their family and have received very little support this past month, if any, and all the people who rely on healthcare at this time and are sitting on waiting lists? What explanation, Minister, can you give?

Mr Murphy: In relation to people who have not yet received support, I have urged all Ministers to come forward with propositions for spending the money. As I said at the beginning of my statement, in November, we had allocated all the COVID money available to us. It was not a question of sitting on this pot and then running out of time at the end of the year. We had allocated all of it bar £150 million that we were carrying over for rates relief for next year, which was widely requested by the business community, and £26 million was held in reserve. We actually had a concern that we had left ourselves short if we were to end up in a situation post Christmas — the situation that we are now in — of an extended lockdown.

I have asked Ministers to bring forward propositions to assist in spending this out. I have asked them to prioritise sectors in their remit that have not yet received funding for whatever reason. Some schemes are difficult to put together. The verification of who is in various sectors and how much they have earned or lost and all those things is challenging, but I have asked people to prioritise those who have not yet received any support, because they would be most aggrieved if we ended up with some returned money at the end of the financial year.

In relation to the Health Department, it will be up to the Minister of Health to explain where the £90 million was surrendered from. I have to say, though, that my general experience is that the Department of Health has been so under-resourced for many years that its ability to do too many things at one time is severely restricted because the capacity is not there. That is the consequence of years and years of austerity cuts to the Health Department; it is not a consequence just of this year. The Health Department struggles every year with winter pressures, and, this year, it has a pandemic on top of that. The ability to concentrate on other areas such as waiting lists and things like that has, I have no doubt, been challenging, but the Health Minister could explain all of that better.

Mr O'Dowd: Minister, students have had an awful year. They are paying rent for accommodation that they cannot use and their educational experience is less than optimal, despite the best efforts of the tutors and their colleges and universities. Would you look sympathetically on a bid from Diane Dodds, the Economy Minister, if she were to come

forward with one to compensate our students for their rent and tuition fees?

Mr Murphy: I concur with the Member entirely on the difficulties that students have faced. Many people, I suppose, like the rest of us, not knowing the course that the pandemic would take, undertook contracts for the rental of property that they were then not able to use. Their ability to attend courses and to get the adequate level of tuition that they would have expected in normal circumstances has obviously been much restricted. As a consequence, hardship among students has grown, and there is evidence of that.

I have said to the Economy Minister that students is one area where her Department should try to identify some additional support. I think that she is intent on doing that, so I look forward to some bid from her. Quite what it is intended to address will, I suppose, be a matter for the Department for the Economy, but I encourage it to talk to student organisations and to get some advice from them on where the pressures are most felt by students at this time and to make sure that it applies sufficient resource to try to address that.

Mr O'Toole: I do not know whether the Finance Minister is a Pink Floyd fan or whether he has ever listened to 'The Dark Side of the Moon', but, when I look through the monitoring returns, I am reminded of the lyric:

"Plans that either come to naught or half a page of scribbled lines."

Notwithstanding the incompetence of Departments like Economy and the indifference of London, was it not the job of his Department to corral a single strategy to make financial allocations to get us through the COVID crisis? When will he come forward with that plan, and will he guarantee that we will avoid the huge underspends that now, I am afraid, look likely?

Mr Murphy: I am a fan of Pink Floyd and have listened to 'The Dark Side of the Moon', but I cannot recall that lyric; obviously, I have not listened to it enough.

I will say — the Member knows this because he has been in for every statement that I have made on COVID allocations — that, over the course of the year, we have received funds with literally maybe two days' notice. We did all the allocations in October and then received a further £400 million in November. We then received a further £200 million in December. Doing any financial planning on how we were to spend out all of that was impossible, because we never had any advance notice of the totality of what we were receiving. When we received some funds at the end of the summer, in my recollection, we were told that that was it for the year. In October, we had allocated all the money available to us. In November, we received an additional £400 million, and we allocated all of that.

What we have and are dealing with now are returns from Departments that bid for funding and said, "Give us that money. We can spend it on x, y and z schemes". They have now returned that money to us. That is the difficulty that we face; it is not a lack of allocation of money over that period of time, even though it came to us with no forewarning or ability to plan out what was available to us over the year. Had we been told at the start of the financial year, as we entered the pandemic, that we would get £3

billion over the year, I am sure that the Executive could have put together a plan to spend it out. We never had any notice of what the total amount would be, yet we managed to allocate it all. What we are now dealing with is money that has been returned from Departments' allocations that they have not spent.

Mr Muir: Back in September, I asked the Communities Minister about the risk of handing money back to Treasury. She responded by saying, "No surrender" and that:

"it is a mortal sin to send money back".

— [Official Report (Hansard), Bound Volume 130, p107, col 2].

It is disappointing that that risk is now real. The localised restrictions support scheme (LRSS) and COVID restrictions business support scheme (CRBSS) grants are welcome for businesses, but they do not cover all their overheads. Has consideration been given to making a one-off top-up payment to assist those businesses?

Mr Murphy: I am sure that Ministers intended, with all good intent, to spend the money that they had. Some of the funding that they got was demand-led. I know that, in particular, we were expecting significant demand for support from, for instance, the non-essential retail sector pre-Christmas that did not actually materialise. We cannot go out there and force businesses to apply to schemes. We make an assumption. Similarly, I am sure that, with Communities, there were things that did not materialise in the way that it anticipated. Nonetheless, that leaves us with a significant problem that we have to address.

We have sufficient funds for the LRSS and the Economy scheme. We are now into a much more extended period of lockdown, and some are suggesting — certainly, the Health Minister suggested in his last public commentary on the issue — that, with regard to where he has now brought us with the recommendation of lockdown until March, we could even be looking at the other side of Easter. There will need to be sufficient funds to continue to roll out the payments that we have already established with the schemes, so the ability to make a one-off higher-level payment for that is restricted.

We are looking at it, however. This morning, I engaged with senior officials in the Department to look at where we could get support out to businesses through the information that has been gathered over the year by Land and Property Services (LPS) in the work that it has done with a variety of businesses. For instance, some businesses were above the threshold earlier in the year for the £10,000 and £25,000 grants and could not avail themselves of them. They continue to struggle. We may look at that area. I assure the Member that we will do all that we can to get support out where it is needed.

Mr Givan: I have some sympathy for the arguments that the Finance Minister made on the late notice of receiving additional funding from Treasury. However, the public will not have any sympathy when they hear about that £430 million global figure, they will be, rightly, outraged if that money is not spent, given the Executive's decisions to close down businesses and deprive people of a living. There is a really big onus on the Finance Minister to lead the Executive in getting that money out.

In doing that, whilst Departments can make bids, will the Minister, in his own Department, amend the LRSS to support sports clubs? Will he take forward a scheme for travel agents? I know that he met them in November, and they have asked for a scheme. They have been decimated and have had to refund many people who made bookings. Will he ensure that the Department of Health commissions the private sector? Individual citizens are commissioning the private sector, and there is capacity to do surgeries. It is wholly unacceptable that the Department of Health is handing back £90 million when people should be getting surgery, if not through the NHS, through the private independent sector.

Mr Murphy: On the Member's general point, I will say that I am leading the response in the Executive. At the last number of Executive meetings, I have spoken at length about the need for all Ministers to get their Departments going and get that money allocated. I have spoken about the need to give priority to people who have not received support before.

Funding is available to the sport sector through the Department for Communities that takes into account loss of income and revenue, including from hospitality. The difficulty for LPS is that the hospitality side of a sports complex or whatever it is, whether it is a soccer ground, a Gaelic ground or a rugby ground, is often a very small part of it and is not independently rated from the rest. There is a problem there. In order to ensure that there is, if you like, a one-stop shop for sports organisations, the Department for Communities handles that and will allocate according to lost income, including from hospitality.

I have every sympathy with travel agents. I have met them and have asked my officials to work with them in the absence of any other Department standing up to do so. It is not our responsibility, but I have asked my officials to work with travel agents to gather up information. The difficulty is that we have only one paying-out agency — the LPS — which is actually a rate collection agency that repurposed itself. A strong proportion of those people do not operate from a premises; they operate from their houses and online, so they do not have a premises to which we can attach a payment. I have asked the Economy Minister to come forward with a scheme, because that sector has definitely missed out. I hope that attention will be drawn to the issue this week, because there is a small number of sectors that, for one reason or another, have missed out. Travel agents are certainly one of them, and I have every sympathy for finding support for them.

1.15 pm

Ms Flynn: I thank the Minister for his statement and for all his work over the past number of months. Does he agree that some of the COVID money that is available to the Executive could or should be used to award a "Thank you" payment to all our health and social care workers, including our student nurses and domiciliary care workers? That would be a gesture of gratitude from all of us to say, "Thank you" for the enormous work that they have carried out over the past 10 to 11 months during an unprecedented health crisis.

Mr Murphy: I am very sympathetic to that idea. It has been discussed at the Executive, and I know that the Health Minister is looking closely at a proposition. I think that he has the resources in his Department to do that. At the

last Executive meeting, I spoke to him about the matter, because there is broad support across the Executive for it. I hope to see proposals coming forward in the not-too-distant future.

I apologise: I neglected to answer Mr Givan's last question about the Health Department. I cannot direct the Health Department on what to do. Others will have to raise issues with the Health Minister. It is part of the rules for our Departments that Ministers have autonomy, which is a good thing in many respects. It will be up to the Health Department to bring forward propositions. I made the point to Mr Frew that I have no doubt that there are capacity issues in the Health Department in dealing with more than one thing at once, which is a consequence of years of austerity policies.

Mr Middleton: The Minister is aware that many members of the public will be concerned about the sum of over £400 million that is unspent. Will the Minister address the situation in which, for example, approximately £90 million of the Economy Department's money was for the voucher scheme and there is a lack of flexibility to move ring-fenced funding into other areas in the Department? That would go some way to ensuring that the money can be spent.

Mr Murphy: We addressed some of the issues with the Department for the Economy about ring-fenced money and flexibility. We pressed the Department hard to try to at least do some portion of the voucher scheme in this financial year in order to spend some of the money, but it was not possible. If the Department had come forward with any ideas on how to spend out any of that money, we would absolutely have supported it, and we gave them flexibility on other COVID money.

We will continue to press Treasury because, while we have money to spend this year that has come very late in the financial year, we have a real challenge next year as we have a poor Budget settlement. The more flexibility that we can get from Treasury to carry over into the new financial year, the more pressures that can ease in Departments next year.

Ms Ennis: The Minister's statement is very welcome. January monitoring is often a time when funding is allocated to repair roads. I notice that the Infrastructure Minister has not made any funding bids in that regard, which is disappointing because many roads in South Down could certainly benefit from funding of that nature. If the Minister were to receive a bid from the Minister for Infrastructure, would he be open to allocating funding for that purpose?

Mr Murphy: Yes, I certainly would. I live in south Armagh, where the roads are equally bad. I know that officials were in front of the Infrastructure Committee, and they seemed to indicate that there were capacity issues about getting money out on the ground and spent on road maintenance, resurfacing and all the other things that Roads Service traditionally does in the first couple of months of the new year, which is the end of the financial year. There was a discussion, and I think that the Minister indicated that she had received sufficient money over the year and did not require any further money for roads. That matter will have to be taken up with the Department for Infrastructure. However, if further bids were to come in, of course I would look favourably on them.

Ms McLaughlin: Thank you, Minister, for your statement. The Finance Minister in Wales, Rebecca Evans, last week

announced a £40 million coronavirus student support scheme. She indicated that it was vital in order to support people in education and that it would tackle inequality by helping to support the most vulnerable students affected by the pandemic to complete their studies. Minister, why can you not do the same for our students in Northern Ireland, who have been so adversely affected by the pandemic, are paying for accommodation that they cannot even stay in, are unable to claim any benefits and cannot carry out any part-time work because hospitality and retail are closed? If it is within the remit of the Welsh Finance Minister to do that, why is it not within yours?

Mr Murphy: I am not surprised that the Welsh Finance Minister announced the allocation, but I am sure that she did not bid for it or devise the scheme. Although I do not know the Welsh system intimately, the Finance Minister does not deal with students. She will accept a bid and make an announcement on the funding that is allocated towards it.

As I said in answer to my colleague's question, it is a matter for the Minister for the Economy. I have urged her, in recognition of the particular problems that they face, to bring forward a bid for further support for students. I would look very favourably on such a bid and make a recommendation to the Executive, but I cannot go into the Department for the Economy and devise a programme for students; it would not be within my remit to do so. I am fairly sure that it is not within the remit of the Welsh Finance Minister to do so either. She may have announced the allocation of the money, but the bid will have come from the Department that has responsibility for students in Wales. Similarly, I am happy to look at bids from the Department for the Economy for students.

Mr Dunne: I thank the Minister for his statement. I welcome your commitment on rates for businesses, which will continue into the new financial year. Will you take some responsibility for the build-up of underspend? Several bids from the Department for the Economy were undercut and not fully funded. For example, we have been pushing for support for directors for some time. The bid was very much underfunded, and, as a result, £1,000 was offered for directors from March of last year. I understand that that sum has now been increased significantly. Would it be fair to say that you were too slow and too tight with the money?

Mr Murphy: As the Member knows, because he has been here a long time too, I only make recommendations to the Executive, and they approve the funding allocations. The Executive can amend and change any funding proposition that I bring to them. When it comes out the other end and I make a statement, as I am doing today, it is on the basis of Executive approval for the allocations. If a Department had not got sufficient money, that would not have slowed down the scheme, although it might have reduced the amount that it was paying out. The support has been added to since, and I encourage that money to be got out.

I am responsible for the schemes that my Department administered, and there were difficulties with them as well. I acknowledge that all Departments had their budget to spend and, on top of that, had £3 billion additional to spend collectively. While that is a welcome challenge, it presents problems, particularly during a pandemic, when staff are working from home and there are communication issues. There have been challenges in all Departments in spending the money, but we have allocated according

to what, the Executive agreed, were the priorities at any given time, and we now want to see Departments acting with urgency over the next number of weeks to get schemes out.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis anseo inniu. I thank the Minister for his statement. The move to online learning has highlighted the digital divide between students, with there being unequal access to suitable devices and Wi-Fi. Will the Minister join me in calling on the Education Minister to bid for money to purchase iPads and online teaching resources and to ensure that all students have access to Wi-Fi in their home?

Mr Murphy: I think that that is a good idea. There have been particular challenges. If you speak to anybody in the education field, they will tell you about students who do not have access to Wi-Fi — that affects a lot of rural areas, including the one that I represent, where there are communication issues and our communication infrastructure is not the same as it would be in urban areas. The poorer students in particular have difficulty in accessing the right type of equipment and, as a consequence of that, they suffer more from the closure of schools than those who do have access to such things. I understand from conversations with private interests that some support was offered to the Department of Education to help with communication and broadband improvement in homes where young people were having difficulty, but I am not certain if that offer has been taken up. I intend to raise that with the Minister of Education.

My own Department is starting to look at a scheme to provide IT support, not to the school population but to vulnerable people generally, and there is a significant uptake on that. It is worth doing because, as the Member says, the experience through this pandemic is one where communication has become a real challenge for many school-age people and also vulnerable people at home. Any bids for support for that would be looked at very favourably by the Executive.

Mr Dickson: Thank you, Minister, for your statement. I appreciate that you do not have direct responsibility for running individual Departments other than your own. Nevertheless, do you not have concerns about those that underperform in delivering the funds that you have given to them? Particularly, I am thinking of every scheme that the Department for the Economy has come up with for those who find themselves under stress at this point in time due to the closure of their businesses. Every time a scheme is devised, there remain many who are excluded. There is a great deal of frustration, particularly around the reality that funds may be returned to the Treasury. What action will you be taking to encourage Ministers so that that will not be the situation?

Mr Murphy: I accept entirely that if we end up in a situation where we are not able to spend the funding available to us, those who have not received funding will be justifiably aggrieved with that situation. That is why I have asked Ministers to prioritise getting funding to those sectors which, for one reason or another, have missed out to date and to try to support other sectors that are very much in need. I have raised that at Executive meetings. I am writing to Ministers to reaffirm that and to encourage them to come forward with schemes. I am expecting to hear from Ministers over the course of the week so that we can take some decisions at Thursday's Executive meeting. I intend

to keep the pressure on over the next couple of weeks to try to get that sorted.

Mr Buckley: I note that, this morning, the Minister for Infrastructure was talking about the new fund to clean up and restore alleyways. That funding has been released from the Department. Whilst I would welcome that in normal times, I note that there is nothing in this to help support uncompleted developments that have been going on for 10 years. I think, in particular, of Birchwood Manor in my own constituency, and I know of many others across the country. The Minister said in the Chamber that, if the funds were given, she would act on this. We have no completed road services, faulty sewerage systems, no lights and not enough money in bonds to complete developments. This is second-class development and it should not be tolerated. If the Minister for Infrastructure came forward with such a scheme, would the Minister be minded to support that?

Mr Murphy: In the Budget statement that I made last week, I announced that we had met a significant capital bid from the Department for Infrastructure. We supplemented that with a promised access to £70 million of RRI borrowing to support NI Water for sewerage and waste water infrastructure. There have been no specific bids made for that. There are legal issues that complicate unfinished estates because of the fact that, if the bond is activated and the Department for Infrastructure does that, it effectively bankrupts the contractor who is involved, and that is a big decision to take. However, people cannot be left for years in substandard housing estates, and, over the course of time, having to wheel their wheelie bins from all the houses out to the front of the road. I know that there are similar estates in my constituency as well.

1.30 pm

The Department for Infrastructure had the largest capital budget that it had ever received in last year's allocation. No Department got all that it wanted this year because of the challenging situation, but we have added £70 million in RRI borrowing for Infrastructure. It will be up to the Minister for Infrastructure to allocate according to her priorities. It is up to Members — I am sure that that situation pertains in every constituency across the North — to raise the issue of unfinished housing estates so that it becomes a priority for the Minister for Infrastructure.

Mr Durkan: I thank the Minister for his statement. It will seem to the public somewhat perverse, at a time when we have never had so many in so much need, with businesses and individuals struggling to survive, that Departments are now in "Brewster's Millions" territory, scurrying to spend hundreds of millions of pounds against the clock. With specific regard to the Communities Department's reduced requirement of £2 million for the COVID-19 discretionary support grant, does the Minister see merit in the creation, even at this late stage, of an accessible and effective COVID-19 isolation support grant that workers can avail of, as exists in other regions?

Mr Murphy: There has been some discussion about that. When we made the last allocation in December, we allocated everything out to Departments, with the exception of the £150 million that we were carrying over for rates for the next financial year and £26 million of resource that we had left. As I said, we were concerned at that

stage that we had not, perhaps, carried over enough into this part of the financial year.

We are now dealing with returns from the Departments that made bids for funding that they said they needed and wanted to spend but which, for a variety of reasons, they have not been able to. It is a big challenge, and I know that there has been some discussion about a support grant. There is a concern that the lack of support means that people are less likely to isolate and take time off, thereby leading to a greater spread of the virus because, financially, they cannot do anything else but go to work. I am very sympathetic to such a scheme, and, of course, it will be for the Department for Communities to devise something. I am sure that the virus will be with us not just until the end of this financial year but into the new one as well, and such support is needed.

Mr Allister: So, for all the whining about Her Majesty's Treasury, it turns out that there is loads of money, with £400 million unspent. I have been in the House for a number of years, and this is the first time in a monitoring round that I have ever heard of all Departments having all their bids fully met. What a blessing to be in the United Kingdom. Where does the incompetence lie for the failure to get that money out? The Minister cannot blame London; London has given it to him. The failure is in Stormont. Where is the incompetence?

Mr Murphy: If the Member's argument for the Union is that our begging bowl is occasionally filled, I should tell him that there are a lot of people in this part of the world who have much higher ambitions than just the occasional filling of a begging bowl in London. We would be much better off in charge of our own affairs; then, we might have known, over the course of the year, how much COVID-19 money we intended to give out and could have allocated it accordingly.

We are dealing with returns from a range of Departments, and, while I know that he wants to poke the finger at somebody, allocate the blame and punish the guilty and all the things he normally does, I am much more concerned about getting the money spent and getting support to where it is needed.

Mr Carroll: The fact that so much money has been unspent and might be handed back while so many people have fallen through the cracks is a cruel joke. Has the Minister or his Department costed a zero-COVID-19 strategy for the North and what work, if any, has his Department done with its counterpart in the Irish Government to cost an all-Ireland zero-COVID-19 strategy to protect people from this deadly virus and its new variants?

Mr Murphy: COVID-19 strategies come from the Department of Health; they do not come from the Department of Finance. We allocate funding according to the Executive's agreed priorities. I encourage a zero-COVID strategy and a North/South, all-island approach to all of this. There are many examples, from across the world, where all-island approaches have been very effective in reducing transmission and keeping people safe. It will be a matter for the Department of Health. It has collaboration and cooperation with the Department of Health in the South, but much more can and should be done.

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 before the next item of business.

(Mr Speaker in the Chair)

Executive Committee Business

Harbours (Grants and Loans Limit) Bill: Final Stage

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] do now pass.

Mr Speaker: The Business Committee has agreed that there should be no time limit on the debate.

Ms Mallon: I do not intend to address the content of the Bill to any great extent. This is a straightforward, three-clause Bill with the single purpose of raising the existing total loan and grant limit from £35 million to £90 million. This will enable the Department to continue to provide loans and grants to our ports. The existing limit has almost been reached, and major challenges are being faced by the ports at this time, particularly as a result of the COVID-19 crisis and the need to grow business post Brexit.

The Bill was introduced to the House on 23 November 2020, and accelerated passage and Second Stage debates took place on 1 December. I am grateful to the Members of the Assembly for their contributions to the debate. I want to place on record my thanks to the Chair and members of the Committee for Infrastructure and to my Assembly colleagues for their cooperation and agreement to the Bill proceeding by way of the accelerated passage process. Without that cooperation, it would not have been possible for the Bill to have reached all its Assembly stages within this mandate. That Members were content with the purpose of the Bill was further indicated by the fact that there were no amendments tabled at Consideration Stage, on 14 December, or at Further Consideration Stage, on 19 January. I am happy to respond to any comments that Members wish to make during the debate.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): I welcome the opportunity to speak at the Final Stage of the Harbours Bill. As I said before, the Bill in itself is not contentious, however the procedure used to bring forward the Bill is something that the Committee found less than agreeable. Agreeing to the accelerated passage of any Bill does not sit well with the Committee for Infrastructure. Our frustration was compounded by the fact that it was left to the last minute to amend legislation that could have been updated at any stage over the past 31 years, the last time that this was carried out. The Committee believes, as most Members of the Assembly do, that legislation should be afforded the full scrutiny of the Assembly processes, including Committee scrutiny. However, I have made the Committee's views on this clear at the previous stages of the Bill, and, as I know that the vast majority of the House is sympathetic with those concerns, I will not rehearse them again.

As previously noted, the Committee was notified about the proposal for the Harbours Bill at the start of September 2020 and the Minister briefed the Committee on the Bill on 23 September. 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 and that that includes their funding. Under the 1970 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. As the Minister has indicated, that assistance from her Department is limited under the Act to a maximum of £35 million. The Minister outlined to the Committee the urgent need to raise the existing level of £35 million to a more substantial £90 million, as set out in the legislation before us.

The motivation for the increase was explained to the Committee when it met representatives of the sea ports, on 1 July last year, and they made the Committee aware of their need to grow and strengthen their businesses. However, the Committee also noted the financial impact that COVID-19 has had on the ports and the limitations that this has placed on them. The Committee is cognisant that it is vital that our ports are ready for the challenges and opportunities facing them.

The Committee understands the need of the Department to provide adequate support in order that, for the benefit of our economy, the ports can develop the infrastructure required. In its discussion with the Minister and her officials, the Committee sought assurance that the sole purpose of the Bill is to raise the loan and grant limit and that there will be no other consequences from it. The Minister gave that assurance, noting that this is a short and concise Bill. Given the context within which we are operating and the assurances given, I and the Committee for Infrastructure support the Bill.

Mr Boylan: Sorry, I am late, a Ceann Comhairle. I support the passing of the Final Stage of the Bill.

Mr Speaker: Well said.

Mr Beggs: I am quite pleased that we have got to this point in a relatively short period. I wish to indicate the continued support of the Ulster Unionist Party for the Minister and this particular Bill. As the Minister said, it is a very short and straightforward Bill, with three clauses. Primarily, it increases in line with inflation the maximum amount in grants and loans that can be passed to our harbours.

Our harbours and ports are essential for trade. Without trade, our economy crumbles, so it is important that there is the ability to provide support when necessary. Regrettably, over the past year, our harbours and ports have suffered as a result of COVID. There has been a downturn in certain trades, and manufacturing on occasions has not been in operation as it would normally be. People's purchasing habits will have changed as a result of that, particularly business to business, and trade has been down. That in turn has put stress on our harbours. In addition, the normal tourist traffic has not been around, and it is yet essential, particularly for Northern Ireland, that we have regular transits of our ferries to GB. With our agricultural goods having to reach market on a timely basis, it is important that we have reliable, regular ferries to Great Britain.

There is an additional burden that has now come to our harbours and ports.

As yet, we do not know the final outworking of the Northern Ireland protocol or how exactly it will impact on the future of our ports and their ability to provide regular

ferry services. As part of that protocol, a huge burden of extra administrative requirements have been passed to the GB suppliers in particular that send goods to Northern Ireland. Burdens have been passed to hauliers through delays in picking up their goods and getting the necessary paperwork, and, again, there are delays at the ports. All that is resulting in less freight coming from Great Britain to Northern Ireland, and, again, there is a risk to our ports as a result.

1.45 pm

It is important that flexibility is built in to our system so that, if there is a need to intervene, the Department and the Executive can do so. The Bill will simply increase that loan and grant capacity roughly in line with inflation over the many years since it was last upgraded, and I welcome that. If there is a need to respond to the significant change in the trade that is happening — there has been a lack of response from the Westminster Government and Europe to enable that trade to happen — it is important to know that there may need to be further emergency intervention. The Bill will create that little bit of headroom, should it be needed.

In welcoming the Bill's Final Stage, I ask the Minister to reflect within her Department. There may be a need to upgrade the grant on a more regular basis rather than to wait for a pressure, point or emergency such as this to bring a Bill forward at relatively short notice. It would be much better if such changes happened on a more timely basis, and the ability to do that would always be there if it were needed. I continue to support the Bill.

Mr Muir: As the Alliance Party's infrastructure spokesperson and a member of the Infrastructure Committee, I support the Bill on behalf of my party.

At Second Stage, I spoke about the need for the ports to be able to access finance in order to tackle the challenges of decarbonisation, COVID-19 and Brexit. The intervening two months have brought home the scale of the challenges that our ports now face.

We support the overdue increase in the loans and grants limit. We regret that the Bill went through by accelerated passage, but we are satisfied with it. I look forward to further engagement with the port authorities via the Infrastructure Committee as we work together to navigate this challenging environment.

I thank the Minister and her officials for bringing forward the Bill. I will end by paying tribute to all those who work in our ports for the invaluable and often unrecognised service that they provide to Northern Ireland.

Mr Speaker: I call the Minister for Infrastructure, Nichola Mallon, to conclude the Final Stage.

Ms Mallon: I am grateful to the Members who contributed to the debate. I believe that the Bill will help to ensure that we can continue to provide financial assistance to the ports during these challenging times. At Second Stage, the Bill received cross-community support, and I, again, thank all Members for that support. I, again, thank the Chair and members of the Committee for Infrastructure and, indeed, all Members for their cooperation and agreement to the Bill's proceeding by accelerated passage. A number of Members spoke about the use of accelerated passage. I reiterate that I did not take that decision lightly, but it was

required in order to enable me to introduce the legislation and ensure that it could pass in this mandate, as all Members who spoke highlighted, in order to enable our ports to strengthen their resilience, expand their facilities and grow their businesses for the benefit of our economy.

I thank Mr Boylan and Mr Beggs and, indeed, all Members for their support and for speaking on the matter. I know that Mr Beggs raised the impact of Brexit on our ports. I am sure that he, like me, will continue to remind the British Government that they have committed to funding all Brexit-related works at our ports and that it is essential that they honour that commitment.

I end by echoing the words of Mr Muir. I put on record my appreciation for the efforts and tireless hard work of all the staff at our ports, who very quietly do tremendously important work without seeking any recognition. I commend the Harbours (Grants and Loans Limit) Bill to the House.

Question put and agreed to.

Resolved:

That the Harbours (Grants and Loans Limit) Bill [NIA Bill 12/17-22] do now pass.

Mr Speaker: The next item of business in 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 1.50 pm.

On resuming —

2.00 pm

Oral Answers to Questions

The Executive Office

Protocol on Ireland/Northern Ireland: Problems

1. **Mr Hilditch** asked the First Minister and deputy First Minister to outline their strategy to deal with the problems associated with the Protocol on Ireland/Northern Ireland. (AQO 1434/17-22)

Mrs O'Neill (The deputy First Minister): I thank the Member for his question. We have taken a multifaceted approach to dealing with matters associated with the protocol so that we can respond effectively to any issues as we become aware of them. We are closely engaging with the British Government at ministerial and official level to deal with the impacts that our businesses and citizens currently face. This engagement includes daily ministerial attendance, along with Scotland and Wales, at the XO (Exit Operations) Cabinet committee, where we have taken the opportunity to highlight the significant issues that we are dealing with and to press for rapid solutions. In parallel to that, we continue to engage closely with our business community to ensure that their issues are addressed and to work together to seek resolutions. We have also been engaging closely with the Irish Government, particularly on the delays that hauliers are experiencing on the Holyhead to Dublin route. We will continue to seek solutions to issues as they arise and to engage with the British Government to ensure timely planning for the end of the grace periods.

Mr Hilditch: I thank the Minister for her answer. Does the deputy First Minister agree or acknowledge that the rush to get rigorous implementation of the Northern Ireland protocol, and the amendments inserted into the Belfast Agreement by the Secretary of State, have breached the Belfast Agreement on cross-community consent and protections?

Mrs O'Neill: I do not agree; certainly not. The protocol gives us protections that we were not afforded throughout the whole of the Brexit debate. Our job as an Executive is to ensure the rigorous implementation of the protocol, and we will continue to work with the Irish and British Governments and the EU side on any issues that we see as problematic. In my political opinion, nothing good will come of Brexit. The problems that were foreseen then are now coming to life. However, our job as an Executive is to make sure that we minimise any disruption, be it North/South or east-west. We are working to find solutions to a number of the issues that have been identified in these early days.

Mr Allister: Having demanded and voted for the rigorous implementation of the protocol and, indeed, told us today that the Executive want the rigorous implementation of the protocol, it is pretty clear to me that the deputy First Minister cares little for the resulting damage to our

businesses and consumers. What does she say to people like Beth Lunney and Robin Mercer, who are trying to run garden centres and have been told by their GB suppliers that they cannot bring in roses or azaleas because there might be soil on or in the pots, because the protocol ludicrously imposes an EU ban on the importing of soil? Surely, if the —

Mr Speaker: The Member has already asked his question.

Mr Allister: — deputy First Minister cared anything for business, she would be concerned about that.

Mr Speaker: Will the Member resume his seat? Members should be mindful that questions should be asked without a long introduction and should finish when the first question ends.

Mrs O'Neill: Perhaps the Member should explain to his constituents that he himself endorsed, voted for and championed Brexit, and that these were always going to be the implications of it. Let me say to your constituents that we are aware of this issue of the movement of soil from Britain to here, and we are liaising with DAERA on it and hope to find a resolution.

Mr O'Toole: All the issues to do with east-west trade, along with the issues we face in North/South trade, are a product of Brexit. The protocol is a product of Brexit. Briefly, in relation to soil, the island of Ireland shares soil. The UK has chosen to leave the EU sanitary and phytosanitary (SPS) zone. It is a direct consequence of that decision that means there is no plausible way. It is not a nationalist or Remainer plot to have us in the same SPS zone as the Republic of Ireland.

Mr Speaker: Sorry, will the Member —?

Mr O'Toole: Sorry, Mr Speaker, but can I —?

Mr Speaker: Will the Member ask the question that he has tabled and been called to ask? You do not need to answer anybody else's question.

Mr O'Toole: OK. Mr Speaker, the question that I want to ask, very briefly, is this: has the Executive Office, understanding the limitations that Brexit places on our trade, commissioned Invest NI, InterTradeIreland and others to urgently develop a strategy for maximising the benefits of Northern Ireland's dual access to both the UK and EU markets? We should all be able to agree on that. What is the Executive Office doing to maximise the benefits to businesses here of investment from both the EU and GB in this market and this economy?

Mrs O'Neill: Thanks to the Member for his questions, and I concur with a lot of his commentary. It is very early days post-31 December, so, obviously, there are a lot of issues to be worked through. There are a number of issues, including soil, seed potatoes, fisheries, eels and steel. We need to find resolutions to a raft of issues, and we will work with the appropriate people to try to find, where we can, resolutions to them.

As for the future, we have to look at what the economy will look like in a post-Brexit era. The Executive and the Department for the Economy will have to come up with an economic strategy that looks at our target markets for the future and how we can build a strong economy.

Ms Anderson: I am sure that the joint First Minister will agree that the problems that we face have to do with

Brexit, which the majority of people in the North did not vote for. Does she agree that the lateness of the advice that was given to British businesses, coupled with a lack of preparation by the British Government, has resulted in the problems that we and businesses face today?

Mrs O'Neill: There is no doubt that businesses here have been quite well prepared for the changes. It has been very clear from all the Executive Office's engagements, even those with the business community, that there is a lack of similar preparedness among businesses in England, and, indeed, in Scotland and Wales, in complying with the new processes for sending goods here. We have raised that issue directly with the British Government and have encouraged them to do more to make sure that there is better preparedness among their businesses.

The disruption at the short straits before Christmas, due to the requirements for hauliers to have a negative COVID-19 test before entering France, had a knock-on effect on the supply chain, and that also led to some delays. However, I am glad to say that stock levels have now stabilised, with only a few product brands not available to consumers here.

Fulfilment of food deliveries to the major retail stores has risen to 85%, compared with 65% at the beginning of the year. Groupage, or the transport of mixed loads on a single lorry, has proven to be a major issue for our hauliers, who operate to tight margins and to very tight turnaround times. It also affects smaller companies, which are not benefiting from the grace periods in the same way as supermarkets. That issue has been raised on a regular basis at ministerial and official level. I understand that DAERA, in liaison with DEFRA and the industry, is working to identify options to address those issues, and, hopefully, there will be a resolution shortly.

COVID-19 Regulations: Compliance

2. **Ms P Bradley** asked the First Minister and deputy First Minister for their assessment of compliance with the current COVID-19 regulations. (AQO 1435/17-22)

4. **Mr T Buchanan** asked the First Minister and deputy First Minister for an update on the Executive's response to COVID-19. (AQO 1437/17-22)

8. **Mr O'Toole** asked the First Minister and deputy First Minister for an update on the development and implementation of the COVID-19 recovery plan. (AQO 1441/17-22)

Mrs O'Neill: A Cheann Comhairle, with your permission, I will answer questions 2, 4 and 8 together.

The Executive's response to the COVID-19 pandemic continues to be led by the latest medical and scientific advice. Our decisions have been informed by the health and well-being of our citizens, the economic impacts of any interventions and our societal and community well-being. Decisions on the Executive's next steps are informed by the impact that they may have on us all, as individuals, families and the wider community in which we all live.

The Executive have established a COVID-19 task force to lead and coordinate an integrated programme of work of response to, and recovery from, the pandemic. The task force has initially structured its work under four work streams: protect; recovery; adherence; and strategic communications.

Since the current regulations were put in place on 26 December, we have been encouraged that the majority of people are adhering to them and that they are doing their utmost to help to limit the spread of COVID-19. That can be seen in the falling R number and the reduction in the number of positive cases. However, the pressure on our hospitals will remain for some time, and, as such, we cannot be complacent.

The Executive's task force is also looking at ways of further increasing adherence to the public health regulations and guidance, including providing input into the design of any restrictions proposed. Clearly, we would like everyone to continue to play their part in following the public health guidance. However, where there are blatant breaches of the regulations, the PSNI and local government will ensure that enforcement activity is rigorous.

Recovery from the pandemic is another key area of focus for the Executive's task force, and it will be focused on progressing an economic, health and societal recovery that has the citizen at its centre. Any recovery work will complement the longer-term Programme for Government, which is being developed.

Central to our recovery from COVID-19 is the vaccination programme. While we have seen significant progress over recent weeks, it will take some months for the programme to be fully rolled out. We recognise the dedication and commitment of the teams implementing the programme and thank them for it. We recognise that huge sacrifices are being made by many to protect lives and our health service, and we are thankful to you all. We must continue to protect each other by following three simple rules to stop the spread of the virus: wash your hands, wear your face coverings and keep your distance.

Ms P Bradley: I thank the deputy First Minister for her answer. We know from the figures that, when there are stricter regulations in place, compliance is generally much better. However, looking forward, we will have to reopen the economy at some stage, as she said. How do we continue with the messaging to ensure that people do not fall back into the old habits that we saw in the months leading up to Christmas, which led to this situation?

Mrs O'Neill: You are right. We will be back in the position that we were in during the summer months, when we tried to transition to allowing some things to open up. Clearly, that is not the space that we are in today. As of today, we are still in a very difficult position. We saw what happened in our hospitals over the weekend, and, clearly, there are increased numbers again today. Our challenge, as an Executive, will be how we continue with the public health message and get as many people vaccinated as possible but, then, provide a pathway to recovery.

The Member might remember that, last year, we published a document that set out staging posts of when we thought we could reverse out of some of the restrictions. We hope to get to that point again in the coming weeks to allow us to communicate to the public, "This is what recovery could look like". However, in tandem, we still need to have the restrictions in place. Last week, the Executive discussed the current restrictions and deemed them to be necessary for a further period. The Health Minister also pointed out that they may be necessary beyond the period that we outlined, perhaps even as far as Easter. We say that to forewarn people, however we will not keep restrictions in

place for longer than is necessary. As of today, we are still in a desperate situation. As of today, we need the public to work with us. We hope that, over a number of weeks, we will be able to publish a pathway to recovery.

Mr T Buchanan: I thank the Minister for her response. I am sure that she, like the rest of us, will have heard the disgraceful comments of Micheál Martin over the weekend. He made reference to COVID testing in Northern Ireland not covering the new strains of the virus, which we know is totally untrue. In the light of that, what discussions have taken place with the Southern Government about their continual, disgraceful refusal to share with the Health Minister and his Department data on those travelling into Northern Ireland through the South, which must be of huge concern to the Executive, given that the Southern Government are struggling so much with their vaccination and testing programmes?

Mrs O'Neill: I will say a number of things on that. The approach to travel here could be much better. That is my personal view on the issue of travel. You referred to travel locator forms. I spoke with the Taoiseach just an hour ago, and we discussed his commentary at the weekend. I am hopeful that there will be a resolution to the issue of the travel locator forms and that that data will be shared. I also see that there is a conversation under way in the South and in Britain around the mandatory quarantining of people arriving. That absolutely needs to be looked at.

I look forward to the conversation at the Executive tomorrow, when we can, I hope, discuss the issue of travel again. It is very clear that we need to have an all-island approach to travel. I have actually called for a two-island approach; that is what we should be doing here. Any issue in the North on which the two Governments diverge becomes an orange and green issue. Travel is not an issue of that nature. It is an issue of dealing with a public health pandemic, which we need to respond to collectively across these islands.

Mr O'Toole: In an earlier answer, the Minister mentioned that the Executive would look at a plan to ease restrictions or how to get to easing restrictions. Should that not also be a broader COVID recovery strategy that matches the economic recovery? Frankly, we have not had that for six months, and there have been failures by the Department for the Economy and, I am afraid, the Department of Finance, given the hundreds of millions of pounds of underspends that we expect. Will TEO drive forward the production of a full COVID recovery plan that joins together the economy with the public health response?

2.15 pm

Mrs O'Neill: First, I remind the Member that his party has a Minister in the Executive and that it is a collective Executive effort. The Executive, as a whole, have discussed the issue of recovery and how we will move forward. We now have a task force that will focus on the four different elements, whether it is strategic communications or recovery as a whole. That will need all our efforts and not just the efforts of one or, indeed, two Departments.

I assure you that the Finance Minister has written to all Ministers, including your Minister, to ask them to bid for some of the money that is left and that should hopefully be spent before the end of the year. It is certainly our

collective will that all the money will be spent to invest in people in what are the most challenging of times.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagraí inniu. I thank the Minister for her answers today. Will she outline for the Assembly the work that has been undertaken to date by the Executive's COVID task force?

Mrs O'Neill: I thank the Member for his question. I touched on it briefly. Given the extent and surge of the current phase, we recognised the need for a broader plan. The task force has been established, and it is a necessary step change in the Executive's response to the evolving nature of the pandemic. It will lead and coordinate the integrated programme of work and the response to and recovery from the pandemic. It is led by the interim head of the Civil Service (HOCS), who has convened a strategic oversight board that meets regularly. As I said, there are four work streams: protect, recovery, adherence and strategic communications. Work on each of those areas is being led by the permanent secretaries of the Health, Economy, Communities and Justice Departments and the head of the Executive Information Service (EIS), each of whom sits on the strategic oversight board.

Over the next four to eight weeks, the task force's priorities will include the ongoing focus on the vaccination programme and developing the pathway to recovery that I spoke about, which will provide a road out of the current restrictions. It is about looking at ways of increasing adherence to the public health guidance and regulations and enhancing the Executive's strategic communications capacity. It is vital that we reach people to advise them of what happens next.

Miss Woods: The deputy First Minister mentioned the plan for recovering from COVID and the document that was published last year. Are we still operating on that? It clearly did not work when it was implemented last summer?

Mrs O'Neill: My point was that it was a useful tool to allow people to chart the progress that would take us out of the current restrictions. We will need to ease our way out. It is clear that there will be no big bang and we will not wake up one day and decide that the Executive can relax all the restrictions.

The reference to last year's document was merely to say, "Here is what it will look like". That will also be a communication tool for the public, because they need to be able to understand exactly what that will look like. It will be difficult. As we know from previous waves, reversing restrictions is always more difficult than bringing them in. Each sector will fight its case, and that is natural. We absolutely understand that, and our communication with the sectors will be really important. The Executive and I think that that is the way to go to try to communicate a bit better with the public.

COVID-19: Financial Pressures

3. **Ms Bunting** asked the First Minister and deputy First Minister whether they envisage the implementation of any of their departmental strategies being delayed as a result of the financial pressures arising from COVID-19. (AQO 1436/17-22)

Mrs O'Neill: A Cheann Comhairle, with your permission, I will ask junior Minister Kearney to respond to the question.

Mr Kearney (Junior Minister, The Executive Office): While the restrictions associated with COVID-19 have impacted on the scale and method of delivery of our programmes, we do not envisage any of our departmental strategies being delayed as a result of the financial pressures arising from COVID-19. Due to a combination of funding from the Department of Finance and budgetary easements in the Executive Office, there have not been any unmet financial pressures arising from COVID-19 in the current financial year. The final budget for 2021-22 has not been determined, and our Department continues to engage with the Department of Finance in order to ensure that all budgetary requirements for COVID-19 and non-COVID-19 matters are understood and addressed at the earliest opportunity.

Ms Bunting: There are only 14 months left of the mandate, and there are many priorities in 'New Decade, New Approach' (NDNA). How will the Executive Office ensure that prioritisation is given to commitments that affect everybody rather than to items that could be viewed by some as niche?

Mr Kearney: I thank the Member for her supplementary. You are right to highlight the fact that we have only 14 months left and that it is essential that we attempt, as an Executive and as a power-sharing Government, to address as many of the priorities as possible that affect us, particularly the challenges set out in NDNA. The commitments in NDNA are, as you will appreciate, extremely challenging. We are mindful of affordability within our constrained budget position, as are the Executive, and that is an important consideration in how we take forward the Programme for Government. Work is taking place to ensure that, by April, we have a high-level strategic Programme for Government in place.

The NDNA financial package that was announced set out funding for specific purposes, including support for language, culture and identity; funds to support expression of identities and progress of cultural development; and funds to tackle social deprivation and paramilitarism. It is intended that the NDNA joint board will identify the specific purposes for which the funding for those unique challenges will be used.

The Member will also be aware that the Executive Office is responsible for a broad cross section of programmes — good relations, Communities in Transition (CIT), Urban Villages and programmes on ethnic relations and international relations — as well as for addressing the extremely important issues of historical institutional abuse and those who are victims of our conflict. That work continues apace, and, to date, in this financial year, all the requirements arising from those programmes of work have been met. I am hopeful and confident that that will continue in the new financial year beginning April 2021.

Mr O'Dowd: The Minister touched on some of the points that I wanted to raise with him. Can he go into greater detail on the areas of work that the Executive Office is carrying out?

Mr Kearney: Go raibh maith agat, a Cheann Comhairle, agus gabhaim buíochas leis an Chomhalta as ucht an cheist sin a chur. There is no doubt that, in some areas, we would have wanted to make much more progress, and some of our work has been fettered and delayed as a direct result of the pressures that have been brought about

by the pandemic. That is not specific to TEO, but it has adversely impacted on the efficiency and the targets of all Departments. The Executive's priority and focus, as the Member will appreciate, has been on steering our health service and society through all these challenging times and supporting all our people. In the coming period, that work will develop into COVID recovery, which will present new challenges.

Despite that, we have delivered on a number of important commitments. For example, the health workers' pay dispute was immediately settled when we restored our power-sharing institutions one year ago. We are on track to deliver the graduate-entry medical school at Magee, with the first cohort of 70 students due to commence in September '21. A mental health action plan has been published. A feasibility study is being taken forward for a potential high-speed rail connection between Belfast, Dublin and Cork. Work has been done to publish the new ministerial and special adviser codes. Legislation has been introduced to reclassify housing associations to protect social and affordable housing supply and the delivery of homes to those who need them most. As I mentioned, the Historical Institutional Abuse Redress Board has been established, with payments being made to victims and survivors.

Mr McGrath: Child poverty is at its highest level in years, with one in four children living in poverty here. There was a commitment in NDNA to deliver an anti-poverty strategy. Will the Minister detail when that will be published and what plans are in place to implement that critical strategy to address poverty?

Mr Kearney: Gabhaim buíochas leis an Chomhalta as ucht an cheist sin a chur.

The Member is right to underline the critical importance of that strategy being brought forward. It is a commitment under NDNA, and it reflects the challenges in society. As a society, in this region, we still exhibit very high levels of social disadvantage and deprivation. The working wage and the incomes on which families can rely are less in this region than across these islands.

Work is being taken forward at pace to address that priority. I am confident that, in the very near term, we will bring forward the strategy. I hope that it then provides the toolkit for us all to work together as Members in the House and in the Executive to ensure that that priority is absolutely and categorically addressed.

Mr Beattie: I guess that we have all witnessed the unedifying disagreement between the NIO and TEO on the Troubles permanent disablement payment scheme — that rolls off the tongue, does it not? Are we in solution mode with that, and has TEO looked at asking the Secretary of State whether the £150 million that has been set aside for the Stormont House Agreement legacy mechanisms, regardless of the arguments about whether you want it or not — forget that — could be used so that the Justice Department has the money to make sure that it gets up and running on time?

Mr Kearney: I thank the Member for his question. To answer the preamble, I absolutely assure him that the Executive are very much in solution mode to address the issue. It is certainly a key priority in TEO. It was addressed at our most recent Executive meeting. The two First Ministers are in direct contact with our Finance Minister,

who, in turn, has been attempting to ensure that the financial deficit is addressed.

I think that the Member will sympathise with and understand the fact that, potentially, we may not have within our budget limits the capacity or resource to address the issue, which is why discussions with the NIO remain extant. It has become an extremely frustrating process. I think that I reflect a general view held in TEO and probably in the broader Executive. We are not satisfied with the degree of engagement from the British Secretary of State or the NIO in assisting us to identify where we can obtain the financial resource required to ensure that we deliver on the commitment for victims' payments.

Mr Speaker: I call Dolores Kelly. You may not get a supplementary.

Commissioner for Victims and Survivors: Update

5. **Mrs D Kelly** asked the First Minister and deputy First Minister for an update on the appointment of a Commissioner for Victims and Survivors. (AQO 1438/17-22)

Mrs O'Neill: The First Minister and I have asked for a review of the Commission for Victims and Survivors to be undertaken and are considering its terms of reference. The review will consider areas such as how the commission's services should be delivered and what structure is best suited to delivering responsive, focused, efficient and quality services. In tandem, our officials are preparing the comprehensive documentation required to begin the recruitment process for a new Commissioner for Victims and Survivors. That will be submitted to us for consideration by the end of January to allow us to progress to the next stage of the recruitment exercise.

In the meantime, we recognise that continuity is important for victims and survivors, so we have ensured that interim arrangements are in place in the commission to allow the provision of continued support for victims and survivors. The Victims and Survivors Service will continue to deliver its services to victims and survivors, which are tailored to individual needs.

2.30 pm

Mr Speaker: That ends the time for listed questions, unfortunately. We now move on to 15 minutes of topical questions.

Students: Financial Impact of COVID-19

T1. **Mr Durkan** asked the First Minister and deputy First Minister for an update on the discussions that have taken place and the decisions, if any, that have been made since he, almost three weeks ago at the Ad Hoc Committee, raised the plight of our students with them, with both Ministers assuring the Assembly that they would work with the Economy Minister and their Executive colleagues to ensure that our students are supported. (AQT 891/17-22)

Mrs O'Neill: I thank the Member for his question. He will remember from that Ad Hoc Committee meeting that I responded to him and said that I fully supported the need for us to support our students, who find themselves in a very difficult situation this year, not least because they

paid tuition fees and are not there in person. They have committed themselves to rent agreements but are not able to be in their accommodation either.

I have listened very carefully to students and engage with them on an ongoing basis. One of the things that the Executive have discussed is what else we can do to support students, particularly before the end of the financial year when we have some extra resource. We look forward to that conversation continuing, but I do not think that anybody is dismissing the fact that we need to support our students right now.

Mr Durkan: I thank the Minister for her answer. I welcome her support, but our students really would love to be in a position to welcome action from the Executive at this stage.

The deputy First Minister in particular will know of the vital role that our student nurses and midwives are playing in supporting our struggling health service in the battle against COVID, yet they are not getting paid for it. The Health Minister previously justified that to me as being a UK-wide position, but the Nursing and Midwifery Council has reintroduced paid clinical placements for student nurses in England. Will the Executive look at that again and pay our student nurses for their invaluable, priceless work?

Mrs O'Neill: The Member might be aware that I am on the public record as saying that the Health Department should pay student nurses. I also believe that there are opportunities to pay nurses in their final year of clinical placement. I therefore very much urge the Health Minister to take that on board. There are again huge financial conversations for the Executive to have over the next number of days, particularly as we come towards the end of the financial year, but I am certainly on record as having said that student nurses should be paid. I hope that there is a good, positive outcome for those student nurses who have been on the front line during the pandemic and have been supporting the health service at a very trying time.

Protocol on Ireland/Northern Ireland: Supermarkets

T2. **Mr Harvey** asked the First Minister and deputy First Minister whether the deputy First Minister supports the call from the supermarkets for a less full and less rigorous implementation of the protocol to ensure that food shelves remain full after 1 April. (AQT 892/17-22)

Mrs O'Neill: I support the protocol in its entirety being implemented, and that is also the role and responsibility of the Executive. The withdrawal agreement is an international agreement, and the protocol provides protections for us. There were some teething issues with food in the early weeks of January, but, in the main, that situation has been resolved, and I very much welcome that. We are also very clear that the reason for that was that the businesses at the British end were not ready to trade because of the lateness of the deal, which meant, unfortunately, that they were not in the place that they should have been. I am glad to say that there has been a lot of resolution of the food supply issue.

Mr Harvey: Does the deputy First Minister call on the European Commission to respond swiftly and substantially

to the national Government's efforts to agree new systems and not just grace periods?

Mrs O'Neill: Unfortunately, the outworkings of Brexit are being laid bare for all to see. As part of my answer to a previous question, I said that there are a number of issues that need to be resolved at both EU and British Government level. We will certainly play our part in raising the issues that need to be ironed out. I am glad to see that there have been solutions to some of them. Other issues are still outstanding, but hopefully we will see a resolution of those also.

Noah Donohoe

T3. **Mr McCrossan** asked the First Minister and deputy First Minister, albeit he appreciates that there will be an inquiry into the events that led to the death of Noah Donohoe on 21 June 2020, to give a commitment that they will do all that is possible to ensure that the Donohoe family finally get truth and the answers that they deserve. (AQT 893/17-22)

Mrs O'Neill: I have met the Donohoe family and continue to engage with them. They have my full support in getting truth and justice around what happened to Noah. Any mummy in the position that Fiona is in today, not having answers about what happened to her wee boy, could not fail to be heartbroken. We will all do everything that we can, as we should, to ensure that every piece of information is uncovered and that Fiona gets the answers that she needs.

Mr McCrossan: I thank the deputy First Minister for her answer and her commitment. The story of Noah Donohoe has touched the hearts of the entire community. There has been massive public support for the Donohoe family right across the North. I, too, fully support them in their search for answers about what happened to Noah. Last year, we held a minute's silence in Strabane. Just a few weeks ago, a large cavalcade arrived at the gates of this institution to call for action. Does the deputy First Minister agree that Noah's case is of such public interest among constituents right across the North that it is important that we must show support and intervene where possible to ensure that his grieving family finally get the truth that they have campaigned for? Will the deputy First Minister join me in calling for anyone who has information to come forward and help to ease that family's pain at the present time?

Mrs O'Neill: Again, because of the sensitivity of the issue, I want to say that all our hearts break for Fiona Donohoe on the loss of her wee baby boy. His loss has certainly touched everybody. We all need to work together. I absolutely encourage anybody who has information to please bring it forward to help the PSNI in its inquiry. Not that Fiona will ever find peace with the loss of her baby, but she certainly needs to have all the answers, and we certainly need to do whatever we can to support both the family and the PSNI in its investigation to ensure that everything is uncovered. I hope that we get to a point in the near future where Fiona gets the answers that she rightly seeks.

Genomics: Irish Republic

T4. **Mr Frew** asked the First Minister and deputy First Minister, having noted the desperation of Micheál Martin in his commentary over the weekend, and given that

the United Kingdom is a world leader in virus genomics, with Northern Ireland's per capita levels of SARS/COVID genomics amongst the highest in the world, whether we should offer our expertise to the authorities in the Irish Republic where there are much lower genomic rates. (AQT 894/17-22)

Mrs O'Neill: First, let me say that, yes, it is recognised that genome testing in Britain is somewhat advanced compared with what happens in other parts of the world. That is a good thing. However, it is also clear that we have more to do here with regard to our own testing. Clearly, some of the commentary that we have seen this morning from the various experts who are involved in testing here has identified the need to expand that testing.

You were not in the Chamber earlier when I mentioned that I had spoken to the Taoiseach before we came here for Question Time today. He made it very clear that his comments were not about taking a swipe at anybody but were in recognition of the fact that there is an anomaly, which is that the new variant has been identified as spreading far more rapidly in the Twenty-six Counties — the South of Ireland — and it does not seem to be the case here. That anomaly needs to be resolved. We live on an island. The virus has spread with the same pattern the whole way through the pandemic. I cannot see how the new variant is behaving any differently.

Needless to say, what we need is proper identification of the variant. We need to know where it is and how to deal with it. We need to know that it will respond to the vaccine. I hope that tomorrow, at the Executive meeting, the Health Minister will be able to bring us up to date with where we are on this, because it is really important, again, that we communicate that to the public and that people understand the current situation and exactly what Health is doing to respond to it.

Mr Frew: Given what the deputy First Minister has just outlined and the tremendous roll-out of vaccines in Northern Ireland compared with that of the Republic of Ireland, with its torturous delays in vaccinations for its citizens, does she agree that the Irish authorities should look towards the UK for support in that regard rather than to the EU, which has let them down quite badly?

Mrs O'Neill: Again, it is my personal view, but I think that we would be in a far better situation today if there had been more cooperation across these two islands from the very onset of the pandemic. It would have served all the people much better. We have called continually for more cooperation across this island and across the two islands. In fact, TEO has called for a meeting of the British-Irish Council. That will be important. Now is the time to have that conversation. It is time to act collectively if we are to get the R rate down again. I would much prefer that we did that across the two islands, particularly when it comes to the issue of travel.

Mr Speaker: Trevor Lunn is not in his place.

Passenger Locator Forms: Irish Republic

T6. **Miss McIlveen** asked the First Minister and deputy First Minister, whether, following her comments about cooperation, the deputy First Minister can outline how long for and in what ways the Northern Ireland Executive

have been engaging with the Irish Government to access passenger locator forms for people who are entering the Irish Republic. (AQT 896/17-22)

Mrs O'Neill: I do not know the exact length of time, but it has been some time. It is really important that we share that information. I made that point again to the Taoiseach. I have made it at every engagement that we have had at Taoiseach to joint First Minister level and at the meetings between the Health Ministers. I am glad to say that we will have a meeting — I believe that it is a rescheduled meeting from last week that will happen this week — involving the Health Ministers across this island, the First Ministers, Minister Simon Coveney and Brandon Lewis. The issue of travel will be discussed. The Taoiseach indicated today that he believes that there will be a resolution to the issue. I hope that that is the case.

Miss McIlveen: Does the deputy First Minister share my concern that the reluctance of the Irish Government to share the information is perhaps an indication that the system that is being used is maybe not being managed properly by the Irish authorities, and that could have serious consequences for people in Northern Ireland?

Mrs O'Neill: The best approach would be on a North/South and east-west basis. Travel into here from Britain is an issue that the Executive have grappled with on many occasions. That is not to be political about the issue. I think that the best way for us all to deal with it is to work together across the two islands, and I made that clear to the Taoiseach today. It needs to be a political solution at a Taoiseach to Prime Minister level, and if we can get a political solution, we can all walk through that space.

Health Service: British Military Support

T7. **Mr Newton** asked the First Minister and deputy First Minister whether the deputy First Minister shares the outrage of UNISON members and the general public at the politicisation of the arrival of the British military to support our doctors and nurses during this critical time. (AQT 897/17-22)

Mrs O'Neill: All trade unions have a legitimate right to ask questions on behalf of their members; they would not be doing their job if they did not. Their job is to question the working conditions and practices of their members in any scenario. As has been well rehearsed, the Health Minister made a request for staffing support from the British Ministry of Defence, and our priority the whole way through this has been to keep people safe, save lives and to protect the health service, so no measure was ruled out. The health service made the request, and it has now been met. That is a matter of fact.

Mr Newton: I thank the deputy First Minister for that answer. Does the deputy First Minister regard the military who have arrived here in support of our doctors and nurses as either unprofessional or inadequately trained?

Mrs O'Neill: My only priority throughout the pandemic has been to save lives, keep people safe and protect the health service. We are in a hugely difficult position right now. Therefore it is important that we support the healthcare staff who are there, day and daily, stretched to the limit and doing a great job on behalf of all of us who may at some stage need the health service. Therefore, I commend all the health service staff for the work that they are doing.

Healthcare Staff: Thank You Payment

T8. **Mr G Kelly** asked the First Minister and deputy First Minister whether the deputy First Minister will join him in thanking our healthcare staff for the enormous contribution that they have made in protecting us during the pandemic and to state whether she agrees that the Executive should consider using some of the available COVID funding, as outlined by the Finance Minister, to provide a thank you payment to health workers as a gesture of our gratitude to them for their work throughout this unprecedented health crisis. (AQT 898/17-22)

Mrs O'Neill: Yes. I agree with the comments about how amazing healthcare staff have been throughout. In general, they are always amazing, but what they have done throughout the pandemic has been immense. The pressure that they are under must be immense. None of us can imagine being in that situation, day and daily, in the circumstances in which they are having to work. If the Executive could make a one-off thank you payment, that is absolutely what we should do. I am glad to say that that is something that the Executive will discuss. The Finance Minister is urging the Department of Health to come forward to bid for that, and I hope that we can get a positive resolution to it.

Mr Speaker: Unfortunately for the Member, our time is up. I ask Members to take their ease for a moment or two as we change personnel at the Table.

2.45 pm

Economy

Students: Accommodation Costs

1. **Mrs Barton** asked the Minister for the Economy whether she will consider introducing a refund for students paying rent for university-owned accommodation, but continuing their studies remotely and not using the accommodation. (AQO 1446/17-22)

10. **Mr Durkan** asked the Minister for the Economy whether she will meet the accommodation costs of university and college students who are renting property that they are unable to use because their courses have moved online. (AQO 1455/17-22)

Mrs Dodds (The Minister for the Economy): Mr Speaker, with your permission, I will group questions 1 and 10 and avail myself of an additional minute to answer them. I thank the Members for their questions on this very important issue.

While my Department is responsible for higher education policy in relation to teaching and research in Northern Ireland, student accommodation, whether in university halls of residence or private rental housing, is a matter between the individual student and their landlord. Whilst my Department has no remit or legal basis for determining whether students should receive a refund or reduction of their accommodation fees as a result of the disruption caused by the COVID pandemic, I recognise the very difficult position that many students find themselves in as a result of the COVID restrictions. I have therefore been examining ways to provide additional levels of support. For example, I have spoken to the Student Loans

Company to investigate whether it can deliver payments to all Northern Ireland students. I have also written to local universities to encourage them to widen the criteria for assessing hardship, and I have spoken to the vice chancellors of Queen's University and the University of Ulster to reiterate my commitment to making more funds available for student hardship support. I am pleased to see our universities taking some steps to support students who have experienced difficulties with their accommodation contracts.

My Department, through the universities, continues to provide support to any students who face genuine financial hardship for whatever reason, including difficulties with their accommodation contracts. In recognition of those difficulties and the ongoing impact of the COVID-19 pandemic, I have indicated to the Finance Minister that I will be seeking additional funding to increase the total amount that is available for student hardship in the current financial year. I have also instructed the universities to publicise and promote the availability of those additional funds to ensure that they reach eligible students as quickly as possible and to consider whether any requirements set by them for students to access funds can be relaxed or removed.

Mrs Barton: Minister, thank you for your answer. You talked about seeking additional funding for student hardship. That is all well and fine, but many students have had difficulty in meeting the criteria for the student hardship fund. In particular, they have had trouble with the providers of student private accommodation when they have signed contracts that they cannot get out of. Minister, what conversations have you had with the providers of student private accommodation about those who cannot get out of these contracts?

Mrs Dodds: I thank the Member for her question. The Member will recognise that the contract between the student and a private landlord is a matter for them and is legally binding between them. However, this morning, I spoke again to the vice chancellors of Queen's University and Ulster University. I indicated to them that there is additional hardship funding available but that funding needs to be available for those students who are having increasing difficulties with their rental contracts because they have, for example, been unable to seek additional part-time employment that students would normally have during this time. I hope that, in the reasonably near future, we will be able to bring forward a fuller paper on this issue, and I will revert to the Member in due course.

Mr Durkan: I thank the Minister for her answers thus far. Listening to the many students who have been in contact with the SDLP, I say that the student hardship fund does not seem to be fit for purpose. The eligibility criteria is restrictive, the process is arduous and the waiting time is very lengthy. Does the Minister agree that we need a dedicated COVID-19 student support fund that gets money out fast and directly into the pockets of those who need it? It is our view that we needed this eight months ago and students desperately need it now.

Mrs Dodds: I thank the Member for his question. The one thing that I have learnt in all of the wide-ranging funds that we have administered in the Department is that we do not need to replicate what is already there but rather to use it more effectively. With that in mind, as I said, this morning, I spoke to the vice chancellors of Queen's University and

Ulster University, urging them to bring forward proposals as to how they might look at the eligibility for the existing hardship fund and how that might be improved to ensure that students have greater knowledge of it and greater access to it and that we will be making further funding available to them on this issue.

Last week, I wrote to the vice chancellors of Queen's University and Ulster University. I reminded them of their duty to ensure that students have access to the funds that have been made available in Northern Ireland. I also reminded them that they should review their compliance with consumer protection law in the way that courses are being offered and the levels of fees that are being charged. This morning, they assured me that they will follow up on my letter to them. However, I want to make it clear to universities that they need to be clear and up front with their students as to the type of teaching that each student will have as they go through university in what has been a really difficult year for many students.

Ms McLaughlin: Minister, over the weekend, our party put out a survey for students to see how they felt that they were impacted by the pandemic. In the replies, 75% said that their finances have been badly affected, and 50% said that they are paying for accommodation that they are not living in. Harrowingly, 94% said that it is affecting their mental well-being. We all have to sit up straight and take that on board.

On top of the student hardship fund, your colleague in the Welsh Government put together a £40 million support package for students. An additional £10 million was put into the student hardship fund. We need something of that magnitude, because just feeding the student hardship fund as it stands is not good enough. There has to be an all-student support fund that helps all our young people.

Mrs Dodds: The Member raises a really important question, which has been communicated to me as a constituency MLA and as Minister. I spoke to the vice chancellors specifically about that this morning, and they reported increased demand for mental health services for young people who feel under significant levels of stress either through financial hardship or because of the remoteness of the way that their courses are being taught etc.

I have asked the universities to look again at their provision for mental health on campus and to bring me proposals that would add to that provision for those young people while they are students at university here in Northern Ireland. We will do our best to make sure that we meet those needs as identified by the universities. I hope to have a conversation later on in the week with student representatives as well. This is an extremely important issue, which has been exacerbated by the COVID restrictions.

I will list the interventions that we have already made in additional help for higher education, including an uplift in the number of students — that was before we had the uplift for the additional requirements after A levels — additional support for The Open University; providing a safer environment, taking COVID restrictions into account; additional money for research and development; additional funding of over £2 million for the postgraduate awards scheme; additional money for the COVID rapid response research and innovation funding; and student support

loans. Those interventions and more will be required, and, as I said, I am committed to bringing forward that paper to the Executive.

Mr O'Dowd: I thank the Minister for her answers thus far. Minister, you will be aware that, over the last number of months, I have been raising this issue with you on behalf of Sinn Féin. The student hardship fund is not fit for the purpose of compensating our students over the COVID pandemic. I note your comment that you do not want to replicate the system but that you want to get the money out the door. If the student hardship fund is going to be used, you will have to ensure that it will compensate our students for rent for accommodation that they are not using.

I welcome that you are engaging with the Student Loans Company and that students will now, hopefully, be compensated for their fees. However, a substantial amount of money will have to be bid for, because students and their hard-pressed families cannot afford another false dawn. Minister, will you commit to ensuring that the package that you bring forward is fit for purpose and compensates our students? We also have to remember our further education colleges.

Mrs Dodds: I will start with the last point first. We are always accused of focusing on universities, but a significant number of young people and students of all ages do the foundation courses for their degrees through our further education colleges. Of course, anything that we do will be replicated there as well, and it is very important to say that.

I reiterate that I have been speaking with the two vice chancellors. I have asked them to work with my officials to look at how we can get more funding out through the student hardship fund and make it available to students in Northern Ireland.

I have had a conversation with the Student Loans Company. It was not the most fruitful of conversations, but we will continue to pursue the issue to see whether there is a mechanism to help students in this most difficult of years. I reminded the universities of their requirements under consumer protection law and told them to work with students, provide clear information on how their courses are delivered and ensure that they are providing value for money to each young student in Northern Ireland.

3.00 pm

Miss Woods: In any review of support for students, does the Minister intend to negotiate with the universities to allow tenancies in university accommodation to be terminated without notice or penalty?

Mrs Dodds: That formed part of our conversation this morning. I understand that for those young people who have asked, Queen's have offered them a holiday from their accommodation fees. Originally, this was up to the end of January, but the vice chancellor assures me that it will be until the restrictions end. I have asked Queen's to look at that again. Ulster University has taken a slightly different approach of looking at the issue on a case-by-case basis. I have asked Ulster University to review that as well and to come forward with proposals.

North/South Interconnector: Energy Supply

2. **Mr Frew** asked the Minister for the Economy to outline the impact of the North/South interconnector on the security of Northern Ireland's energy supply. (AQO 1447/17-22)

Mrs Dodds: The North/South interconnector will increase the capacity to transfer electricity into Northern Ireland and reduce the risk to Northern Ireland electricity consumers of insufficient generation supply to meet demand. Pressure on maintaining the security of supply can be affected by a range of factors, including low wind resulting in reduced renewable generation, thermal plant generator outages due to maintenance or repair and traded export of electricity to Great Britain through the Moyle interconnector.

Northern Ireland has a relatively small electricity network with a limited number of thermal power stations. There is a greater risk of loss of supply than with a large and highly interconnected system where a large number of power stations can depend on each other for support in the event of unforeseen disturbances. The electricity transmission network operates on an all-island basis. However, there is only one high-capacity interconnector linking both jurisdictions. That restricts the amount of electricity that can flow from North to South to support security of supply. North/South interconnection is, therefore, critical to ensuring electricity security of supply for Northern Ireland electricity consumers in the long term.

Mr Frew: I thank the Minister for her answer. While I agree that interconnection, in general, is very good because it adds flexibility, it can also cause issues, especially in our environment, where EirGrid owns the System Operator for Northern Ireland (SONI) and is quite aggressive on governance issues. In 2013, the no load loss sharing (NLLS) policy was changed without any consultation with or explicit approval by the Utility Regulator or the Department. It was reduced to only 100 megawatts, which means that, in stress or alert positions of low capacity, where both jurisdictions will struggle, the Republic of Ireland will struggle more because of data centres, but they can then suck power from Northern Ireland, leaving us very vulnerable. Will the Minister undertake to investigate that matter?

Mrs Dodds: I take all those issues very seriously and recognise the danger to supply in Northern Ireland. In recent weeks, as the Member is aware, there have been a number of amber alerts in Northern Ireland, driven by high demand, low levels of wind and correspondingly tight conditions in Great Britain. Had the second North/South interconnector been present, security of supply in Northern Ireland would have been substantially stronger, with power from excess capacity across the single electricity market (SEM) being transported to Northern Ireland.

The second North/South line, along with the introduction of the Greenlink interconnector and the Celtic interconnector, is expected to improve strongly security of supply in both jurisdictions as those assets come online in the next few years. My officials are working to ensure that the benefits of those connections are available to consumers here through lower prices and security of supply. The calculation of adequacy for the purposes of forecasting by the System Operator for Northern Ireland deploys a 4-9-hour loss-of-load expectation standard in Northern Ireland

and an eight-hour loss-of-load expectation standard in the Republic. An eight-hour loss-of-load expectation is used for the SEM capacity options, which also seek to procure local capacity when and where it is necessary in the absence of sufficient interconnection.

Dr Aiken: I thank the Minister for her answers so far and my honourable friend for North Antrim for his questions. There is indeed a question of base load capacity in Northern Ireland that needs to be identified, but, under the Northern Ireland protocol, there are significant issues with the integrated single electricity market (I-SEM) and the use of electricity trading, particularly across the east-west links. Can the Minister explain to us what discussions she has had, particularly with Michael Gove, about there being an equitable use of the east-west interconnection process to make sure that we are not over-reliant on just a North/South connection or very limited base load capacity in Northern Ireland?

Mrs Dodds: The Member brings up an interesting and important question on the impact of the Northern Ireland protocol on the SEM and, indeed, on capacity. I will answer in general at first. The Northern Ireland protocol, in this instance, has provided the level playing field necessary for the continuation of the single electricity market. One inevitable consequence of EU exit is the loss to European platforms of cross-border trading in electricity. As a result, trading between the SEM and GB has moved to baseline arrangements, which are less efficient and more difficult. The market operator reports that the changeover to the new arrangements has gone smoothly and that all systems are working well. The full impact of the change in the GB SEM trading arrangements is still being assessed, but it is clear that, as expected, the loss of efficiency is placing an upward pressure on prices.

Mr Boylan: In the context of an economic recovery strategy, decarbonisation needs to be a priority, so, in the development of the new energy strategy, will the Minister ensure that community-owned energy projects are supported and facilitated to provide opportunities for local groups? Moreover, will she develop proposals and projects to support the local community through renewable energy?

Mrs Dodds: We are well on our way to producing the consultation paper on our new energy strategy for Northern Ireland, and I hope that that will come in late spring of this year. I hope that it will be a catalyst not just for energy efficiency but for the green growth recovery that Northern Ireland requires and that many of its citizens expect. I want to see a wide-ranging consultation, including with local communities, looking at their contribution to the decarbonisation of energy in Northern Ireland. I therefore hope that the Member will take the consultation to his local community so that we can talk to people about how, together, we can decarbonise energy for the future and, in doing so, create not just a more sustainable environment and climate for Northern Ireland but jobs and prosperity.

Protocol on Ireland/Northern Ireland: Challenges

3. **Miss McIlveen** asked the Minister for the Economy for an update on the challenges of the protocol on Ireland/Northern Ireland. (AQO 1448/17-22)

4. **Mr Beggs** asked the Minister for the Economy how the new customs processes and the resulting increasing costs are restricting trade from Great Britain. (AQO 1449/17-22)

12. **Mr Catney** asked the Minister for the Economy, in light of the problems obtaining produce and goods from Britain as a result of Brexit, whether she will support Northern Ireland businesses in developing their supply chains within the island of Ireland. (AQO 1457/17-22)

Mrs Dodds: Mr Speaker, with your permission I will group questions 3, 4 and 12. Again, with your permission, I will avail myself of an extra minute to answer.

I have always been clear that, despite extensive business preparedness activity in Northern Ireland, a lack of detail on the trading arrangements for after the end of the transition period would impact on our economy. Late clarity on the operation of the protocol and the UK-EU trade and cooperation agreement has left businesses in a difficult position, and this has been exacerbated by COVID restrictions. I remain concerned about the lack of preparedness by GB suppliers around the customs requirements for goods destined for Northern Ireland, leading to disruption for the haulage and logistics sector and difficulties with supply chains. Late guidance on parcel deliveries has led to firms suspending deliveries to Northern Ireland, although many have since resumed. Over the last number of days, I have been working with my Westminster colleagues and industry representatives. I am glad to report that we have found a resolution to the issue of steel. If tariffs of 25% had been implemented, our local manufacturing economy would have been decimated.

I continue to work with the Government to secure wider clarity and guidance on the complex situation with at-risk goods, rules of origin, tariffs and, importantly — if little talked about by our Government — the reimbursement scheme that has been promised. I will continue to engage with our Government on all these issues. I welcome the reintroduction of the VAT margin scheme for second-hand cars. However, I am mindful that many of the mitigations that have been found are short-term and require longer-term solutions. Every option should be explored, including article 16 of the protocol. My Department continues to provide guidance and support to businesses navigating the new trading environment and continues to offer support through Invest NI and InterTradeIreland.

Despite these challenges, I remain ambitious for our economy. I want to ensure that we can resolve issues, seize opportunities for growth within our own UK internal market, secure foreign direct investment and increase exports to the rest of the world.

Miss McIlveen: I thank the Minister for her answer. I welcome the resolution of the steel issue, which is critical for manufacturing in Northern Ireland. Last Wednesday, the Infrastructure Committee heard from a delegation of haulage sector representatives about the challenges that they are facing as a consequence of the implementation of the protocol. They were united in their call for the simplification of the systems now being imposed. Can the Minister give an assurance that she will use her influence to articulate these views with the relevant Her Majesty's Government Departments and those in a position to bring forward easements to allow trade to return to the levels that Northern Ireland requires?

Mrs Dodds: Again, I thank the Member for her question. I have been meeting members of the haulage industry in Northern Ireland, and they report significant and ongoing problems. As I said in my first answer, some of these problems are related to the lack of preparedness by GB businesses that are simply unprepared for the level of paperwork now required for access between parts of the United Kingdom's internal market. They report that, while trade is flowing reasonably well between Northern Ireland and GB, because of the lack of preparedness, they are at times bringing back empty lorries, at a significant cost to the consumer.

One of the things that I warned against when speaking about the protocol on many occasions in the House and other places is that the protocol will bring more cost, less choice and more difficulties for the interaction of the UK's internal market in Northern Ireland. Indeed, last week, I spoke to my colleagues from Scotland and Wales and the new business Minister, Paul Scully.

We will have a dedicated conversation about the issue. We need to resolve it, particularly since, as I said in my previous answer, many of the mitigations are short-term; they will visit us over and over again unless we find long-term solutions. Our hauliers and logistics industry must be part of that solution.

3.15 pm

Mr Speaker: I call Roy Beggs.

Mr Beggs: Question number 4.

Mr Speaker: It is a supplementary: your question was grouped.

Mr Beggs: Apologies. The Northern Ireland protocol has resulted in significant additional costs. Some suppliers are choosing not to supply Northern Ireland; others cannot supply Northern Ireland. I think of seed, plant and animal product suppliers. There is concern that, in future, vets and animal health inspectors will not be able to sign off goods and food items, in particular, in a timely manner. Are you, Minister, and the Executive as a whole leaving past battles behind and trying to find collective solutions by engaging with Her Majesty's Government, the EU and the Joint Committee working group to get practical working outcomes and simplification so that trade can continue and costs be kept to a minimum?

Mrs Dodds: The Member makes a pertinent point. I repeat for the parties in the House that call for the full implementation of the protocol that we are now seeing what that full or, should I say, rigorous implementation looks like: greater cost, less choice and more bureaucracy for our firms as they do business with our biggest market. I have said over and over again in my Department and on behalf of my party that my greatest challenge is to ensure that we can trade in the United Kingdom's internal market, which is our greatest market and the one in which we do more trade than we do with the Republic of Ireland, the rest of Europe and the rest of the world added together. That is crucial for Northern Ireland's prosperity and for all sectors of our economy. As the Member knows, I have also been working on issues with second-hand cars, steel and a wide variety of issues to bring practical solutions to this most difficult of problems.

Mr Speaker: Time is up for listed questions. We now move to topical questions.

Business Support Schemes: Payment Delays

T1. **Mr McNulty** asked the Minister for the Economy, in light of the delays in paying out the support schemes, which have been hugely frustrating for businesses and families, and given that, despite the welcome furlough scheme, there remain costs for businesses to retain staff and serious cash-flow issues, whether she agrees that if she does not get the financial support out the door urgently, businesses will be at risk of going to the wall and will be forced to make redundancies and let workers go. (AQT 901/17-22)

Mrs Dodds: I thank the Member for his question. I remind the House that, during the pandemic, my Department has made available almost £400 million in support to tens of thousands of businesses in Northern Ireland. We are working on a range of schemes for businesses, including the COVID-19 restrictions support scheme, the tourism schemes and a range of others. I understand that businesses need to have their finance in a timely fashion and will continue to push Invest Northern Ireland to make sure that that happens. I also remind the Member that there are many other schemes across government for financial support for businesses not administered by my Department.

Mr McNulty: I thank the Minister for her answer. While I welcome the financial payments to numerous businesses, judging by the volume of issues raised daily with me by businesses that are on their hands and knees seeking payments, what she said does not ring true. Does the Minister intend to produce a comprehensive COVID-19 recovery plan? Will she outline how she intends to rebuild and reboot our economy and get people back to work?

Mrs Dodds: We are working on a recovery plan in conjunction with Executive colleagues. The Member will be aware that the latest figures show that around 68,000 people in Northern Ireland remain on furlough. Therefore I suggest that the Executive write to our national Government, as I have done and the Executive may feel it should do, to ensure that national support schemes such as the job retention scheme continue, particularly for the aerospace and hospitality sectors, for instance, where, I believe, the tail of recovery will be longer.

I am also working on a specific and tailored plan for the Northern Ireland economy. In that, I want us to look not just at the here and now but at our economy of the next 10 years: where we see opportunities and how we see the economy developing. Crucial to all of that and something for which I will bid for funding will be a dedicated skills fund for Northern Ireland. Northern Ireland is the only part of the United Kingdom that spends less on skills now than it did in 2012. We need to rebalance that equation and understand that, for us to have economic recovery, we need the skills to match such a recovery, and we need to be flexible and urgent in bringing forward those skills and the relevant schemes. I look forward to the Member's support when I ask for funding for a dedicated skills fund for Northern Ireland.

Students: Additional Support

T2. **Ms P Bradley** asked the Minister for the Economy to outline the discussions that she has had with local universities about additional support for students, given that she will know about the issues, including with housing, that are facing students. (AQT 902/17-22)

Mrs Dodds: I thank the Member for her question. As I have said previously, I have been speaking with the vice chancellors of Queen's and Ulster University. I want to ensure that what we do for universities is appropriate for students and meets their needs. Therefore, we need to look at the hardship fund, how it is administered and whether there are relaxations that we can bring to bear on it. This morning, I also spoke with the universities on issues relating to mental health and how we can continue to support students who, sadly, report increased need in that area. Something that has not received a lot of conversation in Question Time is the provision of data for students who have to conduct much of their course online. We are looking at all of those issues and will bring forward a package in due course.

Ms P Bradley: I thank the Minister for her answer. The Minister raises some valid points, especially around mental health. Members hear through their constituency offices how this is affecting our students. The Minister also mentioned the hardship fund. We know that there are criteria for all of the funds, and they are quite limited. Will the Minister assure us that she will speak to universities to see about broadening the criteria to encompass more people so that they can receive the hardship fund?

Mrs Dodds: Yes, we need to look at how more people can access the hardship fund and at how more students can get to know about it and about how to apply. I will work with the universities over the next short period on those issues and with student representatives to hear their views.

Apprenticeships

T3. **Mrs D Kelly** asked the Minister for the Economy whether she is aware of where the problems lie with apprenticeships and how she intends to fix them to ensure that hard-pressed young people and businesses get the support that they so desperately need, given that late last year, approximately four months ago, although she made an announcement about help for apprentices, as yet very little, if any, money has been paid out: nothing from the challenge fund and although 197 applications have been made to the new apprentice recruitment incentive scheme, only 32 payments have been made. (AQT 903/17-22)

Mrs Dodds: I thank the Member for asking the question because it is hugely important for young people and for the future of the Northern Ireland economy. I would like to see us place value in our apprenticeship system and to see increases in, for example, all-age apprenticeships. Over the next year, I will bring forward measures to set the pathway for all those things. Apprenticeships offer real opportunities for young people.

Our apprenticeship fund was designed to do three things. One was to retain the apprentices who were in the system on furlough but in danger of not returning to work. The extension of the furlough scheme has somewhat clouded the ambition on that issue, because many of those young apprentices remain on furlough. As I said earlier, around

68,000 people in Northern Ireland remain in the job retention scheme run by our national Government.

The challenge fund is currently working its way through those proposals and will have an outcome reasonably soon. We hope to continue to work with employers, in a most difficult environment, on how we can create new opportunities for apprentices, because they are hugely important.

Many of those young apprentices will take vocational exams and are worried about them. I took the step, last week, of making sure that vocational exams were cancelled. I have asked our own exam regulator to bring forward proposals for the Northern Ireland-based exams by the end of February —

Mr Speaker: Time is up.

Mrs Dodds: — and the start of March for the national ones.

Mrs D Kelly: Minister, we are agreed on the importance of valuing apprenticeships and vocational training. Whilst I accept that some young people and businesses may well be using the furlough scheme, nonetheless, only 32 from over 197 applicants have received any help. What is your Department doing to fix that? They would not apply to the scheme if they were on furlough, so, obviously, there is something wrong in the Department.

Mrs Dodds: I will come back to the Member with the precise details on that issue and will write to her about them. In general, this is a priority for me in my Department, and we intend to work through it.

Students: Support Fund

T4. **Ms Hunter** asked the Minister for the Economy, given that a one-off payment of £500 for every Northern Ireland student would cost approximately £32 million, which is just a fraction of the £105 million to be handed back by her Department, whether she will commit to introducing a support fund for students, particularly because, having surveyed hundreds of students about their experience throughout the pandemic, the SDLP has uncovered harrowing results, with 79% of students saying that they have been excluded from financial support. (AQT 904/17-22)

Mrs Dodds: As I have reiterated on a number of occasions today in answer to questions, I have been in touch with the Student Loans Company to see whether it can facilitate any of these issues. I must say that I was disappointed in its response, but I will continue to pursue that conversation with the company. In the meantime, I have spoken to the vice chancellors of Queen's University and Ulster University to see what more universities can do to help students at a difficult and harrowing time in their education.

Ms Hunter: Thank you, Minister. With respect, when we talk about students, we talk about real people, real problems, real worries, real bills and real stress. Some 94% of the students surveyed said that the pandemic had negatively impacted on their well-being. I respect the fact that you have had lengthy discussions with student loan companies and vice chancellors, but talking is not enough. As a former student and an MLA, I ask the Minister whether she intends to abdicate responsibility and blame

everyone else or to commit today to helping our students financially?

3.30 pm

Mrs Dodds: I fear that the Member has not quite been listening to the whole conversation in the Chamber today, given that I said that I have already committed to bringing forward a package to address the issue.

Businesses: Improved Communication

T5. **Mr Butler** asked the Minister for the Economy, given that she will be aware of the significant delays facing businesses that are in desperate need of the second payment of the COVID restrictions business support scheme (CRBSS) grant, which are being compounded by a void in communication, to outline her plans to improve communication with businesses. (AQT 905/17-22)

Mrs Dodds: Invest Northern Ireland has a dedicated helpline, and I know that it is working with businesses that have applied for that grant. I hope that those payments will go out very soon. In the meantime, I remind the House that that grant, which is not as large as the local restrictions grant that is run by the Finance Department, has already paid out £17.5 million to individual businesses in Northern Ireland to help them through the pandemic. Just this morning, I signed off on a bid for further funding for that so that we can continue to make the payments right up to the end of 5 March.

Mr Speaker: Time is up. I ask Members to take their ease for a moment or two, please.

Assembly Business

Standing Order 10(3A): Suspension

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 25 January 2021 be extended to no later than 8.00 pm. — [Mr O'Dowd.]

Question for Urgent Oral Answer

Health

Private Healthcare

Mr Speaker: Mr Pat Sheehan 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.

Mr Sheehan asked the Minister of Health, given the increase in activity in private healthcare providers reported recently, what efforts he is making, or has made, to utilise the resources and capacity of private healthcare providers for the provision of public health services during the pandemic.

Mr Swann (The Minister of Health): The spread of coronavirus continues to cause serious disruption to our Health and Social Care (HSC) system. Unfortunately, elective care activity has had to be reduced in an attempt to free up capacity, including staff, beds and critical care services. The first and second waves of the pandemic placed unprecedented demands on acute services, with elective work reduced or postponed. The position has further deteriorated during the third surge.

Given the impact of COVID-19 on health service operating capacity, I made it clear that all possible sources of additional capacity should be utilised. That has included securing theatre capacity from local independent sector health providers. As has already been made clear, that has allowed many hundreds of the most urgent and time-critical patients to be treated. From April to December 2020, approximately 3,900 patients have been treated by local HSC consultants in the three local independent sector providers. Provision for continued access to the three independent hospitals had been made until 31 March 2021. However, given the impact of the third surge, I can confirm that we recently secured a further 112 theatre sessions for Health and Social Care cancer and time-critical patients.

In addition to that, some capacity has been secured from Republic of Ireland private clinics. Discussions are ongoing with NHS England for in-house and independent sector capacity for Northern Ireland patients. I recently approved the establishment of a new regional approach to ensure that any available theatre capacity across Northern Ireland is allocated to those patients most in need of surgery, both during the surge and as we come out of it. That will include seeking to continue to maximise fully all available in-house HSC and independent sector capacity both within and outside Northern Ireland.

Mr Sheehan: Gabhaim buíochas leis an Aire. I thank the Minister. It must be absolutely devastating for anyone to get a cancer diagnosis. To then be told that your treatment is going to be cancelled must be more even devastating. We had three health trust chief executives in Committee last week. We were told that, in some cases, the cancer will have spread before those people receive treatment. Will the Minister tell us why he did not scope out capacity

in the private sector before the health trusts made an announcement about the cancellation of treatment, because that has made the situation all the worse for patients who have a cancer diagnosis?

While I am here, Joe Biden brought forward a 200-page strategy for combating the virus within two days of coming into office. When will the Health Minister bring forward a strategy to deal with this problem?

Mr Swann: I thank the Member. He has raised this strategy time and time again. What I have said to the Member time and time again is that it is an Executive strategy. The First Minister and deputy First Minister announced a COVID Executive task force so that we could bring all the parts together. The Member can shake his head all that he wants, but he has to realise that every Minister has a responsibility. I know that, at times, Members on the other side of the House want to put the full responsibility on me and my Department. I will bring forward the Health response; I always have and I always will. However, I bring forward recommendations to the Executive, which bring forward an Executive strategy as a whole, as they did back in May.

As regards the utilisation and uptake of the independent sector, I already said in my answer that, in the surges between April and December last year, we supported 3,900 patients. During the third surge, we have gained a further 112 additional theatre sessions from those independent providers. We have already engaged and continue to engage to see what additional capacity they can supply.

Mr Buckley: The Minister knows full well and acutely the catastrophic news for cancer patients during COVID-19, particularly with the cancellation of services. Some individuals and others waiting on planned elective surgery have been able to commission their own surgery through private and independent providers. Is this not a worrying sign for the Department of Health, especially on a day when we heard that the Department has had to give back £90 million of unspent money?

What actions will the Department of Health take to utilise all available capacity at its own facilities and in the private sector in Northern Ireland and further afield, including paying for private treatment, as many cancer patients, through no fault of their own, have had to borrow money to get the urgent treatment that they require at this time?

Mr Swann: I thank the Member for his point. One thing that has to be made clear is that, during this surge, unlike during the first and second surges, those independent providers continue to support their own patients as well. What we are seeing during this surge, which we had not seen previously, is that the demand from private patients has not dropped off but increased. Although we were able to get that additional capacity in surges one and two, we are not able to get it now, because there is a large uptake in demand in the private sector during this surge. We welcome any additional support that we are getting from the private sector, however.

The Member mentioned finances for utilising private-sector capacity. The private sector is one of our critical tools for reducing waiting lists in general, not just because of COVID. One of the biggest challenges, however, that we face as a Department in utilising the independent sector is non-recurrent funding, because we can go to the private

sector with only a one-year allocation and a one-year pot, and what it needs to increase its capacity to help reduce our waiting lists is that surety of funding for three to five years so that it can increase its facilities and staffing numbers to start to eat into our waiting lists. That approach was committed to in New Decade, New Approach. While we continue to work on one-year financial cycles, however, that makes it hard to engage in the long term with those independent providers.

Ms Hunter: I thank the Minister for coming before the House today. Although I appreciate the immense pressures that the health service is under, COVID has been truly revealing of the decades of underinvestment in our healthcare system in Northern Ireland. Does the Minister foresee that, in addition to red-flag surgeries, that could lead to more routine surgeries taking place in private medical facilities?

Mr Swann: Unfortunately, we are now paying the price for that underinvestment in our health service, not just in staff but in facilities. When we look at our waiting lists for elective, inpatient, day-case procedures, we see that the only way in which we would be able to make a serious attack on the ever-increasing numbers is by utilising the independent sector as much as possible. As I said in response to Mr Buckley, however, until we get that long-term surety of recurrent funding to address and eat into the waiting lists, it makes that a difficult relationship. When I met the providers just over a week ago, they reminded me that they were already part way through a financial year in which we were using the independent sector but that the Minister who was in place at the time cut all funding for the utilisation of the private sector, and that is when our waiting lists started to escalate again.

Mr Chambers: Last Thursday, I was present when the Member who tabled this question for urgent oral answer made derogatory remarks questioning the professionalism of 110 medics from the British military who will offer support to the hard-pressed staff in our NHS. How will the Minister respond to those remarks, given the call from the Member on the other side of the Chamber now to seek additional help from the private sector?

Mr Swann: I thank the Member for raising that point. As I said in an earlier answer, and I have said it since taking up this post, I will take help whenever we need it, wherever our staff need it and wherever our health service needs it.

A lot of detailed planning has taken place to make sure that the military technicians who are being supplied have all the support that they need to hit the ground running. That will include welcome and induction to our hospital systems, including the testing requirements and vaccination, clinical and local induction, including infection prevention and control, donning and doffing, and testing everything that is needed. They will be a welcome addition to our workforce at a time when it needs critical support as we work through this third surge, with over 800 inpatients and over 70 people currently in ICU. All help is therefore welcome.

3.45 pm

Ms Bradshaw: As the chair of the all-party group on cancer, I appreciate other Members raising the issue of cancelled and postponed surgeries. You have addressed that issue, so I will move on. Private healthcare providers include allied health professionals such as

physiotherapists etc. In what way are you engaging with them to take forward support services for long COVID?

Mr Swann: I thank the Member. She has championed long COVID and our supports for it extensively, even since we entered our first wave. She will be aware that I have asked the Health and Social Care Board to bring forward a response on what that provision will look like. I am quite open in saying that, if we have to look to private suppliers and private providers for that additional support for long COVID patients so that we can start to work on our extended and increasing waiting lists, we will do that.

Mr Carroll: I thank Mr Sheehan for asking the question. The point is that it is not just about going to the private sector. It is about bringing those beds, that capacity and those staff members under the control and direction of the NHS. Given that we are almost one year into the pandemic and that we are and have been plagued by shortages, will the Minister inform us as to whether that issue has been raised at the Executive? If so, what is the political rationale for opposing the moves that are proposed in the question?

Mr Swann: I am not sure that there are any political objections anywhere across any of the five parties in the Executive about the utilisation of the private sector to support our health service and work to reduce the current waiting lists. I am not sure of the premise of the Member's question or what he is inferring. I have the support of all the parties in the Executive for the utilisation of the private sector to help to reduce waiting lists. There are also commitments in next year's Budget and in New Decade, New Approach to use all available avenues to reduce our waiting lists.

Mr Easton: I welcome the Minister's answer there. Minister, I welcome the use of the 110 army medics that Mr Sheehan seems to have an issue with. What is even more astounding is that Mr Sheehan is pretending to be more caring about how we deal with COVID and the staff when he has already broken the COVID rules and regulations.

We are using the independent or private sector, but, at the beginning of the COVID pandemic, we also called on retired doctors and nurses to come out of retirement and help. That support does not seem to have been utilised fully. Where are we with trying to get more of those people to come out of retirement to help?

Mr Swann: I thank the Member. One of the things that we did, especially when we entered this wave, was to re-establish and reopen our workforce appeal. As of 13 January, a total of 1,049 part-time or recurrent workforce appeal positions have been filled. That covers 646 appointments in the health and social care sector and 403 clerical and admin appointments. We have utilised that workforce appeal during the third wave. They were brought in during different waves to fill certain slots at certain times. Many of those people were not seeking full-time positions in the first wave, but we are utilising that tool again.

Mr McNulty: Minister, I agree with your stance: all hands on deck for the health service. If a loved one is in critical care and needs medical personnel, they will not care where they come from as long as they get the care that they need. Will the Minister advise us as to what areas of the independent sector are being asked to consider helping out in the NHS? Is it in cancer care or orthopaedics? What particular areas might help out?

Mr Swann: When we looked at the three service providers that we have in Northern Ireland, one of the things that we saw was that they bring different skill sets. The one in the north-west deals mainly with orthopaedics, so we are utilising its facilities and staff to get the best fit with what it can supply. It is mostly about the provision of theatre staff, theatres and intensive care units so that we can move forward on cancer and time-critical patients. That has been brought forward, and those patients will be dealt with using that regional approach so that those who are in most need of accessing that capacity can do so.

Mr Middleton: I welcome the steps that the Minister has taken to address the pressures. We heard from the Finance Minister earlier about the £90 million underspend from the Department of Health. Minister, can you give some detail as to the reason for that? I appreciate that much of that finance will be ring-fenced, but some members of the public will find it difficult to understand how, given the pressures, there could be an underspend. I would welcome some clarity on how that has come about.

Mr Swann: I thank the Member for his question. One of the challenges that we faced was that we did not receive such significant allocations during this financial year. However, now that we have received them at the tail end of the year, they have to be spent by 31 March. That is where the challenges come. If I had year-end flexibility and could roll money into next year or further years or if I had a multi-year budget, I could utilise that money five times over, but the difficulties in our accounting system, and the fact that we are in a one-year Budget that is non-recurrent, creates an additional challenge in being able to spend. The Minister of Finance highlighted that.

We have been looking at different avenues — creative avenues — of retaining and spending money, and we looked at utilising the independent sector. However, one of the challenges, from an accounting point of view — this has often beat us in many of these steps — is the fact that the money had to be spent in year, so it is not as if we could carry any of that £90 million into next year to further utilise independent-sector provision, which is something that I would like to do. The Finance Minister said in his statement earlier that he is approaching Treasury so that he can roll that money into next year. I wish him every success, because I can assure the Member that, if the Finance Minister receives that sort of flexibility, my Department will be able to utilise the money and will bid for it.

Mr Givan: I am struggling to understand the argument that the NHS does not have capacity when I know that consultants who work for the NHS are carrying out the same surgeries that they had planned to do in the private independent sector. Can the Minister explain what the problem is with that lack of capacity in the NHS? It does not seem to exist in the independent sector.

I know some citizens who have commissioned their own surgery. They cannot afford it and are borrowing money to do it, but they have been able to do it, yet the NHS, with its huge resources, has not been able to use up all the capacity in the private independent sector to supplement the reduction in what the NHS is providing.

Mr Swann: I thank the Member for his point; it is something that we have often said in here. While consultants may have capacity, the challenge lies with our

ICU staff, the anaesthetists and the rest of the theatre staff who need to support not just the surgeon but the patient during their operation and during their aftercare. That is where those years of underfunding have left us, and the independent sector can pick it up because it has the workforce in place.

In regard to picking up that spare capacity, as I said in previous answers, during the first wave, a lot of patients who were utilising the private sector started to cancel operations whereas, this time, they have not, so there is a larger increase of the private sector still utilising private capacity for what is a fee-paying business. They have, through working with us, increased their theatre capacity. As I said, there are an extra 112 theatre allocations between now and the end of March, which allows us to put more patients through.

We need to be clear that, between 12 January and 18 January, 4,262 elective procedures were carried out by the NHS, so it is not as if we have come to a complete standstill in regard to inpatients and day-case admissions. That work goes on. I sincerely apologise for the number of cancellations, but I can assure anybody who was to have an operation and had their procedure cancelled that we are doing our utmost to get them back in and get them seen.

Mr Butler: I thank the Minister for his words today. The Minister was absolutely resolute and honest in his admission many months ago that he would take help from wherever it needed to come and would seek help from wherever he could get it. Many people are struggling at the moment, Minister, whether through COVID-19 or through these red flags. However, the Executive have a role to play in protecting people. It is not just about intervention; it is also about prevention. This is now our second wave, and it is very serious. What advice, Minister, would you give to your Executive colleagues? Do you agree that the Executive need to be, in their COVID-response strategy, speaking with a single voice when it comes to adhering to restrictions and setting an example of the same to prevent a third incident like this?

Mr Swann: The Member makes a valid point. I have always said that the Executive and Assembly work strongest when they stand together with a single voice supporting the health service, because that is what our health service workers need to hear. They need that reassurance that this place has their back at all times and that, when it comes to regulations and their enforcement and compliance, not only do the Executive step up and set an example but every Member of the House steps up and sets an example. I believe that that is what the people of Northern Ireland expect from us. I also believe that that is what our health service workers actually deserve from us.

Mr Speaker: Members, that concludes this item of business. I would ask people to take their ease for a moment or two. Thank you.

The House took its ease from 3.56 pm to 4.01 pm.

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

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr McGlone): Members, the next item of business is the motions to approve seven statutory rules, all of which relate to the Health Protection (Coronavirus, Restrictions) Regulations. There will be a single debate on all seven motions; you know the form. I will ask the Clerk to read the first motion, and I will then call the Minister to move it. The Minister will then commence the debate on all of the motions listed on 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 will proceed.

Agus anois iarraim ar an Aire Ó Cearnaigh an rún a mholadh. I call Minister Kearney to move the motion.

Mr Kearney (Junior Minister, The Executive Office): Éirím leis an rún a mholadh. I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020 be approved.

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020 be approved.

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020 be approved.

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020 be approved.

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020 be approved.

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020 be approved.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on the debate. I call on the Minister to open the debate on the motions, please. A Aire, le do thoil.

Mr Kearney: Go raibh maith agat, a LeasCheann Comhairle. As you are aware, the most recent amendments to the regulations were announced in the Chamber on 6 January. Members heard directly from the Executive on these amendments, including statements from the First Minister and deputy First Minister and the

Health, Education and Justice Ministers, and it allowed Members an element of scrutiny before they were made.

Today, Junior Minister Lyons and I are moving amendments Nos 19, 20, 21, 22, 23, 24 and 25 to the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations 2020. Members will be aware that these amendments enacted measures that span the period up to and during the Christmas holidays and the subsequent weeks. With your permission, Mr Deputy Speaker, and given the number of amendments that we are dealing with today, I will briefly set out the context of where we were when the first of the seven sets of amendment regulations were made.

Déanfaidh mé cur i láthair ar na leasuithe seo atá i gcoirí dhíospóireacht an lae inniu. I mí Dheireadh Fómhair, ghlac an Feidhmeannas cinneadh sraith srianta úra a chur chun feidhme. I will then focus my remarks on the amendments at the centre of today's debate.

In mid-October, the Executive agreed to a period of tighter restrictions. Following a week in November, where certain relaxations to the restrictions were permitted, a further two weeks of enhanced restrictions were put in place from 27 November until 11 December. Those restrictions were reflected in a series of amendments to the regulations up to and including the No 18 amendment.

At their meeting on 3 December, the Executive then agreed to allow a degree of reopening on 11 December. In some areas, they regulated for measures that were tighter than those that existed before mid-October. Those decisions were informed by medical and scientific advice, the assessment of coronavirus impacts on health at that time and the most up-to-date modelling. That formed the basis of the amendment No. 19 of the regulations.

I will now summarise briefly all seven statutory rules. I will begin with amendment No. 19, which, as I mentioned, came into effect on 11 December. It introduced a number of significant changes, including the reopening of the hospitality sector with additional requirements for unlicensed premises to bring them into line with licensed premises on seating and gathering customer information; an upper limit of 500 persons for outdoor gatherings, sports events or gatherings; requirements on a responsible person and risk assessments to be carried out; the right of appeal to a court against a premises improvement notice or prohibition notice; reopening of close-contact services, with additional requirements to see clients by an appointment-only system and to gather customer information; removal of restrictions on the opening of non-essential retail businesses; amendments to the operating hours of hospitality services, including takeaway services and the sale of alcohol; and the regulations reverted to the mid October restrictions relating to places of worship, marriages and civil partnerships, funerals and committals.

Amendment No. 20, which came into effect on 16 December, amended the requirement for review of those regulations to allow extra time for data to become available after the Christmas holidays. It also amended from 14 days down to 10 days the period that a person must wait before forming a new linked household in order to reflect the decrease in the self-isolation period, and it permitted a supermarket to use any till or checkout aisle for intoxicating liquor off-sales. That allowed customers to use all aisles in order to reduce congestion and overcrowding

and to ensure that social distancing could be maintained. Some minor corrections and technical amendments to the regulations to permit the continued operation of business financial support schemes were also made under amendment No. 20.

Amendment No. 21 came into operation on 17 December and clarified some issues on entertainment and gatherings, including what constituted a single gathering if entertainment is provided in a venue, the definition of "entertainment" for the purposes of the regulations, that, in an outdoor venue, each group at a table is considered to be a separate gathering if no entertainment is provided, and that all the persons in a room are considered to be a single gathering if entertainment is provided.

Amendment No. 22 came into operation on 18 December. It provided for extended linked households at Christmas in order to reflect the guidance on households meeting over Christmas and forming Christmas bubbles; allowed the use of conference facilities by courts and tribunals; and covered some technical corrections in the regulations.

Amendment No. 23 came into operation on 23 December. It limited a Christmas bubble to one day and prohibited overnight stays connected to a Christmas bubble.

Moving to the final two amendments, which reintroduced restrictions immediately after Christmas in response to an escalating disease situation and significant hospital pressures, amendment No. 24 came into operation at midnight on 25 December, and it remains in place today. The amendment introduced the following measures: closure of non-essential retail businesses, including click-and-collect services; closure of close-contact services, including driving instruction, with some exemptions; and closure of indoor and outdoor visitor attractions and sports and leisure facilities. It limited indoor and outdoor gatherings to members of one household and their linked household to a maximum of 10 people, including children aged 12 years and under, for the two linked households to gather indoors or outdoors at a private dwelling at any one time.

Indoor and outdoor gatherings, excluding private dwellings, are permitted only up to a maximum of 15 people, including children aged 12 or under, with exemptions in place for work, blood donations, vaccinations and education. Indoor sport is permitted only for elite athletes or for PE in or for schools. Outdoor gatherings for the purposes of exercise or sport are permitted only for elite athletics and physical education in or for schools, if participants are members of the same household, a linked household or if exercise is taken by an individual and their carer or carers. Spectators are not permitted for sporting events. There is the closure of all hospitality, with some exceptions, including takeaway and delivery services, which are permitted from 5.00 am to 11.00 pm. Additional restrictions were in place between 8.00 pm and 6.00 am from 26 December to 2 January. Those stricter measures were: no household mixing in private gardens or indoors in any private dwelling, except for emergencies or the provision of health or care services. Those restrictions also applied to gatherings with a linked bubbled household. Indoor and outdoor gatherings with members of more than one household were not allowed. Indoor and outdoor sporting events were not allowed, except for training by elite athletes and exercise taken with members of your household or a linked household, or exercise by an individual and their carer or carers.

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Essential retail could not operate except for grocery deliveries or grocery click and collect on an appointment-only basis. Hospitality could not operate between those times, including for deliveries.

The final amendment — amendment No. 25 — came into operation on 29 December, and it made the following changes: permitting taxi or vehicle hire businesses to operate during the period of tighter restrictions between 8.00 pm and 6.00 am from 26 December until 2 January. What is more clearly defined are the operating hours of businesses that are selling food and drink to prevent businesses from flouting the regulations by taking orders prior to 11.00 pm but continuing to operate via delivery into the early hours of the morning, providing that the power to require people to return home would operate only to 2 January 2021.

A Leas-Cheann Comhairle, tá súil agam go léiríonn an méid atá ráite agam an comhthéacs inar ceapadh na rialacháin seo agus na cuspóirí a bhaineann leo. Mr Deputy Speaker, I hope that that provides you and Members with a summary of the context in which these regulations were made and provides an outline of their content. Molaim an rún agus na rialacháin don Tionól. I commend the regulations to the Assembly.

Mr McGrath (The Chairperson of the Committee for The Executive Office): The statutory responsibility for scrutinising these regulations lies with the Health Committee, and I look forward to hearing from those Committee members later in the debate. As I have stated in previous speeches on this matter, the Committee for the Executive Office has been consistent in its message throughout the pandemic: everyone needs to comply with the restrictions that are in place to protect themselves, their families and others in the community. The Committee remains committed to the need for strong public messaging, a united front in tackling the pandemic and for us all to do what we must do to keep people safe. The extension of the restrictions last month and last week is indicative of the serious situation that we are all facing. Consequently, the Committee welcomes legislation that is intended to protect the community.

I will make a number of points in my capacity as an SDLP MLA. I welcome the opportunity to take part in the debate.

As has been noted, the health protection amendment regulations that we are debating and being asked to ratify today are the amendment (No. 19) regulations through to the amendment (No. 25) regulations. I have said many times in the Chamber that the way in which we ratify the restrictions seems more convoluted than it needs to be, and today's debate could not be more illustrative of that.

4.15 pm

We are debating the amendment (No. 19) regulations, which concerned the easing of restrictions and came into effect on 11 December; the amendment (No. 20) regulations, which amended Christmas bubbling and the length of time that people had to stay in self-isolation and came into effect on 16 December; the amendment (No. 21) regulations, which concerned entertainment venues and came into effect on 17 December; the amendment (No. 22) regulations, which, again, concerned Christmas bubbling and came into effect on 18 December; the amendment (No. 23) regulations, which made Christmas

celebrations a one-day event and came into effect on 23 December; the amendment (No. 24) regulations, which concerned the reintroduction of restrictions and came into effect on 24 December; and, finally, the amendment (No. 25) regulations, which concerned taxis and the limiting of operating hours and came into effect on 29 December. That is quite the timeline, but what is it a timeline of? Is it a reflection on our healthcare system or staff? Is it a timeline of the public adherence to the regulations? Perhaps it is a timeline of how businesses have responded to the virus. No, the timeline that I have detailed is a reflection on the joint heads of Government, who allowed petty politicking to get in the way of public health, public messaging and local businesses.

However they try to spin it, the long and the short of it is that their dysfunctional relationship has resulted in where we have ended up today. Instead of any sort of forward planning, they have reacted to every iteration of the virus and how it has impacted on our daily lives. We are almost a year into the pandemic. At this stage, inability or unwillingness is no excuse. Frankly, they never were, but you would like to think that by this stage the two parties would have learnt something.

I am sure that my MLA colleagues in Sinn Féin and the DUP will sit there, shake their heads, denounce my words because it is a five-party Executive and say, "Why is someone from the SDLP standing up and saying this?". Although I am certainly not privy to the workings of the Executive and their meetings, I do hear about those meetings from local broadcast reporters on Twitter, and they give the impression that the papers on the restrictions that we debate are not being distributed in good time. Meanwhile, the cross-community vote has been employed in the past, and we all know where that has left us. All the while, our public are contracting the virus and dying from it, businesses are falling apart, our high street is disappearing and our healthcare staff continue to cry out that they are at their breaking point.

In the run-up to Christmas, we were able to offer our public a bit of hope for their Christmas and new year as the vaccine became more readily available, but then the timeline that I detailed rolled out. The response from our Government unravelled, and we witnessed those awful and horrifying spiking numbers. Some may be asking what my final analysis of that will be. Back in March, I said in this very Chamber when we discussed the then Coronavirus Bill:

"This day can be the defining moment of the Assembly. There is no other issue — not one in a generation — that has brought people together" — [Official Report (Hansard), Bound Volume 127, p187, col 2].

and washed clean old grievances like this one. While our public have had to socially distance and separate themselves from loved ones, they have been brought closer together, but they have not reneged on what they have had to do. When businesses were faced with a terrifying virus, they put in the manpower and responded in such a way as to support the public, and they have not reneged on that. When our healthcare system faced a pandemic that no one had seen the likes of before, the staff stepped up to the mark, went over and above the call of duty and issued a fearless response with the courage

and relentless energy that a gladiator would be envious of. Not once have they backed down from that challenge.

What did we see from our joint heads of government? We saw petty politicking, pride and reaction. At this stage, I think that the public have frankly had enough of that. Get your heads in the game, get over yourselves and show leadership. We have had enough of reactions, enough of bickering and enough of division. It is time to start forward planning and looking for an exit strategy from the virus.

Mr Deputy Speaker (Mr McGlone): I call Paula Bradshaw, Deputy Chair of the Health Committee.

Ms Bradshaw: Thank you, Mr Deputy Speaker. I stand in today for the Chair and Deputy Chair. I rise initially to respond on behalf of the Committee and will then make some remarks in a personal capacity.

The suite of rules before us today gave effect to quite different approaches to restrictions within a few short weeks. The Committee's briefing on the regulations spanned its meetings of 14 and 21 January, the former of which I chaired. Members acknowledged the grave circumstances in which we found ourselves and the need to do all that we could to reduce the strain on the health service and its staff, who face into the eleventh month of relentless pressure on our behalf.

Having discussed on many occasions the urgency with which the regulations were being made and the resulting lack of prior engagement and impact assessment, the Committee enquired about efforts to analyse the impact retrospectively to ensure that future regulations were informed by such learning. The director of population health advised the Committee that significant progress had been made in consulting the sectors affected by the regulations and that the number of amendments reflected the learning and responsiveness. She further alluded to an ongoing review of the impact of the regulations. When asked by the Committee to share the outcomes of the review, however, the official indicated that she would have to take the request away for consideration since it was more of a continuous process. The Committee would appreciate early sight of any analysis produced by the review.

When asked about the learning in relation to the arrangements put in place over Christmas, the director acknowledged that what we were seeing now was clearly the impact of the relaxations that we are talking about today but pointed out that amendment No. 25, reversing some relaxations, reflected a response to the emerging data. She further advised that the modelling group was engaged in a constant process of review overseen by the Chief Scientific Adviser and was provided with updated information on a weekly basis. The director acknowledged that compliance, as raised by members, remained an area of ongoing concern and advised that there was active discussion on the subject across various groups, levels and sectors. She explained that the approach remained one of education first in an effort not to be heavy-handed and that the interplay between rules and public attitudes and behaviours was not always predictable.

In reflection on the extension of the requirements to gather customer information, the official was asked whether any consideration had been given to including postal addresses in order to discourage any breach of the two-household rule in hospitality settings. The Committee was

advised that names and phone numbers were collected primarily to enable customers to be contacted if necessary, but the official undertook to consider the potential compliance benefits of requesting postal addresses. I would be grateful if the junior Minister who will respond could give any available update on that matter.

Effective scrutiny and accessible information remain significant issues for the Committee. Members have not always found the online information entirely clear, up to date and accessible. We are now at amendment No. 25 to the No. 2 regulations, and the Committee has previously asked to be provided with what would effectively be a tracked change version showing the net effect of the amendments at any given point. That has not been forthcoming, and again the official simply directed the Committee to look at the nidirect website. As a Committee member who has long sought improved communication, I have to say that this is not good enough, and I suspect that Members all agree with me on that point. I do not see why the Committee cannot be added to the list of recipients of accessible versions of the regulations to facilitate it when it undertakes its scrutiny.

On a more positive point, we were advised that the most recent version of online information had been translated into a number of languages. That is very welcome and is something that the Committee has long been calling for.

Economic questions have been raised by the Committee, given the wide-ranging impact of the health protection regulations. Officials were asked for their response to frustrations expressed by local retailers who see multinationals continuing to sell items that they, as smaller operators, cannot. The issue of closing times for takeaway services was also raised, and the Committee was advised that those issues would be considered further.

As previously discussed, Members have concerns about the limitations of post hoc scrutiny and the continuing approach of legislating without formal consultation and impact assessment. It is acknowledged, however, that this opportunity for debate allows Members to place on record their views, and we trust that it will inform subsequent regulations.

I now wish to make some remarks in a personal capacity. The regulations are already passed, but what can we learn from them? Members will recall that amendment No 19 followed a series of attempts by one party in the Executive to reopen higher-risk services, contrary to the scientific advice, in November. The Health Minister has, implicitly at least, already noted that even that date was clearly too soon.

We could already see at the time, not least in the size of the queue outside Primark in the Abbey Centre immediately at midnight and the inability in practice of many venues to keep up with the new requirements imposed by the regulations, not least on maintaining contact details and ensuring spacing, while remaining profitable, that such a reopening with fully two weeks to go until Christmas would create a problem down the line. Members all need to be clear that the health emergency is the economic emergency.

One problem was that the scale of the risk was poorly understood. For all the emphasis on distancing, it has been clear since September or earlier that indoor venues are high-risk because of the transmission of the virus

through aerosols. Even at more than two metres, the risk is high, particularly when an individual stays in a venue for a period of time and even more so if face coverings are not used, as they cannot be worn while eating and drinking. That raises questions about the risks in workplaces or places such as motorway service stations, where people can still be seen eating and drinking and therefore not wearing face coverings indoors.

Let us look at the case numbers, which, we know, follow actual infections by some days, as they typically follow symptoms, test arrangements and result reporting. On 16 December, there were 510 confirmed cases; on 23 December, there were 787; and on 30 December there were 2,143. A peak in hospitalisations followed a fortnight later. Let us hope that the peak in the number of deaths has now passed, but the numbers are still horrendous. We need to be aware that there is a penalty that we have to pay for pushing to open indoor venues before time. That is clear in the emerging research and is utterly obvious in the daily hospitalisation numbers. Let there be no more denial about what that impact is.

As noted, amendment Nos. 20 and 21 are tidying-up amendments.

Amendment No. 22 implemented the Christmas bubble, which amendment No. 23 reduced to a single day. The Health Minister has been more overt that things went wrong in that regard. It was a mess across the UK. There are legitimate questions to be raised about how enforceable Christmas restrictions would have been anyway, particularly with regard to private homes. The Office for National Statistics has suggested from the trends of infection that there is evidence UK-wide that people were beginning to gather in homes for Christmas even before 23 December, the date from which, in law, they were allowed to, in most areas, although it depends a little on how much difference the new variant made to transmission. The evidence from Great Britain, in fact, shows that, during the Christmas bubble period, people largely avoided risky contacts, even though they were permitted, perhaps taking the opportunity to meet others but intentionally staying away from older people and those with underlying conditions. Therefore, there is, as yet, limited evidence that the spike in cases and hospitalisations arose from permitting meet-ups in private homes for one day over the immediate Christmas period. The evidence for increased contact and thus increased transmission points more to the period before it. It would be useful to have more direct research for Northern Ireland to confirm that the trends were similar to those in Great Britain.

It is worth noting, as we have seen from the dramatic rise in infections in the new year in the Republic of Ireland, that a travel ban cannot stop a dramatic rise in case rates if an upward trend in contacts and thus infections is already ongoing.

We see that the virus — both old and new variants — were already circulating far too rapidly before Christmas. The fact that infections were evidently on an upward trend from the 11 December was the reason for amendment No. 24, closing so-called non-essential shops and hospitality immediately on Christmas Eve to avoid the Boxing Day sales rush. All the evidence suggests that that was wise, as I have just outlined. Amendment No. 25 provided clarification around taxi services.

4.30 pm

We have gone some way this year towards reducing the infection rate but still not far enough. Infections are still too high, pressure on hospitals is too big and the impact on our population's well-being is too vast. However, there is evidence that, from the immediate Christmas period, when people are given clear guidance, they will behave responsibly. We need to redouble our efforts around the messaging and, most notably, in avoiding the three Cs — crowds contact and close spaces. If we give the public the right tools, I have faith that we will get through the next few months until the impact of the vaccination programme is fully felt. There is a clear light at the end of the tunnel, but we must maintain our courage and discipline until then.

Mr Buckley: I rise to speak on the restrictions before us today. Before I do so, I want to recognise where we are with the latest COVID statistics. As of today, our seven-day rate of positive cases was 261.5 per 100,000, with 422 new cases and, sadly, 17 deaths. While the rate is still alarmingly high, we hope that we will continue to see a downward trajectory.

As always in these debates, I want to pay tribute to the staff, particularly our healthcare staff in the respiratory teams across Northern Ireland, who have been under significant pressure over this period, due to winter pressures bringing already large numbers into our hospitals as well as the influx of COVID patients. They are deserving of plaudits from us all for their hard work. I was particularly struck when I saw, at the weekend, a post from a local priest in the Craigavon area. He talked about receiving that call to go to the hospital to tend to one of his parishioners as they came to the end of their life, COVID-positive. He talked about entering the hospital, seeing four or five people around the bed in full PPE — gowns, visors, masks and everything — and hearing the tears. One was holding the hand of his parishioner and another was, aloud but softly, praying for the gentleman that he was caring for. Initially, thinking that this must be family, he was even more touched when he realised that it was not family at all, but nurses and doctors, tending to the patient. How common that must be in these difficult days.

There is no doubt that we have seen quick developments throughout the past couple of months. I welcome the call for aid for those medical professionals and, indeed, the deployment of military medical personnel, but I regret that we have reached the situation that it is necessary. I also regret the tone in which some Members in the House and individuals outside took to those professionals coming in to help support our front-line services. They have the logistical and medical expertise and professionalism to play their part in repelling the COVID-19 virus as it stands.

The restrictions before the House today, as mentioned, are quite wide-ranging. Some, around the Christmas period, are no longer relevant, but others are very wide-ranging and will have wide-ranging consequences. It is only right that the House considers that. It is not only the restrictions, in particular amendments Nos. 24 and 25, that we must consider, we must take into account the knock-on effect.

I want to talk about the impact of the restrictions before us today, as well as the wider lockdown, in managing COVID-19. Inevitably, restrictions are put in place to help — as they have done — reduce positive cases and reduce pressure on hospitals, particularly when we have an influx

of COVID patients and already existing winter pressures. By means of restrictions, we are trying to manage the situation until a sustainable solution and way forward is found. I understand and appreciate that our primary aim has to be to protect the health service. Equally, it is important to note that restrictions and lockdown measures are not a cure to COVID-19. As has been seen around the world and, indeed, in Northern Ireland, once restrictions are lifted, cases go up and we face a repeat cycle. I think that Members can agree that, as a society, we need to learn to move beyond the blunt instrument of restrictions and lockdown. I am sure that we can all agree with that, because we have agreed on that point before, albeit that the pressures that come with COVID-19 have been relentless.

We need to examine some of the lockdown restrictions before us today and how they can have a long, shadowy impact on many sections of our society. How do the restrictive measures before us today, and lockdowns in general, impact on society? Let us look, for example, at the working poor and the impacts on job losses, bills, financial pressures and family life. While it may be OK for people who have the luxury of green, open spaces in their gardens or, indeed, who have a wide family bubble to support them, for many of the working poor throughout Northern Ireland and, indeed, the world, the COVID restrictions and measures that are in place to bring the virus under control have had a devastating, long-lasting impact. We have to recognise that because it is true. I am not here to lay the blame at anybody's door either; I am simply outlining the effects of COVID restrictions. Indeed, that includes the ones that we have before us today.

The impact on another section of our society, our children and young people, has been well-documented. There is the closure of schools, the lack of face-to-face teaching and the impact on progression of basic skills. It was noted in a recent Stranmillis University College report that motivation has been one of the key elements noticed by those who conducted the study of our young people. It was reported that they no longer have the motivation to learn the essential life skills that they would do in a classroom. We only have to engage with the many parents who are struggling with home education — homeschooling — to realise the devastating impact that lockdown will have on our children. I understand that, in the House, quite rightly, there is divided opinion on how safe the school environment can be, but it is upon us to ensure that, as quickly as possible, we provide the space in which our children can return to education and provide them with those basic needs.

I ask parents what the major defects and defaults from lockdown and, indeed, the restrictions have been. They talk about our young people being failed academically, emotionally, physically and, indeed, socially. We have to realise that the restrictions that we put in place, albeit to stem the COVID influx, have long-lasting impacts. I think that that is a point that is lost on a lot of Members because, while restrictions have been seen to become the norm for dealing with COVID-19, it is what the long-term outcome of those restrictions causes for other sections of our society that we need to take into account. Earlier, John O'Dowd mentioned the lack of opportunities and the difficulties for university students, and that is another one. It is not just something that is facing our young primary-school

children, but, right through, that experience has been lost, and we have to take cognisance of that fact.

I want to talk about our vulnerable people: cancer patients and those suffering from poor mental health. The restrictions, particularly the ones that we are studying today, coincide with some devastating news: the cancellation of cancer services across Northern Ireland. Some will ask what they have to do with the current restrictions that are before us today.

There is no doubt that the restrictions that are before us today to try to drive down infection rates coincide with the closure of cancer services. The cancellation of cancer services is the greatest COVID sin of all. It should never rest easy with any Member that we have been forced down a path where those who require urgent and immediate surgery have a fear of presenting at A&E. They are not seeing their GP because of a lack of face-to-face consultations. There is real, palpable anger. You have only to listen to radio programmes and to watch TV shows across the country to realise that those with cancer are suffering. I imagine that there is not a family represented in the House that has not been impacted by cancer, and it is all the more alarming to deal with it in the middle of a COVID-19 pandemic.

At last week's Health Committee, I raised the plight of two individuals who had had to ring their GP because there were no face-to-face consultations. They were, I think, prescribed painkillers for their symptoms, and that happened two or three times. When the pain continued, they presented at A&E, an advanced stage of cancer was diagnosed and they were dead within four days. That is a tragic story. I asked the health trust personnel at the Committee about it: they talked about late diagnosis.

The evidence on cancer from the health trusts was damning. It showed that the number of cancers detected is down; the number of red-flag cases coming forward is down; late presentations at A&E are up; and there is a pause in paediatric services. Those are the results of the restrictions. It is easy for any Member to say, "We should place society under restrictive measures to deal with COVID", but we also must reflect that they have impacts on other services.

Mr Sheehan: I thank the Member for giving way.

I was at the Health Committee last week when the chief executives of three trusts attended. Will the Member agree that, depending on whether we listen to statistics from the Department or NISRA, either slightly fewer or slightly more than 2,000 people have died as a direct result of COVID-19 but that many more people have lost their life during the emergency as a result of cancer? The two cases that the Member mentioned in the Committee last week are very poignant, but there are multiple cases like that. Some day, we have to get the true number of people who have died in the emergency.

Mr Buckley: I thank the Member for his point. That is what the restrictive measures can do. It is important that we note that and do not just nod through restrictions without considering their real impact on normal people. Mr Sheehan's point is correct. I fully understand that we have been dealing with the COVID pandemic. I see the pain that families suffer as a result of deaths from COVID-19. I see the pressure on health professionals. I see the pressure on our Departments. I see it all, but, equally, it

would be remiss of me, as an elected Member, if I did not comment on the wishful thinking of some that we will pass regulations and not look at their wider implications. It is incumbent on Members to do that.

The statistics that are before us and that Mr Sheehan mentioned should send shivers up every one of our spines. It scares me and, I say without doubt, many Members. It is deeply worrying that, despite the current restrictions, which are starting to bring limited rewards, sufficient capacity has still not been achieved to allow the cancelled surgeries to resume at even close to normal levels. The number of non-COVID patients in the ICU and general beds has also continued on a disconcerting downward trend. We have heard the harrowing reports about cancer diagnosis coming late because of presenting too late at A&E or fear of coming forward.

For that to be compounded by the cancellation of scheduled surgery is a bitter blow that, sadly, will inevitably lead to lives being lost that would otherwise have been saved.

There is a fear that surgeons who have been out of the theatre for so long — this was mentioned in Committee — will have missed out on training and development, which could jeopardise the full resumption of services once the pandemic has ended.

I was shocked to learn at the Health Committee last week that there is evidence that paediatric surgery has been subject to suspension. There are serious concerns about how that will affect children and young people's health and well-being now and in the future.

4.45 pm

The restrictions that are in place can, as I outlined, have a devastating impact on other services, but I do not want to talk only about problems. I am not here to attack; I am here to speak on behalf of those who have been impacted by COVID restrictions in many ways. I want to look at possible solutions. There is a worry that, due to COVID-19 and the restrictions in place, potentially curable cancers have been detected only at an advanced stage. There are many sad cases of advanced throat cancer that could have been detected earlier. Other cancers such as bowel cancer, diagnosis of which is based on symptoms of a change of bowel habit, would ordinarily be referred by a GP to a red-flag clinic. I do not see why that cannot continue. Those symptoms can be picked up in the history, but, sadly, because of the COVID-19 restrictions, they are not. Patients are presenting late and are automatically placed on end-of-life treatment. Perhaps people are not aware that GP doors are still open. Perhaps there are flaws in the system. For example, who is triaging calls? Is it receptionists, or is it qualified professionals? After all, this is new to everyone. I implore the junior Ministers to take that point up with the Health Minister. It has been lost as we have been debating regulations.

We need to realise that COVID is here and does not seem to be going anywhere quickly. Do we, therefore, need to think about opening satellite centres for cancer patients to be seen by the professionals whom they need, be that a surgeon, an oncologist or a palliative care specialist? Could we make better use of peripheral facilities? We all know of buildings in our trusts that have not been used because staff are working from home. Maybe there is

space to allow some sort of cancer centres to open. Could we introduce a system in which a patient has a COVID test done 48 hours before an appointment?

Mr Clarke: Will the Member give way?

Mr Buckley: I will on that point.

Mr Clarke: I appreciate the Member's enthusiasm for the subject. While Her Majesty's Government were extremely generous to this place to the tune of £3 billion, maybe he could encourage the Finance Minister to get the £300 million to some of the company directors who were offered only £1,000.

Mr Deputy Speaker (Mr McGlone): I respect the Member's genuine points and have given him a fair amount of latitude because this is crucially important and serious for many people in the community, but could we move back to the regulations, please?

Mr Buckley: Deputy Speaker, I thank you for your indulgence on that point.

As I said, the restrictions and the amendments are so wide-ranging that it is only right that we, as elected Members, consider their full impact on society. As I said, cancer affects everyone. It affects every family; there is not a family that has not been touched by it. When I hear the stories through email and phone calls and on the radio, I have to speak out. I understand the need for restrictions. I am not a COVID denier: all that I say is that we need to think about the long-term impacts that the restrictions could have on society.

In this place, we have spoken regularly about the impact that the pandemic has had on mental health. The Belfast Trust experienced a 30% increase in inpatient mental health admissions at the height of the previous lockdown. It is clear that the extension of the regulations, including the continual closure of schools, requires us to look more at how we can target the early prevention of mental health issues, particularly in children.

I will now speak to the amendment (No. 24) regulations, particularly the issues surrounding small businesses — another sector that has been profoundly impacted on by restrictions — and the closure of non-essential retail businesses and click-and-collect services. Small independent retailers are the backbone of the Northern Ireland economy. They have looked at the restrictions that have been put in place with disdain. They understand the need for restrictions to be put in place to prevent community transmission. Many of them have put their lifetime's work into establishing their businesses. They have been on the high street through thick and thin. They have sustained the Northern Ireland high street through wars and the Troubles, but they now face their biggest threat yet. They have been closed, but multinational retailers in the very same towns, sometimes on the edges of our town centres, continue, unhindered, to sell the very same product that the independent retailer has been prevented from selling. That is ludicrous in the extreme. We need to look at how we can deal with that issue, because the independent retailer runs the risk of never returning to the high street. I understand and accept fully that the Executive Office, maybe through the junior Ministers, who will give us an update, has been engaging with the sector. I would like to think that they have heard loud and clear the frustrations of independent retailers

across the country and how we should right the wrongs contained in the regulations.

Mr Allister: Will the Member give way?

Mr Buckley: I will on that point.

Mr Allister: The Member makes a valid point, but is it not a point that has been made for months in the House, from the first manifestations of the regulations? Again and again, in successive lockdowns, however, we have the same flagrant flaw, whereby supermarkets can do what they like and independent retailers are driven off the streets. Why have the Executive not closed those loopholes? That is the question that needs to be answered in the House.

Mr Buckley: I thank the Member for his intervention. I am sure that it is something that the junior Ministers will take up in their final contributions.

Independent retailers are not being unfair in what they are asking for. Their plea is that either you level up with click and collect or you level down and put everybody on the same footing. That is all that they ask for. It is only right that we in the House fight for that level playing field.

A Member: Will the Member give way?

Mr Buckley: In a moment.

I thank the independent retailers for their endurance throughout this time. They realise that their sacrifice regarding their businesses, jobs and perhaps even their livelihoods is for a greater cause — to suppress virus transmission in the community — albeit that, as I mentioned, I have been sceptical, to say the least, about the evidence of community transmission in close-contact services. It has been mentioned many times in the House that illegal gatherings — house parties or whatever — are a far greater threat than independent businesses, which have probably put in place more stringent measures than the multinationals that are open freely.

We in this House have a duty to repay their faith in the Executive's response by ensuring that we chart a course outside this pandemic. Those businesses devastated by the current rules should have access to the vital financial and practical support to get back on their feet. There is a particular responsibility on Ministers to meet the needs of our independent retailers, who are rightly seeing these large supermarket retailers acting outside the spirit of the regulations in non-essential sales.

There are some areas where there should be scope to give more flexibility within the structure of the current regulations. That was mentioned at the Committee. For instance, in respect of amendment No. 24, some takeaway food businesses have highlighted the fact that the 11.00 pm cut-off point for delivery disadvantages shift workers in hospitals, many of whom work on the front line. We should be open to listening to those concerns substantively in the coming days.

As I have outlined throughout my contribution, we must collectively focus our energies on the clear path that gives us the most hope of righting the horrible wrongs of COVID-19, and that is vaccination. It has been noted on numerous occasions that a lot of the sectors that I have mentioned have been affected by the COVID pandemic. We now need to look at ways and means by which we can protect those sections of society and get them back

operating again. I look to our teachers; I am sure that many Members have this thought as well. We have seen the negative impact that COVID regulations have had on our young people, and it is now incumbent on us to make representations to the Joint Committee on Vaccination and Immunisation (JCVI) to see whether we can vaccinate our teaching population, to ensure that we can get our young people back to education as quickly and safely as possible. Those teaching special educational needs children have not for one moment stepped back in this pandemic; they have stepped forward, into the breach. We now need to support them with a vaccination programme that is fit for purpose.

On that point, I commend the current vaccination programme and those administering it, because it is a leader in the United Kingdom. In fact, it is compared globally with some vaccination programmes. That is a real tribute to those administering the vaccination scheme. I take that point on board, but I would like to see flexibility within the scheme to allow for a process by which we can start to normalise society. The restrictions alone can never hope to see us through the pandemic, nor can they deflect attention from the need to ramp up that vaccination programme on a massive scale. I mentioned in Committee that we should have vaccination 24/7, if we can. I look across the trusts. This morning, we heard how trusts have got through vaccinating their staff, and now we are starting to see the slowing down of vaccination centres because there is not the same footfall coming through them. Maybe I am missing something, but this should be the very time that we should be ramping it up. At the end of the day, if there are spare vaccinations, let us see a process by which we can vaccinate teachers or those who are vulnerable. We all know them. We need to get society moving again, and moving quickly.

We now look to commence vaccination of the over-75s group, and that is a testimony to the dedicated teams of vaccinators. With over 1,000 volunteers to take up this role, the Health Minister needs to look at expanding the skill set further. As our society eventually reopens, we have to be mindful that pressures on our public servants, including teachers and police officers, will only increase. We believe that there is merit in providing those who work at high risk with a vaccination programme.

Mr Deputy Speaker, I thank you for your indulgence on those points. I believe them to be pivotal in this debate. The road ahead will be long. There will be many twists and turns in relation to COVID and the regulations. I do not want to fall out with any Member of the House for being passionate about something that I feel is having an adverse impact on people who do not deserve it. I hope that, in the spirit of such debate, we can continue to confront those issues, deal with the pandemic and, sadly, deal with the long-term consequences thereof.

5.00 pm

Ms Anderson: I wish to speak to amendment Nos. 19 to 25. I remind the House that, on 5 October, Derry and Strabane were placed under restrictions, and then, in the middle of October, the entire North was placed under the same restrictions. We realised, as time moved on, that things were going in the wrong direction. We knew that new variants were appearing and that the rate of transmission meant that we needed to delay the relaxation

measures, but it took longer for the amendments before us today to come into effect because, unfortunately, the DUP used a veto to block a two-week extension of the restrictions, and that was shameful.

We know that there has been talk — in fact, we have just heard some commentary in which a focus was put on this — about the implications of the restrictions on people's lives, resulting in people falling into poverty. I take it that, when we move on and things, hopefully, return to some kind of new normal, we will build back better, and that, throughout this journey, if there is an anti-poverty strategy on the Executive's table, we will have full ministerial support for its implementation and for its being allocated based on objective need.

As a member of the Executive Office Committee, I want to say that the public are fed up. The public are fed up with the SDLP playing hokey-cokey during this pandemic: being in the Executive and out of the Executive. The public are really fed up with that.

Amendment No. 19 deals with the reopening of close-contact services. There has been a lot of confusion about what a close-contact service is. I would like the Ministers to take this into account. I have been dealing with photographers — I am sure that I am not the only one — whose business evaporated, as their operation was severely limited because their customers were required to wear a mask. When hairdressers, nail bars and other close-contact services reopened, people were rightly required to wear a mask. I ask the Ministers to think about that and to pass it on to their ministerial colleagues. Photographers do not meet — I have been told this by officials — the legislative definition of a close contact, as defined in the health protection regulations, and are designated as a retail service. Those in retail are only eligible for phase 3 of the COVID-19 support payment.

People were told to wear a mask in retail stores, and that made it impossible for photographers to carry out their service. You will not get your photo taken if have to wear a mask. In the regulations, photographers are not exempt from wearing a mask because their business is classed as retail, and you have to wear a mask going into retail premises. Photographers want the Assembly to realise that their businesses have been severely limited as a consequence of the restrictions. I therefore ask the Ministers to feed that back when discussing amendment No. 19.

Amendment No. 20 deals with some minor corrections and technical amendments to the regulations to permit the continued operation of the local restrictions support scheme for businesses. Those schemes have been a lifesaver for many businesses.

I acknowledge the work of the Executive and the Finance Minister, Conor Murphy. In England, the most that businesses receive is under £800. Here, the Executive and the Finance Minister secured agreement that the least that a business would receive from the local assistance support scheme would be £800. If we can do that without the economic levers of power, just think what we would do if we had them. However, I know, a LeasCheann Comhairle, that the last thing that you want me to do is enter into a debate about the benefits of Irish unity, so I will leave it at that.

The amendment (No. 20) regulations address the decreased period of self-isolation. I, along with other Members across the Chamber, have spoken about those on low wages finding it difficult to self-isolate and, at the same time, put food on the table. The discretionary support payment is welcome. However, we all know that households without an income of below £21,000 are not eligible in those circumstances. I and other Members have heard the issue of carers not receiving statutory sick pay. The Health Minister has informed us, in response to questions for written answer and in answers on the Floor, that he has put financial support in place for the independent care sector, for carers who need to self-isolate. Employers have told me that some of them are not entitled to receive a payment. Employers say that those carers do not have day-one rights, that they must work six months, 26 weeks, before they can receive financial support for self-isolating. Some of these workers are looking at a Health and Social Care service under pressure and, even as we speak, countenancing returning to work to help out to alleviate the pressure. Yet, employers are telling me that they are not entitled to day-one rights; they are not entitled to financial support. The lack of such financial support for those who have to self-isolate needs to be looked at. If we do not do that, we run the risk of further transmission of the disease because some people who are contacted and told that they should self-isolate may be choosing to continue to work because they cannot afford not to do so.

Some families had hoped that the amendment (No. 21) and (No. 22) regulations would result in their loved ones getting the vaccine so that they could become part of their Christmas bubble. I ask the Minister to take account of hospitals, such as Waterside Hospital in Derry, that have units with dementia patients. We hear about the vaccine being rolled out to care homes, but the Waterside Hospital has wards with dementia patients and patients who have mobility issues, and they are not being vaccinated. I was given information by the trust to inform a family that their loved one would be vaccinated. The family wanted them home to form part of their Christmas bubble. The family wanted them home to take care of them, and the hospital needed the space. I told the family that their loved one would be getting vaccinated, only for the trust to tell them, two weeks later, "No, he is still not vaccinated because we do not have authorisation from the Health Minister". I ask that that issue is taken account of and that the Minister, please, feeds it back.

The amendment (No. 25) regulations permitted taxi hire to operate during the tighter restrictions. Taxi drivers who temporarily suspended their insurance but who were able to operate at that time because they renewed it are being penalised and will not receive the full grant. They will receive a reduced COVID grant. Either they were shielding or the stay-at-home message impacted on their customer base, and they simply had no money. It is wrong that the second grant that is going out under the taxi support scheme will penalise taxi drivers who temporarily suspended their insurance because they had no money to pay for it. I ask that that stops and that they get the full grant like everyone else because they had to pay the full cost of the PPE once they renewed their insurance.

Every one of us in the Chamber knows that the last 12 months has been horrendous. Unfortunately, like many in the Chamber, I stand here heartbroken, having known

many of those who have lost their life, particularly during this wave of COVID. I have been told that, during the first wave, not one death occurred in Altnagelvin Area Hospital of someone from Derry and Strabane council area, yet we are now looking at over 110 deaths — and I see my constituency colleague Gary over there. I send my heartfelt sympathy to the loved ones of all those who have lost their life due to COVID. I especially send my deepest sympathy to Majella McCourt, who lost her soulmate and husband, and to her children, who lost their father, at the weekend. Derry lost a solid republican who will be sadly missed by all. Ar dheis Dé go raibh a anam. Go raibh míle maith agaibh.

Mr Middleton: Like others, I recognise the extreme hurt and pain that many of our constituents are suffering; whether that is COVID-related or non-COVID-related, it is equally important. It is also important that, as we look at the restrictions and regulations that have been put in place, we are mindful that their impacts go well beyond COVID. They affect every area of our lives, and we are seeing that on a daily basis, so we just need to be mindful of that.

Amendment No. 19 specifically deals with restrictions around places of worship. At a time, there was a relaxation, but I welcome the fact that many of our churches have shown great leadership in coming to a voluntary arrangement to provide safety for their congregations and parishioners but also being mindful that they have a leadership role, and I thank and congratulate them for that.

The restrictions on funerals are very relevant today, given the day that is in it. Funerals are limited to 25 people. Everyone has the right to remember their dead. We have to be mindful of that fact. When someone loses a loved one, it is a difficult time, and we have to be honest about that. The difficulty that I have is that, once again, today, in my constituency of Foyle, a funeral took place in the Creggan area, and that funeral, once again, broke the restrictions by many, many numbers. That, once again, is not only a slap in the face to our constituents but a kick in the teeth to our health workers, who, no doubt, will have to deal with the consequences of what happened today. I urge all Members in the Chamber to please speak out; absolutely be respectful of a family who has lost a loved one, regardless of their background, but be honest with the public.

As we are putting these restrictions through today and we look at further restrictions in the future, we need to show leadership. It cannot be a situation where it is, “Do as I say, not as I do”. I will give way to Mr Allister.

Mr Allister: I endorse what the Member said. Does the Member think that it would have helped to underscore the public message that he has just been articulating if the previous Member to speak, Ms Anderson, who referred to the same death, had gone on to condemn the breaching of the regulation at the funeral of the individual? Would that not be of more assistance than simply lauding the individual who had a past that involved him in terrorism?

Mr Middleton: I completely agree with Mr Allister's point. That is very relevant, because we cannot stand with straight faces and tell members of the public to follow guidelines if we, in this Chamber, are not willing to follow those same guidelines.

I will speak for the next number of minutes and will leave the Floor open if anyone, particularly those from the Sinn Féin Benches, wants to intervene and give clarity about how they are giving guidance to their communities. It is unacceptable and needs to be addressed. To be honest, it causes so much upset to my community and to all our communities when they see such shameful disregard for the rule of law. I urge Members to reflect on that.

5.15 pm

I will move on, because I am keeping to the amendments to the regulations. Amendment No. 20 deals with linked households and the length of time that a person has to leave before they can move from one household to another. That is fairly self-explanatory. Amendment No. 21 deals with entertainment venues.

Amendment Nos. 22 and 23 deal with the household restrictions at Christmastime. When we speak to our constituents and ask them about Christmas, the common word that we hear is “quiet”. That can be good in some ways, but, in others, it has been detrimental. Whilst amendment No. 23 deals with the Christmas bubbles, which were limited to one day, many elderly and particularly vulnerable people were isolated and were not part of bubbles. We have to be mindful that we will be dealing with the impact of those restrictions on those people for some time. There was a recognition that something had to be done at that time to ensure that the virus did not get completely out of control, but, as I said, it was one of the more difficult decisions that had to be taken by the Executive. It was a decision that nobody would have wanted to take, but it had to be taken at that time.

Amendment No. 24 is one of the bigger amendments, and it deals with tightening the restrictions. My colleague touched on the impact on our businesses and economy and that so many of our businesses continue to struggle. It has always been vital and essential that we get the appropriate financial schemes on the ground as quickly as possible in order to ensure that they get to those who need them most.

A number of local businesses raised delivery and takeaway services with me. They feel that those need to be looked at as they have an impact on shift and key workers who may want to order from those facilities. I ask the junior Ministers to take that away to see whether something could be done, even to maybe just listen to those concerns. If there are genuine health reasons why takeaways cannot operate after 11.00 pm for deliveries, it would be useful to address those and bring some clarity to the situation.

I support other Members' concerns about click-and-collect services, and I raised points about those before in the Chamber. The restrictions to those services in that amendment could be looked at.

Mr Buckley: I thank the Member for giving way. I know that he has been on record with this point at the Committee, but would he agree that, if it appears to be transparent that click-and-collect services cannot be provided for reasons that are presented by medical officials or whatnot, we should look towards a form of click-and-collect services that could apply stricter enforcement rules and guidance? That would enable small independent retailers to use up

some vital stock that will, essentially, be useless by the time that their business can operate again.

Mr Middleton: I thank the Member for that. I completely agree. One example that was given to me was a garden centre that stocked flowers. It had to order the stock a year in advance and is now sitting with £25,000 worth of flowers that cannot go anywhere. Valentine's Day is coming up, for example. The First Minister reminded me that there are ways and means, but I assure you that there is great disappointment in flower shops. We could look at how we could address click-and-collect services for perishable items.

We, on these Benches, take the COVID virus completely seriously, but we also have to look at the practicalities and at how we can be innovative and allow businesses to operate as safely as possible whilst trying to keep a lid on the levels of the virus.

Mr Lyons (Junior Minister, The Executive Office): I appreciate the Member giving way. I am intervening at this stage because Mr Buckley and Mr Middleton raised the issue of click and collect, and I believe that other Members will want to raise it, too. Perhaps I can provide some reassurance to the House that, at the Executive meeting on 21 January, we agreed that the Department of Health and the Department for the Economy would look at ways in which click and collect could be done in a safe manner. I understand the arguments that are being made, but we have to understand the health implications as well. That issue is being looked at, and, between those two Departments, I hope that we will find a resolution and that it will bring some comfort to Members today.

Mr Middleton: I thank the junior Minister for that. It does bring some comfort. Obviously, I would like to see that come to fruition, and I know that many businesses would welcome some sort of movement on the issue.

The amendment No. 24 regulations have the widest impact on the majority of our society in terms of the economy. There are welcome signs that the restrictions are working to a certain degree. The rate of infection is coming down, and hospital admissions are gradually — hopefully — going in the right direction, but there is still significant pressure. I take my colleague Mr Buckley's point that restrictions alone will not solve this crisis. We have to ramp up the vaccination process and look at how we do that. It could maybe be done through 24/7 mass vaccination, but we need the capacity there. To that end, as I said to the Health Minister earlier, I welcome any steps that can be taken to address capacity issues and to provide support. This is not about politics. As we have said for quite some time, leave the politics out of health and let the health people get on with it. Where support is required, we should absolutely bring it in.

We should not underestimate the significant sacrifice that the public are making at this time. They have, in the main, abided by the restrictions by which they have been asked to abide. A lot of it has been tough, including things that we never thought that we would see in our lifetime, such as curfews and the closure of businesses and schools. It is also having a severe impact on mental health. On Friday, I heard from the Western Trust that it has seen a 12% increase in inpatients in its mental health facility. These are devastating impacts that will have long-lasting consequences.

I want to move on. Again, it is about those pressures. All this stuff is about personal stories and the difficulties that people are facing. I mentioned at the start that these amendments, restrictions and regulations go beyond COVID. I do not need to tell anybody in the Chamber that that is the case, but I want to address one point that was raised with me by a constituent. I believe that he sent this to all MLAs, albeit he is from my constituency. I know the gentleman very well. This came last week. It said:

"Good morning and I hope you are all well. I do not know anyone who has died with COVID in the past 10 months, but I do know two friends who have passed away because of cancer in the past three months."

Both their cases were identical. Each of them had significant pain, they called their GP, and the GP prescribed them painkillers. As the months went on, they contacted their GP several times and had telephone diagnoses and conversations, but they never had a face-to-face appointment for examination. Eventually, after nine months, the pain got so bad that the two individuals to whom my constituent referred went to A&E. They were both admitted, and the next day they had a scan, and the cancer was found. Just four days later, those people died. Unfortunately, that story is familiar to many people across our society. Of the two who died in those three months, one had her funeral today. She was 56. That is the reality that we are dealing with when we are putting through amendments and restrictions like this, so I appeal to those who deny that COVID exists — I do not see how they can but such people exist — to think about the impact that it is having on the likes of that constituent and on the families of those who, sadly, are bereaved. Think of those people when you feel that you do not want to abide by the restrictions.

When you see incidents and just blatant breaches of the rules, as we have seen today, it is a real kick in the teeth for all of us who are doing our best to get the spread of the virus down.

The amendment (No. 25) regulations very much speak for themselves as they relate to the taxi industry.

We need to look to the future. We need to ensure that we can ramp up our vaccination process. That is the hope to which everybody is clinging. There is an important conversation to be had, and the Education Minister has lobbied for this, about special schools and their staff and about teachers, classroom assistants and others who work in schools. We need to recognise that the education situation is just heartbreaking. I am a father of a child who is not in school yet but will be in September. Imagine it were your child, and I know that there are Members in here who do have children, who was in the education sector and not in school but at home with varying amounts of work. I am not critical of teachers, but, a bit like with the health service, where there is no substitute for face-to-face consultation, there is no substitute for face-to-face education.

I urge everyone please to follow the regulations. We are not out of this yet. I thank the junior Ministers for being here.

Mr Chambers: I support the regulations but with the realisation that, in normal times, we would all reject them without any level of debate.

Mr McGrath called for an exit strategy. I wish that I had his optimistic foresight. He forecast that Members from the other four parties on the Executive would remind him that all decisions are made by a five-party Executive that include his party, the SDLP. I am not going to disappoint him: no amount of passion in making those remarks will cloud or change the reality that it is a five-party Executive that make all the decisions around this pandemic.

As regards an exit strategy, the Member must realise that every time that we get a little bit of hope, we get a setback, such as the discovery of a variant of the virus. How and when could anyone plan an exit strategy when the virus and its variants continue to call the tune? There will be a time when we will have to formulate an exit strategy. I just do not think that we are there just yet.

For those outside this House calling for an end to restrictions, I ask this: what is the alternative? They are not in place to punish us. Rather, they are there to help protect us. The problem is that too many people are deliberately ignoring the regulations. Ninety-five per cent of people, perhaps even more, are making huge sacrifices to comply with the regulations, but those 5% are diluting their effectiveness. I will use a phrase that has been used in the Chamber before: they really do need to wise up.

Members who spell out the negative impact of the restrictions, and the toll that they are taking, are correct. They are taking a huge toll on everyone, but what is the toll on those families receiving a phone call from a hospital informing them that their loved one has died alone as a result of the virus? They then have to bury their loved one under what amounts to almost a cloak of secrecy. How long will those families take to recover from that? That is an even sadder reality.

We talked about delay in cancer operations. That is another reality. It is another dreadful impact of this virus, and one that no one can fully appreciate unless it happens to you or a loved one.

5.30 pm

The Minister has identified a regional approach to urgent life-saving operations, not just confined to cancers. He has also told us that he has secured 112 theatre spaces in the private sector over coming weeks. Robin Swann is not a callous individual taking pleasure from the suffering of others. He must have —.

Mr Sheehan: Will the Member give way?

Mr Chambers: Yes.

Mr Sheehan: I agree entirely that Robin is not a callous individual; he is a very decent man. I asked him a question earlier and he did not answer it. Perhaps you can answer it, Alan. I asked why, instead of the trusts announcing that cancer surgery was going to be cancelled, he did not first scope out what capacity there was in the private sector and ensure that those who have a cancer diagnosis were not kicked in the teeth again. The Minister did not answer that.

Mr Chambers: I have every confidence that he did scope out those figures that you talk about.

Robin Swann must have many sleepless nights wrestling with this situation. Our National Health Service was in a bad place before Robin Swann took up the Health

portfolio. Our waiting lists, including for cancer operations, were the longest in the United Kingdom. Perhaps, if those of us who sat in the House in previous mandates had properly funded the NHS, we would be in a better place today to cope with this pandemic.

My colleague Jonathan Buckley — I recognise and admire the passion that he brought to the debate today — highlighted the flaws in the crafting of restrictions. There are obvious flaws and contradictions, and they are hard to defend at times when people challenge you about them, but I hope also that Jonathan recognises that his party has four voices in the Executive. That is the place to highlight the flaws and to correct and change them.

Mr Buckley: Will the Member give way?

Mr Chambers: I am just finishing, Jonathan.

In relation to vaccines, there is a lot of talk about ramping it up to 24/7 and getting more vaccinators. However, we are getting told by the professionals — I do not understand this; are people not listening? — that the vaccination programme is dictated by the availability of the vaccine and that we are not at that place yet where we can offer a 24/7 service. That is another reality that we all need to recognise.

Mr Sheehan: The true cost of this pandemic has been well laid out today, and not just for those who have died. There are also many who have been left with long-term illness — long COVID — and that will test our health service very much in the time ahead. We have also heard in particular about those who have received cancer diagnoses and have been told that their emergency surgery is going to be cancelled. It was very worrying last week to hear one of the trust chief executives tell us at the Health Committee that in some cases, in some patients, the cancer will already have spread by the time that they get the treatment they need. Imagine the devastation of, in the first place, getting a cancer diagnosis, and then it being followed up with that news. I know that patients are being offered chemotherapy as a sort of suboptimal treatment while they wait for the potential or the possibility of surgery.

Then on top of that we have the issue of mental ill health and the people who are struggling badly with their mental health as a result of this pandemic and the lockdowns and so on and so forth. I want to give a special mention to front-line care workers because, yesterday, I spoke to an ICU nurse who told me that, of a group of 15 nurses, eight have to take sleeping tablets because the images in their minds will not allow them to sleep at night. Imagine the impact that that will have on the resilience of the health service in the time ahead. Many more problems and issues could be discussed in the debate, but that one about those nurses is, perhaps, the most worrying. Nurses on the very front line are struggling to deal with the patients on ventilators in ICU.

We have been here many times to discuss the regulations. Their aim is to reduce the rate of community transmission of the virus, or perhaps at certain times, when the transmission rate is low, to ease some of the restrictions that have been introduced. My difficulty is that that is not a strategy; the regulations are not a strategy.

Last week, in the Committee, the Health Minister said that his objective is to keep the R rate below 1. That is not a very ambitious objective. However, even by his own

standards, if that is his objective, the Minister has failed, and failed miserably. That is why we are in the situation that we are in today. That is why there are more patients than ever in hospital and higher transmission rates than at any time since the pandemic started. A clear objective is needed. When you have a clear objective, you build a strategy to reach it, and you use whatever measures or tools you have at your disposal to bring you, through that strategy and strategic targets, to your overall objective.

Mr Chambers: Will the Member give way?

Mr Sheehan: Sure, yes.

Mr Chambers: Does the Member agree that that would include the use of medics from the British Army?

Mr Sheehan: The Member will recall that, last week, in the Health Committee, I said that I welcome help from wherever it comes. People wanted to focus on other elements of what I said. I thought that it would have been a significant story that a former member of the IRA, ex-political prisoner and hunger striker said that he had no issue with British soldiers coming to work in our hospitals. I thought that it would have been newsworthy, but maybe not.

In any event, we were talking about strategies, and the Health Minister said earlier that it was not his responsibility to bring forward a strategy; it was that of the Executive. Let me read from the first-day brief to the Health Committee. Under section 3.8, on emergency planning, it states:

“Under the NI civil contingencies framework 2011, the Department has been identified as the lead Government Department for responding to the health and social care consequences of emergencies arising from chemical, biological, radiological and nuclear incidents; disruptions to the medical supply chain; human infectious diseases, e.g. pandemic influenza; and mass casualties.

3.9 This requires the Department to not only develop and maintain appropriate emergency plans and response arrangements to manage its own response to an emergency, and that of its associated agencies and NDPBs, but also to coordinate the interagency aspects of civil protection for those emergencies for which it has been designated lead. In such circumstances, the Minister would be required to lead, direct and coordinate the response for NI, reporting as necessary to the Executive under the Northern Ireland central crisis management arrangements”.

That tells me that the responsibility for development plans and developing a strategy to combat this virus rests with the Department of Health, particularly with the Minister of Health. It is also the responsibility of the Department of Health to provide advice. I still cannot get my head around the advice that was given to the Executive, just before Christmas, with regard to travel from London. Matt Hancock had told us that the virus was out of control in the south of England, and that the new variant had become dominant. In fact, we were being told that, probably, one person in 40 in London was infected with this virus, and in some parts of London, the infection rates were as high as one person in 30. However, it was OK to jump on a plane at Heathrow, hop off at Belfast City Airport and go about your business by getting into a taxi, train or bus to go into the city centre to do your shopping or whatever. A plane

holds 160 passengers, so if one person in 40 in the south-east of England was infected with the virus, then it does not take you to be Einstein to work out the maths and the probability that there were four infected people coming in on every flight from the south of England.

Mr Buckley: I thank the Member for giving way. He articulates his point quite well, and I know that this is something that he has long debated. However, in following that same logic, when we look to the Republic of Ireland and see what was described as “some of the highest rates in Europe”, does the Member equally call for an equitable approach between the South and North with regard to COVID-19’s spread?

Mr Sheehan: I will come to that point in a minute, if you will let me finish the point that I was going to make.

So, what is the point of us trying to reduce community transmission? Bear in mind that I see this as a contract with the citizens. We introduce these regulations and restrictions, which are often quite draconian, on the basis that, if they do what we ask them to do, we will do our best to protect them, to save lives, to ensure that our health service is not overwhelmed and so forth. However, what is the point of us trying to reduce community transmission here if we are going to open the door and welcome the virus in on paneloads of people who are coming into Belfast City Airport, Aldergrove, Derry or wherever? What is the point? The advice that was given to the Executive by the Minister, the Chief Scientific Adviser and the Chief Medical Officer was that that did not pose a significant risk. That is arrant nonsense. I do not care who the scientist is; let them get up and explain how it is not a significant risk, because it is.

On the issue of the South, first of all, there is one advantage that many countries have. It is just by accident — a geographical accident — that some countries are islands, and many of those islands are the ones that have performed best in the whole pandemic. That is because they can control entry into their country. They are places like New Zealand, Australia — albeit it is a continental island — Taiwan, Iceland and so on. They have all done better because they have a small number of points of entry, which is where the virus can be controlled. Here you can come from London, jump off the plane and go about your business without any checks or restrictions: nothing. That is a problem. It does not matter how low we get community transmission, if we are still importing the virus, we are still going to have problems. I do not care whether it is London, Paris or Timbuktu; if we are going to import the virus, we will continually be in this situation where we impose lockdowns, get the transmission rates down, open up and see the thing go through the roof again, just as it has done this time.

5.45 pm

There has been talk about zero COVID, and people say, “But, ah, you can’t get to zero”. People also say, “You cannot eradicate the virus”, and that is absolutely true. We cannot eradicate this virus; it would be impossible. The virus will be with us for many years to come. The Chief Scientific Adviser said that, rather than being a pandemic, it will become endemic; it will always be there like the flu virus. We have to deal with that, and there are ways in which we can deal with it, and vaccination is, of course, one of the tools at our disposal.

Once the vaccinations arrived, people were thinking, “We’re going to be out of the woods by Easter or maybe late spring or early summer”. I doubt that anybody sitting in this Chamber now expects that. There will be problems with vaccinations, and we have seen new variants arising. Funny enough, going back to what I was saying earlier, I saw today that the Kent variant — the UK variant — accounts for 68% of all cases in the North. I wonder whether that has anything to do with people jumping on and off planes and coming in here.

It is certainly concerning that other variants are arising, and, if you listen to any of the scientists or public health people who have expertise in this field — the virologists, the epidemiologists and so on — you hear them say that the greater the community transmission rates, the greater the chance of mutation. The great fear in all this is that we will get a mutation that becomes resistant to the vaccine. Of course, many of the vaccine manufacturers say, “We can deal with that and tweak the vaccine”, but that will take time. They will not only have to tweak the vaccine; they will have to reboot their whole manufacturing process and so on and so forth. So, anybody who thinks that this is going to be resolved in a few weeks or a few months is living in cloud cuckoo land.

What do we need? We need a coherent, coordinated and integrated strategy to deal with the virus. We need to find the virus. We need to have proper contact tracing. We had an opportunity during the summer after the first lockdown, when numbers were very, very low, to build a proper contact-tracing operation. That opportunity was wasted. The Chief Medical Officer told the Committee that there were between 400 and 600 offers from people to train to do contact tracing. He said that there were people being trained in enhanced contact tracing. That is going back to 23 April or 24 April — I am not sure which. The chief executive of the Public Health Agency told us, in the middle of April, that her organisation was “training” 500 people to carry out contact tracing. She came back three weeks later, and, when her words in the Hansard report were read back to her, she admitted that she had spoken out of turn. Those are the opportunities that were wasted. Nobody was being trained, and there was no beefing up of the contact-tracing operation.

The chief executive of the PHA came back in October and told us that it had 151 contact tracers, and when asked what that amounted to in full-time equivalents, she could not give us an answer. We later found out that it was actually 88. When we asked her why the numbers were so low in comparison with what she had been talking about in the spring, she said that the experts who did the modelling on the number of positive cases that we should expect got the modelling wrong. The experts told the PHA to expect a maximum of 300 cases a day, so it did not beef up its contact tracing as a result of the modelling that was given to it. Who was the modelling done by? According to the chief executive of the PHA, it was done by Professor Ian Young, the Chief Scientific Adviser.

When the Chief Scientific Adviser was at the Committee a couple of weeks ago I asked him about that. How come they made such a mess of the modelling, and how did they get it so wrong? He said, “We did not get it wrong. We told the PHA to expect up to 1,300 cases a day”. I do not know who is right and who is wrong. Whoever is sitting here can make up their own mind on that. It tells me that, in

dealing with the pandemic, this whole operation has been absolutely shambolic. There is no other word to describe it.

We need a clear objective and a coordinated, integrated strategy, and somebody has to take responsibility. At the minute, the Health Minister is abdicating his responsibility. If the Chief Medical Officer and the Chief Scientific Officer are going to give advice, let it be based on science.

Ms Hunter: I will begin by taking the opportunity to thank the public for all that they have done and the sacrifices that they have made over the past 10 months as we continue to do all that we can to beat the virus.

As we discuss amendment Nos. 19 to 25, I am sure that the recent news that the lockdown will be extended until early March was met with many sighs and heavy hearts. Whilst all of us across the Chamber recognise the need for continued restrictions and support the Executive in this difficult decision, we are very mindful of the impact that the pandemic has had and will continue to have for the foreseeable months on our constituents, not least the emotional impact of being socially isolated.

Sadly, the sacrifices that have been made for the greater good have come at a very personal cost. For many of the most vulnerable people, during the pandemic, their life has existed only between four walls. Many experienced a very lonely Christmas, making sacrifices this year so that the next will be very different.

As I and many other passionate Members have said before, the after-effects on mental health and well-being will be felt long after the pandemic has passed. Mr Middleton, although he is not here at the minute, mentioned a call that we had with the Western Trust when we heard the worrying statistic that 12% more people are presenting at mental health services. That is deeply concerning and worrying. I believe, as do other Members, that it is on us, as MLAs and the Executive, to commit to ensuring that the support is, and will continue to be, there for those who are in need of help and support, particularly after this traumatic time. The last 10 months have been very difficult for all aspects of society.

One thing that Mr Middleton touched on was that in previous health amendments we discussed funerals. It is a very difficult time to have a funeral. In the North, having wakes allows us to engage with our community in grief, and that support system is not there. To speak directly to the public, I urge those who are suffering from a bereavement to seek crucial support and counselling.

I must also pay tribute to the NHS staff who, as we speak, are facing some of the most difficult times that they ever have faced or will face in their work. We are greatly indebted to them and hope that, with further restrictions in place, we will start to see a fall in infection rates and people needing hospital care, and, in turn, less pressure on front-line staff and the health system.

Similarly, I pay tribute to all those who are involved in the vaccination programme. Its success is remarkable, and it is heartening to see the figures every day for those getting the vaccine. Currently, 10·5% of the adult population has been given the first dose of the vaccine, and that is most welcome.

As we look towards more weeks of businesses having to stay closed, I call on the Executive to act quickly to extend

current schemes and to help those business owners who rely on that money to keep their businesses afloat.

From my constituents, I hear a lot about the closure of entertainment venues and the need for more support for entertainers, singers and musicians. Having no social events such as weddings has caused great difficulty, and the pandemic has meant that the entertainment industry has had a very hard time. In the coming days and weeks, I look forward to learning what further consideration is being given to provide support for that sector.

While I appreciate that swift action needs to be taken by the Executive when it comes to decisions around regulations and lockdowns, I believe that the Assembly should have more time to discuss those decisions. Today's regulations were all made between 10 December and 29 December, which is over one month ago. I also note that it seems that, too often, we are learning about Executive decisions through the media as opposed to being properly informed and briefed on any policy changes or extensions to restrictions.

I will conclude my remarks by once again thanking front-line staff for all that they are doing in this fight. We are all very grateful. I urge the public to continue to adhere to the current guidelines and regulations, as difficult as that may be. The vaccine roll-out is giving us all hope that the end is a little bit closer, but it is important, now more than ever, not to give up and undo all the sacrifices that have been made over the last year.

A lot of political angles have been discussed today, and I could indulge in that. However, I want to shift to an important topic. Mr Buckley mentioned, very passionately, his deep concern about cancer surgeries being cancelled. I absolutely agree that that is very concerning. Cancer is a deeply emotional and raw topic, and I share my deep concern. Two years ago, my father had a robotic radical prostatectomy, and the cancer care that he received from the Western Trust was absolutely fantastic. However, we often wonder whether, if he were having his diagnosis in 2021 and needed that crucial surgery, we would be having a very different conversation. I share that deep concern, and the Health Committee should discuss the issue further.

I thank the public for their continued efforts and the health staff for their hard work.

Mr Deputy Speaker (Mr McGlone): I call Cathal Boylan.

Mr Boylan: No, I am not down to speak. I am sorry.

Mr Deputy Speaker (Mr McGlone): I call Kellie Armstrong.

Ms Armstrong: Thank you, Mr Deputy Speaker. Do you know what? If the public are listening to this debate, they would be more depressed than ever. It has been hard to listen to some of you tonight. I do not know how you can make a pandemic a green and orange issue, but can we please just knock it on the head?

A lot of the regulations that we are talking about here, as many Members said, take us up to the end of December. I thank the junior Ministers, the Health Minister and the whole Executive for bringing them forward because I had been giving out about the extraordinary length of time that it was taking for the regulations to get to the House. That is not bad going; we are only back after the Christmas

recess, even though we were here quite a lot during recess, and we are up to amendment No. 25. I know that we are already into the 2021 regulations, but we are not too far behind, so I thank the junior Ministers for bringing them forward.

I know that it is hard for Members to sit and listen to quite a lot of stuff. I know that I am a member of a party that is part of the five-party Executive. I think that it was Mr Buckley who talked about being motivated. I do not know how the Executive are staying motivated because this has been the toughest time in politics. We need to take a wee moment to catch ourselves on here. We have an Executive who are exhausted. I do not know about the rest of you, but I am exhausted. My family is exhausted. The public are exhausted. We need to bring people with us; they do not need to hear negativity coming out of this Chamber.

I am massively concerned about mental health. Amendment No. 25, the last one on the list today, is to do with the closure of close-contact services. Do you know what? I need my hair cut, and Mr Middleton needs his 12 red roses for Valentine's Day. We talked about a lot of points of contact that we are missing.

Mental health is really struggling.

6.00 pm

Others have talked about schools. I have teenagers who are now saying to me that they want to repeat a school year. Have you ever heard of young people saying that they want to do another year at school? That is how bad it is. We need to give them something to look forward to. Over Christmas, we know that it really got to isolated older people. As others have said, it was a very quiet Christmas. Their mental health is a problem. For maternity services, we are creating a wee bomb ready to go off in about six months or a year for all those women going through birth without their birthing partner being there, and for those who, unfortunately, like me, have been through miscarriage or stillbirth. We cannot do this any more. A lot of people are at breaking point with their mental health.

A lot of Members today have talked about front-line carers, and I thank them for that. I thank each and every carer who has been out there knocking their pan in and helping people, to the detriment of their own mental health. I want to make a point today. When we talk about front-line carers, there is one group of carers completely left out. They are not mentioned in the regulations and never considered when it comes to giving out money. They are the home carers: the people looking after the elderly and disabled at home and who have not had a break in a year. Those people are not getting any money thrown at them, they did not have a carer's allowance increase and they have not had the £500 that has been thrown at people in Scotland. Those people are at breaking point and have no respite.

They need clarification on the vaccine. The Joint Committee on Vaccination and Immunisation (JCVI) has said that they are in group 6 of the people who will get a vaccine, but our GP surgeries do not know that. When carers phone up to make sure that they are registered on their medical records as being a carer, some GPs are saying that carers are not getting the vaccine then. That is not true. The JCVI has already confirmed it. In fact, I am delighted to say that, today, the update is that over 182,000

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people have had their first vaccine. That is fantastic. When it comes to mental health, I ask the junior Ministers to take back to the Executive that we have teenagers, isolated older people, pregnant women and their partners, and carers who are at breaking point, and the key thread running through this is their mental health.

When I say that we need a clear COVID recovery strategy — we need to see that being built through the regulations — I do not mean that we go back to what was before but go forward to help people come out of this. Money is still not getting through to businesses. A lot of Members talk about the independent retailers, but large retailers have closed, costing us 700 jobs. When Debenhams went, it was not just a few people: a lot of people lost jobs. As Ms Hunter mentioned, events companies, the arts and sports all need help. The regulations have impacted on them all. We need to start to think our way out of this. It will not be today, tomorrow, Easter or the summer. I do not know when it will be, and I do not think that anybody out there in the community would thank us for putting a date on it that is then broken, but we do need to start planning ahead.

Unlike Mr Chambers, I believe that preparation is key. We can help bring people with us if we give them a plan and show them that there is something for the future. The vaccine does that but only in part, because it is about mental health. What are we going to say to those mothers who have not had any support? For instance, do Members know that Cruse Bereavement Care does not receive funding for the mental health of mothers? The other day, the Minister of Health mentioned that there will be perinatal mental health money available, but it is not there now. It is being thought about for the future. We need to think about this. Key to this is our children. They are starting to struggle. They have lost their motivation, as others have said. We need to give them something positive to look forward to. Telling them that they do not have exams coming up is not something positive. They miss all of that, so we need to give them something a bit clearer. A clear COVID recovery strategy would help.

I ask the junior Ministers please to take this back, because I am fed up asking the Executive for it. Can we get a point of contact for the Departments so that we can get through to them? I am sick to the back teeth of writing to a Minister asking for a point of contact, only to be given the same point of contact as everybody else, and the phones are never answered. We need to be able to speak on behalf of businesses, people with mental health problems and people trying to find out about vaccines. I know that they are not to phone their GP, and I would never ask anyone to do that, but we need those contact details, and perhaps the public need clear information as well.

The silent majority out there are complying with the regulations and have complied with amendment Nos. 19, 20, 21, 22, 23, 24 and 25. They have complied with them the whole way through, and they will continue to comply. Perhaps it is time that, in those regulations, we start to think about introducing regulations that say to those who do not comply that the fines will get worse.

On the fake news providers, I do not know about the rest of you in this House, but, as an MLA, I am sick to the back teeth of getting emails from people saying, "You must read this book about COVID that says that it is a load of rubbish", and, "COVID is not the cause of everything. COVID is just made up by government to control us all". I

even had a church pastor write to me saying that I was a disgrace because people were not going to that person's church. Most churches have kept within the regulations.

All I ask is: can we please have a little bit more clarification in future regulations? Please go back and talk to the Executive and say to them that, while we have almost caught up with the regulations that have been issued to date, we need to stop the tit for tat, and we need to give people hope. We need to start to bring people with us, and we need a COVID recovery strategy — not, as Mr Chambers said, that we need it to be back to what we were used to a year ago. Who would have thought that a year ago we would not have known what the R number meant? It is for a new future and for what that new dawn will be like when people can finally go out of their houses again. Some of those isolated older people — the people who were closed down over Christmas because of those regulations — are very scared about going outside, and we need to help them to access services, especially when it comes to improving their mental health.

Mr McNulty: I thank the junior Minister for bringing these regulations to the Floor of the House. As I sit and listen to the valuable contributions of all Members this evening, the words of a friend of mine are resonating in my ears. Last March, when we were all getting to grips with the arrival of this new virus and pandemic, I reached out to a trusted friend, Dr Gerry McEntee, a back-to-back winner of all-Ireland championships in the 1980s with me and also a renowned surgeon in the Mater Hospital in Dublin for over 30 years. I wanted a medical steer on what he thought about this pandemic. Gerry said to me:

"Justin, when this is all over and done with, people you know and people I know will be dead."

Sadly, I have seen how right Gerry was, even though it was hard to comprehend it at that time. We all know people who have passed on, and it is very sad. Coincidentally, Seán Boylan, Gerry's great manager, contracted COVID, and, thankfully, he has fought through. I acknowledge the stark necessity for these regulations. At the time of their introduction, they were necessary both to protect public health and to protect our health services. We all have to acknowledge that these restrictions are not what we want. They place extraordinary curtailments on our economy, our way of life and our basic liberties.

Before I go any further, I want to again put on record my sincere thanks and appreciation of the front-line workers across our society, especially those working in health and social care and education front-line services and in essential retail. Sadly, until this virus hit our world, much of the work that these people did was taken for granted. May that never be the case again. We should not just thank these people but revere them.

Like many in this House, in recent weeks and months I have sat in on many meetings with health officials. I have heard from them and, indeed, from the healthcare workers on the front line about the very real pressures on them as they battle to save every life. I spoke with the chief executive of the Southern Trust, Shane Devlin, last week: a week when 40% of all people who were in hospital with COVID in the North were in a Southern Trust hospital. The director of acute services told me that the staff have been fabulous, resilient and gracious. They are feeling the pressure and are completely shattered, but they are facing

the challenge head-on. They are extraordinary people. I have spoken to heartbroken families that are distraught; others have lost loved ones or have loved ones in the hospital that they cannot visit. I have spoken to families who have lost loved ones to this horrible disease, and they are beside themselves with pain and grief because they have not been able to say their goodbyes and share their grief in our special Irish way. I know too many families who have lost both parents to this horrible virus.

(Mr Speaker in the Chair)

The restrictions are not normal, but neither is the virus. While many of the restrictions are seen as reasonable and justified, there are others that people question. They are questioning the restrictions; they are not challenging the advice. However, they seek clarity and need to know why certain restrictions are in place. For example, why is outdoor sport for young people not permitted? Children have been taken out of school, and if we are to protect their physical and emotional well-being, surely organised and managed outdoor sports should be considered. I have had parents plead for their children to be permitted to participate in sport. Yes, the restrictions and regulations must be adhered to. However, allowing some limited sport and recreation will protect the mental health and well-being of young people now and into the future.

Why are car washes closed? Surely keeping cars and headlights clean is a good thing. We have kept garages and MOT centres open and operating. Yet, some cannot get their car washed. So-called non-essential retail is closed, yet essential retailers can sell items that are deemed non-essential, such as hot tubs and some electrical goods. Surely that is not fair. It favours the retail giants but does nothing for the small independent retailers in our town centres who were fighting for their very survival before the pandemic.

We have seen the impact of COVID-19 on our communities, not just by the outcome of these restrictions but the death toll and the number of people affected by it, the impact of schooling from home, and by large parts of our economy being put into cold storage. We need a plan for recovery and a plan for the reopening of our education and health services.

I have said many times that those working in education need to be prioritised for vaccination, especially those in special education settings. We need a plan to ensure that children who are falling behind can catch up, a plan that ramps up healthcare capacity to tackle the ever-growing waiting lists and the hidden health consequences of the pandemic and the various lockdowns. We need a plan for mental, physical and emotional health recovery and renewal. We need to see a plan for economic recovery and renewal. We need a plan to reboot our tourism and hospitality sectors. We need a plan to get sport back on the pitch. We need a plan for emotional health and well-being renewal.

Like many in the House and in our communities, I want to see the restrictions eased and life return to as normal as possible — whatever normal might look like after this pandemic. We do need to adhere to the public guidance and expert advice. Someone once said:

“If you’re going through hell, keep going”.

Let us all keep going.

Miss Woods: I thank the junior Ministers for outlining the regulations. I welcome the opportunity to speak in the debate and, like others, pay tribute to our front-line and healthcare staff who work extremely hard under immense pressure and stress. Like Kellie Armstrong, I want to mention those family and home carers who are often hidden. I extend my thoughts to families and friends who are suffering because of the passing of their loved ones and those who are unwell.

6.15 pm

These regulations were to be expected. We were warned that infection rates would rise and that our health service would become dangerously overwhelmed. Around the middle of December, there were, on average, around 500 positive tests per day, according to Department of Health figures. By 27 December, that had doubled to just over 1,000 per day, and, on 29 December, there were 2,300 positive COVID test results. In the week commencing 28 December, over 12,000 people tested positive for COVID-19. The previous week, there were just 5,000. How did that happen, and what were the Executive doing about it? At the beginning of December, the Executive agreed what they called the Christmas household bubbling arrangements from 23 to 27 December. They also announced that non-essential shops and services would reopen from 11 December. The First Minister said:

“Through our collective efforts over recent weeks we gained enough space in the transmission of the virus to relax a significant number of restrictions, including the opening-up of non-essential retail, close contact services, sport and leisure activities and our places of worship ...

These decisions will give families, businesses and employees some much-needed certainty and comfort in the run-up to Christmas and beyond.”

There was little comfort in those words for those working in our health service. As scientists and medical professionals pointed out at the time, transmission of the virus remained steady and the lifting of restrictions could have only one effect on spread; it would allow the virus to circulate even more widely. Professor Gabriel Scally said back then:

“I think with Christmas coming up, people will see this as permission to do lots of things they haven’t been able to do and a lot of those situations, whether it be restaurants, or whether it be a lot of crowds shopping — all of that will just feed the virus and the numbers will go up.”

Similar concerns were raised by others, such as Dr Tom Black of the BMA. Time and again, we were told that the Executive’s decision to reopen non-essential services before Christmas and their easing of restrictions to allow for social mixing over five days during the festive period set us on the course for the crisis point that we are experiencing at present. The result was entirely predictable, yet we ploughed on.

Less than a week after relaxing restrictions, there came a completely different message; on 17 December, the Executive agreed a full lockdown to come into effect from Boxing Day. The deputy First Minister said:

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“The health service would be completely crushed in January if we didn’t intervene now, so while this is draconian, it’s about saving lives. We’ve never been in such a bad position as we are now, and will be in January if this didn’t happen”.

Let us think about that for a moment. On 4 December, the First Minister said that we had:

“gained enough space in the transmission of the virus to relax a ... number of restrictions”,

and that it would provide “much-needed certainty and comfort”, but, less than a fortnight later, the deputy First Minister said:

“We’ve never been in such a bad position”.

When the new variant began to cause widespread panic on 19 December, Ministers suggested that people should consider mixing on only one day over Christmas. That is outlined in the amendment (No. 22) regulations onwards, which we are dealing with today, but it was not formally agreed by the Executive until 21 December and was communicated via a press release that was published just after 1.30 am. They advised against non-essential travel, but, like many decisions and messaging in that regard, it was too little, too late. It sent many people into a panic. Some had arrived home to Northern Ireland but were due to go back to university or to where they live. Others made the horrible-but-necessary decision to cancel their visit to their family at Christmas. We were all contacted throughout the holidays by many people who were panicking because their children, for example, could not get home or would be turned away from the boat.

Examine the regulations and the amendments before us today. What do they show? The amendment (No. 19) regulations to the amendment (No. 25) regulations tell a story; they illustrate precisely the problems that the Executive have had in dealing with the pandemic and their inability to get on top of the crisis. We are debating amendments to regulations that were brought in to ease restrictions and also some that constitute the shutting down of society and the economy.

As Colin McGrath said, it is rather convoluted, if not highly confusing. How many more lockdowns will there be? How many more blows will be suffered by people who have struggled financially and emotionally throughout the pandemic? The approach has been inconsistent and incoherent. The regulations paint that picture very clearly. The Executive published plans and frameworks for decision-making on easing and tightening restrictions and we did not follow them. Ministers argued and fought about reopening non-essential services that would have increased the transmission of the virus, and then, faced with the complete implosion of our health service, they rushed to backtrack and impose tighter restrictions. The competing priorities of each of the Executive parties have compounded attempts to deal with COVID-19. There has been a failure in the most basic duty to communicate simple, consistent messages to the public and to give relevant information. One day, we have room to relax, but, less than two weeks later, we have arrived at our worst point; we are told that we can mix with other households for several days over Christmas, then, sorry, no, just one 24-hour period; and we are told to travel only if it is necessary but that there would be no restrictions other

than for those in and out of tier 4 in England. All of that was in the amendment (No. 22) regulations, as outlined, and in the amendment (No. 23) regulations.

Confusion, mixed messaging and no, or very little, information are recurring themes. We continue to find out what has been, or will be, discussed by the Executive through Twitter or Facebook posts by journalists. As MLAs, we are not given the information to answer our constituents’ questions. Perhaps, however, it is just those in the opposition. I appreciate that this is a fast-moving picture, but people deserve information to get their questions answered or, at least, to have an avenue to do so. I fully support Kellie Armstrong’s call for a single point of contact for MLAs to utilise to get the answers that their constituents need.

I repeat, again, my call for press conferences to be more regular and, specifically, this question: when will Ministers conduct a youth press conference? I have written to the First Minister and deputy First Minister twice — both unanswered — not to mention the questions for written answer. When will children and young people get their questions answered?

Today, the Education Minister launched the Northern Ireland Executive’s children and young people’s strategy 2020-2030. One aspect of that strategy, apparently:

“stresses the importance of allowing children and young people opportunities to participate in society and to have their voice heard and their views respected, especially on issues which affect them.”

Where is their ongoing opportunity during this most uncertain of years in their lives, as they deal with massive changes and ongoing restrictions? Worst of all is the underlying tone that is evident in some communications that ordinary people are to blame for the virus getting out of control. As the dean and vice dean of the Faculty of Intensive Care Medicine in England noted:

“A troubling narrative now appears to have crept into some reporting of intensive care bed shortages – blame the public.”

Our NHS staff are struggling. They are frustrated, stressed and stretched beyond what we can only imagine, and they have every right to be angry with those who flout the rules, but it is not a few reckless individuals or young people who are responsible for the near collapse of our health service. It is not the public’s fault that hundreds of people had their cancer surgery cancelled last week. The BMA’s medical ethics committee pointed out:

“Rather than blame the public, we should focus on how the timing and communication of restrictions have contributed to the current situation ... We are also dealing with a variant that makes the virus more transmissible, which is especially dangerous for those living in areas of social deprivation where the infection spreads more easily. Fundamentally, however, it is chronic underfunding and lack of resources in the NHS that are driving staff to breaking point – not the public, who are doing everything they can to prevent our beloved health service from going under.”

There has been a failure to deliver an effective test, track, trace and isolate system that compensates people who miss out from lost income. As, I am sure, others have, I

have had constituents contact me to tell me that they have been turned down for support, even for grants that are set up for them to apply for, and are being told that they are not eligible. As an Assembly, we need to protect the most vulnerable — the people who cannot afford to self-isolate — and those who have missed out on forms of financial assistance for their business or livelihood.

As I have said, the restrictions before us were to be expected. We were warned that infection rates would rise and that our health service would become dangerously overwhelmed, but it did not have to be this way. The pandemic is far from over. What we need, above all, is a clear and consistent approach to deal with the crisis. We do not need any more confusion, ambiguity or toing and froing from pandering to populism. We must get on top of this, once and for all. There has been too much unnecessary suffering. The Executive must get support to those who need it. Thank you, Mr Speaker.

Mr Allister: I do not think for one moment that there is anything but extreme difficulty for any Government dealing with the pandemic, and it is the same for the Stormont Government as it is for anywhere else. However, those difficulties are nothing compared with the difficulties that our health service has had to cope with.

I join others in saluting the dedication of so many across that service for answering beyond the call of duty.

Although I acknowledge that it is difficult to deal with a pandemic from a government perspective, this Government, through the Executive, have had a number of steps and missteps that have compounded those difficulties. One of those is the flip-flops in the announcements. Miss Woods articulated some of them. In November, we were told that it would be two weeks and that would do it. Then, at Christmas, we were told that it would be five days, but, no, it was then one day. Then we were told that the current lockdown would last until 6 February, but now it will last until 5 March. That leaves a public who are not just increasingly frustrated but increasingly questioning whether some of those in charge know what they are doing.

The issue that brings that to the fore is what the public were told was the key determinant. For months, the public were told, "It is the R number, stupid. If we can get the R number below 1, we can ease things". Now the public are being told, "The R number is below 1, but we will extend the lockdown from February to March". Where did the benchmarking to the R number go? The public are entitled to ask and to have that question answered. Does the R number not matter any more? Yes, I understand the delay in working through the system of rising numbers of infections, hospital admissions and deaths with a falling R number, but, if there is, as there seems to be, that conjoinder between a rising R number and rising numbers of cases and a falling R number and falling numbers of cases, surely, as we go forward with a falling R number, we should anticipate a fall in the demand for hospital admissions. We know that there has been a fall, thankfully, in the number of positive COVID tests. The lag for that works both ways. The lag is now, hopefully, working in the opposite direction. However, the lockdown is not. We have just been told that the lockdown is reaching into March. It is issues like that that add to the public's scepticism.

I understand that our hospitals have to be able to cope. I will not labour the point, but I will say again that, if, under devolution, we had looked after our hospitals instead of taking out 2,000 beds since 2007 and all the attendant staff that go with them, we would be in a much better position to cope. I understand that, but, when the R number is falling, surely the admissions are projected to fall and, happily, the deaths, yet we are projecting extension. Why is that? What about all the talk that we had before Christmas from the First Minister and the deputy First Minister about how we had to learn to live with the virus? That is the sort of flip-flopping on the message that I refer to, never mind even going to issues such as the catastrophic impact on messaging of the Storey funeral.

Those are some of the problems that the Executive have had. The other dimension of public disquiet, from what I hear from my constituents, arises in the disparate treatment of businesses.

The point that some have made in the debate is that large supermarkets can open, but small retailers that do not predominately sell essential goods are closed. So the draper who sells predominantly clothing is closed, but you can walk into Marks and Spencer and kit yourself out in its vast range of clothing. That is what really irks so many small businesses on our high street.

6.30 pm

Mr Buckley: I thank the Member for giving way. Does he acknowledge that the ability to socially distance at many small independent retailers, given that they work on an appointment basis, makes them a much safer environment than Marks and Spencer, for example, where people go for their jolly shop and then venture on into the clothing section?

Mr Allister: The Member is absolutely right. I think of the main town in my constituency: Ballymena. We have a Range store. The Range sells a vast range of, essentially, household goods. It sells some essentials such as toiletries etc, but the predominant sales are in its household goods. The Range is open, but Wyse Bye, a local business, which also sells some toiletries but which predominately sells household goods, is closed. Why is that? Why are those who, prima facie, seem to be breaching the rules not enforced against? Does that simply mean that others should equally disavow the rules, because that is the open invitation?

Mr McGrath: Will the Member give way?

Mr Allister: Yes.

Mr McGrath: There was an example in my constituency of a business that sells home heating fuel, which is essential, and has a small car wash to the side being fined by the police, because the regulations say that car washes cannot open. Yet multinational companies that do essential retail are allowed to sell their unessential retail, which is also listed in the legislation. Does the Member agree that that really does make small local businesses feel as though it is one rule for the big companies and a different rule for them?

Mr Allister: I agree absolutely. If nothing is heard out of this debate but the pleas on behalf of small local business, I hope that those at least will be heard. It is imperative that, either through proper enforcement or ironing out the

wrinkles — let us be kind — of the regulations, there is not that disparity. Until that is done, you are going to build a huge pond of resentment. I am getting correspondence all the time. Here is one from the owner of a garden centre, who, to help himself over the winter months, sells a few bags of coal. He had to close the garden centre and cannot sell the coal, because it is a minority interest, but the hardware store that can sell coal can also sell the things that he normally sells — garden benches and all of that. Take another business: this one, I see, is from — she is not here — Ms Hunter's constituency of East Londonderry. The owner of this well-established business tells how every lockdown has had a massive impact on local business, while the big multinationals appear to be able to trade without any impact on their business and are benefiting from local business being shut down. He added that he had to go into Asda last week for groceries and was completely shocked by the number of people in some aisles in the store not buying groceries but buying other stock. He also made the point that someone else made that, in fact, small local businesses have a better opportunity to control their customer input properly.

I say to the Executive that there has to be a readdressing of the disparity in the matter, which is becoming acute not just in its level of annoyance but in its level of damage to the possibility of those businesses surviving. I trust that the junior Ministers have been listening and that, the next time we debate the regulations, we will not have the same catalogue of complaints about the prejudice against small business. If the debate serves any purpose, I trust that that is the purpose that it will serve.

Mr Carroll: I have been incredibly frustrated for almost a year by the way in which the Executive have implemented regulations, not solely because their strategy of living with COVID is utterly reckless, which I will come to, but because of the nonsensical charade whereby we are expected retrospectively to give approval to or discuss regulations that have long been implemented and, in some cases, are out of date. There is no real semblance of oversight, transparency or accountability. The latest regulations are cooked up behind closed doors, often diverging from health advice, and pushed through without a pick of scrutiny. It is bad enough that Governments around the world have been able to do this much more rigorously and effectively, but, when the regulations actively allow a deadly virus to surge, allow for the criminalising of protests and put workers at risk, the lack of accountability and scrutiny is totally negligent.

It seems clear to everyone that the current regulations will be extended to early March if not beyond, but when will we debate those decisions? In April or May, when the regulations have already been implemented? As others have said, why are we not discussing in the House the long-term strategy for dealing with the virus? This charade and the Executive's strategy have left us with one of the worst records in the world of dealing with the virus, and that needs to end.

The regulations before us relate to the Christmas period and, in some cases, just before. It is worth remembering that the Health Minister has already publicly admitted that the Executive got it wrong in how they handled that period. How many cases were contracted unnecessarily? How many deaths have occurred because of the decisions made by the Executive before the Christmas period, which

we are able to discuss — some of them — only today, at the end of January?

One of the amendments allows for up to 500 people to attend a sporting event. I have no doubt that sport can help alleviate the pressures of isolation, COVID and lockdown generally, but it is utterly baffling to me that the Executive would permit such large gatherings while criminally punishing people at socially distanced protests such as the Black Lives Matter protests. Many people will ask and have asked, "Where is the consistency? Where is the medical evidence that says that one gathering is permissible but the other is not?". The only discernible difference is that you pay into one event but not into a protest, never mind the questions around systemic racism.

The amendment (No. 25) regulations allowed taxi drivers to operate after 8.00 pm over the Christmas period. I do not think that anyone would oppose that. Some taxi drivers, however, were approached by the PSNI for doing so, some while transporting essential healthcare workers to work or home from work. Regulations have been rushed time and time again. Half the time, Ministers are not available on the air waves beyond a quick, curt press conference to explain the details. Many people are left to ask multiple questions online and of MLAs. People rely on WhatsApp and Twitter to understand the new rules. It is clear to me that the regulations were not understood, and taxi drivers were on the receiving end of that. They should not have been approached by the police. They have been through enough already. Too many still struggle financially without having to deal with that extra pressure.

The key question for the Minister is this: when will the Executive learn the lessons of the failed strategy of designing rushed regulations behind closed doors that risk the health of workers and communities by allowing the virus to continue to surge and then asking the Assembly retrospectively to give permission to the regulations? Unfortunately, I do not think that I am the only person who doubts that lessons will be learned. There has been consistent talk of individual responsibility and even a shameless attempt by some on the Executive to shift the responsibility on to ordinary people.

Yet here we are, looking back at regulations from the Christmas period, at a time when the virus was allowed to spread once again. Where is the acceptance of culpability on behalf of the Executive? Where is the individual responsibility for the strategy advocated by this Executive?

There is a momentum growing for an entirely different approach to the regulations, which amounts to a zero-COVID strategy. That has been raised already today, and I have raised it many times in this House but have been met with derision on many occasions. Last week, I wrote to the five party leaders on the Executive about the issue, and, frankly, the excuses from the Executive and the Government for not implementing a zero-COVID policy are pathetic and dangerous, and the Irish Government are pointing the finger at the North. They say that they cannot implement an elimination strategy because regulations here are different and looser, and our airports could undermine their strategy and provide back-door travel to the South.

Meanwhile, the Northern Executive muddy the water by fixating on the differences between us and New Zealand. They have referenced the cost of an elimination strategy,

while the cost of their own living-with-COVID strategy surges in terms of money, impact on the health service and lives. It has even been suggested by some that an all-Ireland strategy could be the first step towards a united Ireland. The border is being cynically utilised by parties North and South as an excuse not to implement the necessary strategies and regulations to suppress this virus and to save lives. There has been no attempt to come together and work together to hash out a costed zero-COVID strategy which could be implemented across this island. The absurdity of allowing a man-made border to stand in the way of getting us through this pandemic is striking. It has been said over and over again that if this was foot and mouth or some other animal-borne virus, there would have been an all-Ireland strategy on day one. Excuses, obstinacy and posturing around the border are pathetically transparent and patently dangerous. That is just one reason why the campaign for a zero-COVID strategy is gaining momentum.

A zero-COVID strategy is not about lifting the New Zealand model and dropping it over into Ireland. It is about working to achieve the same levels of elimination, suppressing the virus through reduced economic capacity, travel bans, rigorous testing and tracing and the necessary financial and mental health impacts being put in place. It means listening to the growing calls from experts and working out how that can be done in Ireland. I do not hold out much hope that the Executive will implement such a strategy on their own initiative, but our party and others across the island are doing all that they can to continue to put pressure on both Governments to ensure that we force them to adopt such a strategy.

Mr Lyons: I believe that Standing Orders mean that we have to be out of here this evening by 8.00 pm, so I will do everything that I can to make sure that I am finished up before then.

I thank all Members for their contributions this evening. As is normal, we have often gone beyond the regulations that are in front of us and got into a more general COVID debate, but that is the way that it has always been. Perhaps it is the way that it will be in the future as well.

I will address some of the comments that Members have made. I will begin with the Chair of the Executive Office Committee. I thank him for the comments that he made and the fact that the Committee has recognised the united approach that we need if we are to tackle this pandemic. I also note the concern that the Member raised about the complexity of getting the regulations to the Floor of the Assembly. That is something that we have talked about in this Chamber time and time again. I hope that all Members will recognise the efforts that we have made to make sure that we can get information to MLAs as quickly as possible through, for example, the Ad Hoc Committee. As junior Minister Kearney said in his remarks, after the latest decisions were made by the Executive, a number of Ministers made themselves available to that Committee so that they could address the issues and concerns that Members have. We are operating under the structures that were agreed in the coronavirus legislation, which mean that the Executive make the decisions and then bring them to the Floor in this way. I know that that is not ideal, and that is why we have tried to ensure that that there are opportunities, through the Ad Hoc Committee, for

Members to question Ministers about some of the changes that have been made.

6.45 pm

Paula Bradshaw spoke on behalf of the Committee, and I thank her for her comments. I understand the concerns that she expressed. The Committee Clerk has written to the Department about those, and I hope that she will get a reply to them. On her point about consultation, it is difficult and we do not have the time to go through the formal consultation procedure, but we are doing everything that we can to have a close dialogue with key sectors. We have done that in a number of ways and will continue to do it.

Speaking as an individual MLA, Ms Bradshaw raised the learning that has been gained from the reopening of sectors. That is an important lesson for us that we will take into our planning for recovery. She also rightly stated that the case numbers are horrendous, which is why we are under the restrictions. She also spoke about the new variant, the impact that it has had, and the use of a travel ban. She is right that it is transmitting too rapidly and that we are suffering the consequences. We will consistently monitor that to see what further action needs to be taken.

Mr Buckley spoke next. I thank him for his contribution. His passion was very clear. It is important that we do not just nod through the regulations or in some way get used to them, because they are extreme. We can see that in a number of ways and in the impacts that they have. As MLAs, it is right that we do not shirk our responsibilities in asking those questions and that we make sure that we try to find out exactly why we are bringing them in and whether they are proportionate at this time.

Mr Buckley raised a number of impacts that the regulations are having on people, and he was right to do so. In particular, let me mention his concerns about cancer treatments. One of the reasons why we have restrictions in place is because of the wider health impact on cases and issues such as cancer. The restrictions are not preventing cancer operations from taking place and they do not mean that doctors are staying at home, but resources are being diverted to COVID-19 cases. That is why it is so important that we drive down the rate of infection and do not have patients in ICUs. That will allow ICUs to be ready to be used for cancer operations and all the other very important things that he raised. He was right to make clear the impacts that COVID-19 is having on our health service. We need to make sure that we are running a health service in Northern Ireland and not just a COVID-19 service and that all those other issues are being addressed.

Members will be aware that the Health Minister has approved the establishment of a new regional approach to ensure that available theatre capacity across Northern Ireland is allocated to those patients who are most in need of surgery both during the surge and as we come out of it. That will include seeking to fully maximise all available in-house health and social care and independent-sector capacity. It is important that we recognise the impacts of COVID-19 on cancer and on non-COVID-19 health.

We also need to recognise the impacts that COVID-19 is having on our daily lives. Time and again, we have said that we will base our decisions not only on the R number but on the capacity of our health service and wider societal and economic impacts. That case is frequently pressed

with the Health Minister when he brings these restrictions to the Assembly. The impact on mental health is constantly raised with him.

We frequently talk about the impact of poverty as well, and I have lost count of the number of times, for example, that the CMO — I am sure that he will not mind me saying this — has pointed to the fact that poverty and unemployment are poor for health. We need to take into consideration all those aspects, and I can assure the Member and others that that is taking place in Executive meetings. All these issues are being considered, not just COVID alone.

I am sure that everyone in the House is aware of those impacts and of the devastating impact that all these restrictions are having on people across Northern Ireland and beyond. I am thinking about the impact on people's mental health here. That is devastating, and I am sure that we have all heard stories about how the mental health crisis has got even worse over the last number of months. We can see a huge impact on education as well. As useful as remote learning can be, it is no substitute whatsoever for face-to-face teaching, and I am concerned about the impact of that.

We see it in a number of other ways, and I think particularly of special needs children. I have heard stories of special needs children not getting the speech and language therapy, the music therapy and the physiotherapy that they had been used to before, so these regulations are having lots of impacts on our lives. It is absolutely right that we take all of these into consideration and do not just look at COVID alone. In fact, there is a responsibility on us to do that, and so I thank the Member. He and others also recognised the problems around click-and-collect services, and I answered that when Mr Middleton allowed me to intervene.

Ms Anderson is not in her place, but I will, of course, raise the issue of photographers. It does seem a bit odd. If you go to a photographer, you do not want to have a mask on when you are getting your family photograph done. I see what Mr McGrath is going to say. He is probably going to say that, for some people, that might well be an improvement, but it is an important issue, and, if we can give flexibility around that, it is important that we do so. Members will be aware that grants are being paid out to taxi drivers and financial support has been put in place, and Ms Anderson's concerns about taxi drivers will be raised with the Minister for Infrastructure.

Alan Chambers raised the issue of an exit strategy, and whilst I understand his point about it being difficult to do that in the current circumstances, we must start looking at our recovery now so that we are prepared, and that includes how we come out of the current restrictions in the short term and the wider economic and societal recovery processes after that. Members will be aware of the original pathway to recovery document that the Executive worked on in late spring and early summer, and it was agreed at the last Executive meeting that that work will be taken forward in a new and updated document on recovery to make sure that we have a plan for how we move from restrictions into a better place of recovery. That issue was raised a number of times.

Mr Middleton raised the issue of churches. Minister Kearney and I have had a number of engagements with many groups during the time that we have been in office,

and I want to thank the representatives of local churches here for the way in which they have approached our discussions. The discussions have always been sensible, measured and thoughtful, and it is good that we are able to have that working relationship with them, as we do with many leaders in other sectors. I thank them for their input and for the discussions that we have had.

Mr Middleton also raised the issue of funerals, and, again, I absolutely agree with everything that he said. I understand how difficult it is when you lose a loved one — we all do — and we want to make sure that we are able to grieve in the way that we are all accustomed to.

We want to be able to have people with us sharing in our time of sadness and grief. However, I have to say to those people, and this goes beyond funerals to any event or anything that breaches the regulations, "What makes you so special? Why do you think that the rules do not apply to you?". So many other people are adhering to the rules and to these restrictions, difficult as it may be, but they are adhering to them, so it is really important that we all send that message that we need to show that leadership and working with other people.

I note the concerns that the Member made in relation to click and collect. I get the sense from Mr Middleton that he is very concerned about not being able to get flowers for Valentine's Day in particular. If we can make common-sense adjustments to the regulations, we should be willing to do so.

Pat Sheehan made a number of comments. I agree that the pressure on front-line staff has been immense over the last number of months. That is why we all need to make sure that we do work together and adhere to the rules and guidance as best as we can so that we can relieve the pressure on them.

The issue of travel is continually under review, both east-west and North/South. The issue of people bringing the virus into Northern Ireland is, of course, a concern, and that is an issue that we talk about frequently with other Governments across the UK and with our counterparts in the Republic of Ireland. I think that I picked up, when he was referring to the proposed travel ban with GB, him saying that he did not care who the scientist was who said that. The advice and evidence that we, in the Executive, got at that time was that the risk was small. That was why we took the steps that we did in relation to that.

Mr Sheehan: Will the junior Minister give way on that point?

Mr Lyons: I am not going to give way at this time.

Kellie Armstrong began her speech by bemoaning the negativity of the debate and then proceeded to highlight her grievances about everything that was in the regulations that she did not like.

She said that this was an orange and green debate. I wish that the Member was still in the Chamber so that I could raise that with her. I do not think that this has been particularly an orange and green debate. In fact, what I have witnessed over the past three hours has been people bringing legitimate concerns. There has been a sincerity to these debates, which is always evident, and I do not think that there has been a lot of orange/green point-scoring at all. That was evidenced by Mr Sheehan when he showed that he actually welcomed the fact that the army was

coming in here to help, so I do disagree with her in relation to that.

With regard to the main point of contact for MLAs, the main point of information is, of course, Northern Ireland Direct, which is updated regularly with the latest information relating to the regulations and restrictions. We also have a team that deals with queries. If the Member is content, I will pass her contact details on to them.

Miss Woods: Will the junior Minister give way?

Mr Lyons: Very briefly.

Miss Woods: I thank the junior Minister for giving way. Could my contact details also be forwarded to that team?

Mr Lyons: Yes, I am sure that that can be sorted out. We will try to make sure that there is information for Members on the point of contact. As a constituency MLA myself, I understand what happens to your mailbox, WhatsApp groups, Facebook pages and all the rest of it. You get inundated with questions, and we want to help as much as possible with that.

I share Ms Hunter's concerns for the most vulnerable during this time. We are committed to doing everything that we can to help. I welcome her recognition of the impacts that the current restrictions are having on mental health.

Mr McNulty raised the issue of death and the fact that we all likely knew someone who had died — a sad but realistic perspective on what it is that we are facing.

He went on to talk about life returning to normal. Obviously, we want to be in that position as soon as possible. We have talked about an exit strategy time and time again, and vaccines are key to that. We will bring forward a recovery plan, and we trust that, in conjunction with the vaccines, we will really see how we get back to normality

7.00 pm

Miss Woods raised a number of issues about the pre-Christmas restrictions and relaxations that were put in place at that time. I hope that the Member recognises that we are dealing with a rapidly changing situation. It does not always run smoothly. It is not a straight line on a graph, and we have been reacting as best we can. As I said previously, nobody has ever got this right. If we had said to Members, "Five days — that is what you can all have for Christmas" and did not change that advice based on the evidence that was presented to us, we would rightly be accused of not listening to the advice that was in front of us. Sometimes we have to make decisions, and sometimes things have to be changed quickly. We thank the public for their patience as we do that.

To refer to her point about young people, we are very much committed to engaging with our young people. In December, the First Minister and deputy First Minister engaged in a junior press briefing with Cool FM. We are actively looking at other opportunities to engage with young people in the coming weeks. I agree with what the Member said insofar as we should not just be paying lip service to our young people but giving them real opportunities to engage. I am happy to look at any other recommendations that come forward.

Miss Woods: I thank the junior Minister for giving way. I will make one suggestion. A Northern Ireland Youth

Forum political panel and press conference was arranged by the Executive Office last year. Unfortunately, that was cancelled because of political fallout. I suggest to the Executive Office that it rearranges that with the Northern Ireland Youth Forum as soon as possible.

Mr Lyons: I am more than happy to take that back to the First Minister and deputy First Minister.

Mr Allister asked why we cannot start to relax restrictions now that the R value is below 1 and the rate of new infections is declining. The difficulty that we have is that we are at a very high level of hospital occupancy and we know that this caseload will take a considerable time to ease and reduce. Of course, it is not the Executive's policy to get the R number below 1; it is the Executive's policy to keep the R number below 1. That is why we cannot let up as soon as the number drops below 1.

I think that I covered in previous comments most of Mr Carroll's points.

I will again say that we recognise the impact that these restrictions are having on people. This is not something that we take lightly. I hoped many months ago that we would not have to be back in the Chamber doing what we are doing now and bringing all the negative consequences that come with these restrictions. However, I think that something has changed now compared with what happened in the past when we have been in front of the House, and that is that we have had the rapid roll-out of the vaccine. There has been tremendous progress. It is great to see that so many of our older people and our care home residents have been vaccinated. We need to give credit to our Health and Social Care services, which have done so much to ensure that that has happened. I hope that, with the continued roll-out of the vaccine, we will not need to constantly bring restrictions like this back to the House time and time again. That is what we all want to see. Let me again thank all those in our health service who have worked so hard to get us to this point.

My plea to the public is this: please stick with us. I know that this has been difficult. I know that people are fed up. I know that I am fed up and want this to be over. Let us just keep going through these next number of weeks and months. I have no doubt that, if we do that and work together, the normality that we all seek will be with us again shortly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020 be approved.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

Adjourned at 7.09 pm.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020

Mr Speaker: The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

Northern Ireland Assembly

Tuesday 26 January 2021

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. Yesterday, the House spent some hours debating the COVID situation, and there was cross-party exhortation to the public to obey each and every public health regulation. Yesterday also, we had another republican funeral at which those regulations were flagrantly breached, yet we have a party of government in the House that today is refusing to say whether any of its public representatives were present and, indeed, is refusing to condemn the situation. How can the House hope to command public support and confidence in our regulations if a party of government continues in that equivocal attitude in respect of such a matter?

Mr Speaker: You will understand that that is not a point of order, Mr Allister. Your point is made and is on the record.

Committee Business

Standing Order 110

Ms Ni Chuilín (The Chairperson of the Committee on Procedures): I beg to move

Leave out Standing Order 110(1) and insert:-

“(1) Unless the Assembly previously resolves, Standing Orders 110-116 (‘the temporary provisions’) apply in the period from 31st March 2020 – 3rd July 2021.”

Mr Speaker: The Business Committee has agreed to allow up to 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other contributors will have five minutes.

Ms Ni Chuilín: On behalf of the Committee on Procedures, I am pleased to bring this motion to the House today. It proposes amending Standing Order 110, which relates to the temporary provisions of Standing Orders 110 to 116.

Standing Orders 110 to 116 were agreed by the Assembly on 27 March 2020. The temporary provisions allow Assembly business and Committee operations to continue whilst adhering to public health advice and keeping Members and staff here as safe as possible. They include provisions for a reduction in the number of Members who are required in the Chamber in the light of the current circumstances and the need to socially distance.

They also make provision for voting by proxy and, in particular, for the number of proxy votes carried by a Member to be taken into account in the collection of voices that precedes a Division. Furthermore, importantly for Committee operations, the temporary provisions provide for enhanced remote working practices. They also provide for Committee members to delegate their vote to another member of the Committee, including the Chairperson or Deputy Chairperson. Most importantly, they provide for Statutory Committees to make decisions without meeting. Similar provisions are in place for Standing Committees, with particular provision made for the Audit Committee and to maintain, so far as is possible, the existing structures of the Business Committee.

When these temporary provisions were initially agreed, a time frame of 30 September 2020 was set, with the provisions ceasing to have effect following that date. However, at its meeting on 17 September 2020, given the prevalence of COVID-19 in our communities and, indeed, across the globe, the Committee agreed to further extend the temporary provisions to 31 January 2021. The motion to extend the temporary provisions was subsequently

agreed by the Assembly on 29 September 2020. At that stage, we all hoped that the worst of the pandemic might now be behind us. Unfortunately, that could not be further from the current situation with COVID-19. Therefore, at its meeting on 16 December 2020, the Committee agreed to further extend the temporary provisions. The Committee was cognisant of the increasing and alarming rate with which the disease is spreading, and that more and more people are getting ill and requiring hospital treatment. Rather than extend the provisions to Easter recess, the Committee agreed a motion to extend them right up to the summer recess on 3 July 2021. I hope that the Committee has been overly generous with this extension period but, given where we are today with the pandemic, it is very possible that social distancing and remote working will be required beyond the Easter recess period.

I will briefly update the House on a couple of issues that the Committee is considering in relation to proxy voting and remote working. First, as part of its ongoing review of the temporary provisions, the Committee has received some concern about the 9.30 am deadline for a Member to nominate a proxy. The Committee will receive legal advice on this at its next meeting, with the intention of bringing a motion to the House at a later date. Secondly, the Committee is continuing to consider the instances in which proxy voting could be retained on a more permanent basis and how that might be reflected in Standing Orders, relating in particular to Members who may not be able to attend Parliament Buildings because of parental leave or long-term sick absence.

Finally, I am pleased to notify the House that, at its meeting on 20 January 2021, the Committee agreed to proceed to introduce hybrid proceedings in the Chamber. A Committee motion to amend Standing Orders was agreed, and I hope this will be brought to the House in the near future for a cross-community vote.

Today's Committee motion and the ongoing work on proxy voting and hybrid proceedings are a reminder that we, as an Assembly, need to do our bit to keep ourselves, our colleagues and our families as safe as we possibly can. I welcome the recent update to all Members from the Cheann Comhairle — the Speaker — on managing Assembly business during COVID-19 and how:

“Supporting the public health message and considering the welfare of all Members and staff should be our priorities at this time.”

Therefore, on behalf of the Committee on Procedures, I commend the motion to the House.

Mr Speaker: No Members have indicated that they wish to speak, so I call Tom Buchanan to conclude the debate.

Mr T Buchanan (The Deputy Chairperson of the Committee on Procedures): I welcome the opportunity to conclude today's debate on the motion to amend Standing Orders. As outlined, this comes to the House today as the current temporary provisions will cease to have effect on 31 January. The provisions were originally agreed by the Assembly on 27 March to keep its business operating and everyone safe during the pandemic. I acknowledge that, on 29 September last year, we, again, asked the Assembly to extend the temporary provisions for a period of four months. Of course, at that time, I am sure that most of us thought that, by the end of January this year,

we would be well on the path out of the COVID pandemic. Sadly, that is not the case. Since Christmas, we have seen a considerable rise in the number of positive cases of COVID, our hospitals are inundated, and the medical staff are exhausted. We certainly are in unprecedented times.

Throughout this challenging period, the Committee has continued to carry out its role to keep Standing Orders under review. Therefore, the Committee brought the motion to the House so that Assembly and Committee business can continue to function while adhering to the current regulations and guidelines. The motion amends Standing Order 110 to allow the provisions in Standing Orders 110 to 116 to be temporarily extended to 3 July 2021. Like the Chairperson, I hope that the Committee is being overly generous with the extension. However, I can assure you that the Committee will keep the situation under constant review and consider further extensions if required.

In conclusion, I welcome the additional issues that the Committee is considering on proxy voting and remote working. Hopefully, those proposals will be brought to the House in the near future. The proposals will give additional provision to help people to stay safe and protect one another in the days that lie ahead. There is an onus on everyone in the House, and every elected representative, to ensure that, as we bring forward and discuss regulations, each of us gives leadership and adheres to the regulations. If the regulations are breached, we should condemn it, as should all elected representatives. We should give leadership directly from the House because that is the only way that we can build confidence in our community. Our community will adhere to the regulations when they follow the people who should be setting an example for them.

Therefore, I thank the Committee for its work on the Standing Orders and commend the motion to the House.

Mr Speaker: 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):

Leave out Standing Order 110(1) and insert:-

“(1) Unless the Assembly previously resolves, Standing Orders 110-116 (‘the temporary provisions’) apply in the period from 31st March 2020 – 3rd July 2021.”

Mr Speaker: I ask Members to take their ease for a moment or two.

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

10.45 am

Adverse Impact of the Pandemic on Access to Special Educational Needs Support for Vulnerable Children

Mr Lyttle (The Chairperson of the Committee for Education): It is a privilege for me to propose the motion on behalf —

Mr Deputy Speaker (Mr Beggs): Order. I ask you to formally move the motion, please.

Mr Lyttle: I beg to move

That this Assembly takes note of the numerous stakeholder reports relating to the adverse impact of the pandemic on access to special educational needs (SEN) support for vulnerable children; calls on the Minister of Education to bring forward appropriate measures in order to ensure a minimum level of consistent access to special educational needs support for all vulnerable children; and further calls on the Minister to work with the Executive to provide the associated resources required to cover these services for all future pandemic-related disruptions to education.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to allow two hours for the debate. The proposer of the motion will have 10 minutes to propose and a further 10 minutes to wind. All other Members who speak will have five minutes.

I now invite you to open the debate on the motion.

Mr Lyttle: Thank you, Deputy Speaker. As I said, it is a privilege for me to move the motion on behalf of the Education Committee and on behalf of children, young people and families living with special educational needs across Northern Ireland. I begin by moving the motion in my capacity as Chairperson of the Education Committee.

I think that, when lockdown began in March 2020, we appreciated that schools would be challenged by the need to provide educational and related support to children of key workers and to vulnerable children. That latter group — vulnerable children — includes among others those with special educational needs statements, those attending education other than at school (EOTAS) or nurture settings and those potentially subject to domestic violence. We observed that the impact of COVID on SEN provision, particularly in our special schools, was particularly disruptive. The motion calls on the Education Minister to work with the Executive to ensure that adequate contingency support is always in place for any further lockdown and disruption situations.

During lockdown, around 1,500 children of key workers attended around 500 schools, with, perhaps, around 100 vulnerable children joining them. A larger group of vulnerable children — several thousand — also received support through other departmental or Education Authority (EA) provisions, including the Education Welfare Service (EWS), primary and post-primary behavioural support teams, the counselling service and the Start programme. Working with Health, the Department of Education sought to establish multidisciplinary teams to review challenging

vulnerable children cases. Additionally, that team reviewed risk assessments associated with the reopening of special schools. The Department indicated that children were not always able to access special schools during lockdown, where social distancing, sensory challenges and behaviour presented a challenge in terms of health guidance and current staffing levels. That resulted in limited access to special schools for some of our most vulnerable children.

From the outset of the lockdown, members of the Education Committee were profoundly concerned about access to support services for vulnerable children, particularly children with special educational needs. The Committee received concerning evidence from a considerable number of well-informed stakeholder organisations and, indeed, parents of children with special educational needs. Members are aware of the numerous reports and feedback from the stakeholder event that the Education Committee held in December. Access to those are available on our web page. Stakeholders from a wide range of organisations and parents told us in no uncertain terms about considerable disruption to the special educational needs support provided by schools for vulnerable children during lockdown. Schools often told us that they felt abandoned by the Department and the Education Authority during that period and were left with great challenges in supporting the vulnerable children whom they so dedicatedly support in normal circumstances. Parents indicated that the disruption not only disadvantaged the children but impacted greatly and adversely on the lives of the parents and families, particularly in the cases of children and young people with autism. Stakeholders indicated that the continued disruption caused real problems, despite the Restart process and during the extended Halloween break.

In response, the Committee called for Education and Health to establish multidisciplinary, cross-departmental, coherent and permanent processes for ensuring that vulnerable children gained consistent access to the SEN support that they needed and deserved during and after the pandemic. The Committee felt strongly that that should be a transparent single-point-of-entry process with a named officer responsible for each child. The Committee agreed to call on the Department of Education to urgently bring forward a temporary continuity direction in order to ensure a minimum level of consistent access to SEN support for all vulnerable children and to provide the associated resources required to cover those services for all future pandemic-related disruptions to education. It is noted that a direction was brought forward earlier in January, but outstanding issues remain. I am sure that colleagues will bring those forward today.

The Committee also suggested that the Education Authority do more to ensure that schools are provided with the resources that they need to allow them to provide flexible SEN support, including outside of usual school opening hours. It is noted that cross-departmental working and Executive support will be needed in order to make all of that happen. That is why we tabled today's motion.

On behalf of the Committee, I thank the Minister of Education for agreeing to respond to the debate. It is my understanding that he has been delayed by urgent Executive business, and we acknowledge that. It is hoped that he will be able to respond to the motion in due course.

I speak now in my capacity as an Alliance MLA. It is profoundly clear that children with special educational needs and their families felt abandoned during the first lockdown and struggled to have their voices heard and that it took too long for those voices to be heard. I am grateful for the evidence that they gave to the Education Committee to make sure that those concerns were heard loudly and clearly by the Assembly and the Department of Education. The Minister of Education has prioritised the reopening of special schools during this lockdown, but, in that regard, there are concerns for the safety of the pupils and staff at those schools. We need much more clarity from the Education Minister on the contingency support services that are in place for children who are unable to attend school at this time and on the protection and safety measures that are being put in place to support pupils and staff in the special schools that remain open. In particular, we need clarity regarding progress on the prioritisation of vaccination.

We look forward to hearing from the Education Minister today on those key issues. I also look forward to hearing my colleagues speak on this important matter, which has been a priority for the Education Committee throughout our tenure.

Mr Humphrey: I support the motion. These are issues that the Education Committee has spent a huge amount of time discussing over the past number of months. There is an agreed voice in the Committee on issues across special educational needs, and there has been collaboration on members' concerns.

At the outset, on behalf of my party, I give due credit to principals, teachers, classroom assistants, support staff and governors in all our schools.

As I continually say, they all have to make difficult decisions on a daily basis for the good and welfare of not just staff and schools but, in particular, of our young people. That is hugely important as the pandemic reaches new heights through the various new strains.

Some 80,000 children in Northern Ireland are deemed to have special needs in some form, and more than 18,000 of them are statemented. That situation is worsening, and I declare an interest as a governor in two schools, Edenbrooke Primary School and the Belfast Model School for Girls.

All of us in our constituency offices have to deal with those issues, which are so hugely important and emotionally difficult for the children who are affected, their parents, the other children in the classroom and the teachers. Those issues are hugely difficult. There is, of course, an ongoing inquiry into those issues that is being led by the Public Accounts Committee, which I am privileged to Chair and on which you sit, Mr Deputy Speaker.

During the initial lockdown, special needs schools were closed and many respite and support services were suspended. That had an adverse effect on young people and their families. Those services are vital to those special young people and their families. Pupils attending special schools are amongst our most vulnerable children, and removing school and the regularity of the classroom from their daily life is devastating for them and their parents. The decision to allow special schools to remain open reflected that, and I commend the Minister for that decision.

Before Christmas, I met the principal of a primary school in my constituency. She advised me that almost 50% of the children in her school are deemed to have special needs. That is not a special needs school but a primary school in my constituency. We need to remember that the young people in those schools, the staff who work with them and their families are also hugely affected by the situation.

We have all received a mixed mailbag about those issues from parents and from teachers who work in special schools. My party and I have full and absolute sympathy for the teachers and staff working in special needs schools. COVID regulations cannot be adhered to in classrooms. The rule on 2 metres cannot be practicably enforced in schools, and that is the case in special schools in particular. We all appreciate that. Colleagues and I met the special needs teachers' group, and Mr Newton and I had a meeting with the principal and some governors of Fleming Fulton School a number of months ago to discuss those issues.

Some parents and sectoral voices have said that the multidisciplinary support panel arrangements that were established during lockdown appear to have been effective and that that experience should be utilised in schools once the pandemic ends. That is something that we should bear in mind for when we get to the end of this dreadful time.

The requirements of SEN in schools mean that it is difficult for teachers and staff to socially distance from pupils or to wear PPE. In many cases, it involves personal care that goes beyond regular teaching responsibilities. Again, that is something that the Committee has huge sympathy for.

Some special needs schools have decided to balance classroom and remote learning due to the rise in community transmission. However, blended learning highlights differences in social and economic backgrounds, and some pupils may have been cut off due to a lack of access to technology. Indeed, last week, I was contacted by the principal of a school in my constituency who required more tablets for children.

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw his remarks to a close.

Mr Humphrey: Those are hugely sensitive and important issues. We need to work together and support the Minister. There needs to be improved communication and information from the Department and from the EA.

Ms Brogan: The pandemic has created huge challenges for so many people, but today we are focusing on the particular difficulties that it has visited upon children with special educational needs. I am sure that the inboxes of many MLAs contain heartbreaking accounts of the devastating impact that the loss of SEN support has had on many children and their families. Any disruption to routine is difficult for all children, but nothing compares to the impact that disruption has for children with special educational needs, such as children with autism.

In the first response to COVID-19 and the struggle to save lives, mainstream and special schools were closed. Afterwards, we learnt of the impact of that decision on some children and their families.

In evidence to the Education Committee, the National Autistic Society and the Evangelical Alliance described an increasing cry for help, which was often met with a resounding silence. Children were left waiting for

statements, annual reviews and tribunal hearings, and families reported difficulties in contacting the Education Authority to find out what was going on. Children lost not only their routine but access to vital therapeutic services, such as language development, which are usually provided by a health trust but are delivered on-site at school. Families were left without help, often without explanation and respite. Many children became confused and angry, regressing into silence or lashing out with violence. A few families were faced with impossible choices such as involving the police to safeguard their child from self-harming or harming others.

11.00 am

In the wake of all that, when the spread of the virus led to increased restrictions and school settings moved to remote learning, the Minister of Education decided that special schools should, this time, remain open, but that was a decision without a proper plan. Without support, extra PPE and additional staff, the Minister's decision has unnecessarily pitched parents and children against teachers and carers, who are rightly concerned about their safety as well as that of the children whom they support. Staff who are providing personal care to children with special needs should be considered for early vaccination in line with those providing social care in other settings.

It is right that we formally recognise the adverse impact of the pandemic on children in need of SEN support, but it is not enough. Minister Weir should bring forward appropriate measures to ensure a minimum level of consistent access to SEN support for our most vulnerable children and provide the resources necessary to maintain support, regardless of future pandemic-related disruption to education. I urge Members to support the motion.

Mr McCrossan: As the SDLP education spokesperson, I welcome today's debate, and I support this important motion. I pay tribute to the incredible staff who are working tirelessly in the most challenging environments in special schools across the north of this island. They are supporting some of our most vulnerable people, and their dedication and complete sacrifice must be commended today in the Chamber. I speak also as the uncle of a child with severe complex needs. My sister's son, aged five, is non-verbal and attends a special educational needs school, Knockavoe. That school has been critical to his development at such a young age. The work that the staff do in the school to support him and my family — my sister, in particular — has been very much appreciated, and it has been of huge benefit to the child.

It is incredible that, almost 11 months into the pandemic, principals and teachers in special schools, and even parents, are still crying out for guidance, for support and for the appropriate measures to be put in place so that they can best protect their pupils. We need a complete sea change in approach from the Minister, who cannot afford to be a johnny-come-lately on the issue, which is one of the most serious in his brief. It is entirely unacceptable that there has been a severe lack of appropriate expert-led guidance and support provided to principals and staff at special schools. Teachers, classroom assistants and other staff are attending work with inadequate guidance on how to protect themselves and their pupils from the virus.

It is not the case that the Minister is unaware of those concerns; they are very well made. Principals and teachers

in special needs schools have highlighted their concerns privately to the Minister and, as a last resort, publicly in various media outlets, as a cry for immediate intervention. Indeed, the Committee for Education, as the Chair said, has spent months outlining the concerns. Indeed, the SDLP has continually urged the Minister to convene immediately a new working group, comprising special school principals and public health experts, who would be tasked with providing additional and improved safety measures for special needs schools. Rather than taking on that very valid and important proposal, the Minister claimed that meetings with his Department's officials and special schools are taking place and that public health officials can be invited, if they want to attend. Given the importance of the issue and the fact that those schools have been expected simply to remain open without proper support, the Minister's position is absolutely reprehensible and unforgivable. The Minister must realise that special schools cannot operate or function in the same way in which mainstream schools can. They require staff to go above and beyond in order that pupils' educational and sensory needs are met. Their staff cannot wear PPE or socially distance and are being put in a very precarious position, yet they are expected to deal with it all without the support that they have demanded.

All teachers and school staff, especially those in special schools, need to be prioritised during the roll-out of the COVID-19 vaccines. Although there are many things that the Minister and I have disagreed on in the Chamber, we share the concern of the need to prioritise school staff, particularly special school staff. Our special school staff should be vaccinated first, followed by a robust vaccination programme being rolled out across the board to all education staff.

The Minister should be using this time during the current restrictions to plan properly rather than waiting until all schools return, which will cause them unnecessary disruption. In that regard, I would be grateful if the Minister would divulge the latest updates on his request for the vaccination roll-out across the education sector. There have been outbreaks of COVID-19 in special schools across the North. Data from the Public Health Agency (PHA) shows clearly that 70% of those infections relate to staff. That statistic only compounds the realisation that, so far, guidance and support have been completely and utterly inadequate.

I stress again that it is vital that we have expert-led and context-appropriate processes in place to protect both staff and pupils in special schools. If proper safety measures are not put in place, many special schools will encounter significant staffing shortages that will fully compromise their ability to look after the educational needs of some of the most vulnerable in our society. Indeed, that is already starting to happen. A number of special schools have had to reduce their provision without appropriate intervention. That is a regrettable trend that can only grow. The Minister must act today to resolve the issue.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr McCrossan: This is a matter of urgency. The Minister is aware of it. He needs to step in now to ensure that adequate resources and protections are put in place to protect our staff and our pupils in those schools.

Mr Butler: I thank the Minister for joining us for what is a really important debate. I thank members of the Education Committee for agreeing to table the motion. It is one of the issues on which we on the Education Committee have been collegiate. There is real desire and heart among members to see those children who have a special educational need or a statement to be not just treated fairly but supported and resourced in whatever way they can. COVID has thrown quite a substantial obstacle in the way of that provision. The impact of the COVID-19 pandemic and measures taken to address it has been huge, particularly for children with a special educational need and their families. I am sure that, like me, many Members are deluged with emails from parents, teachers and bus drivers who are involved in supporting those children. They are asking us to step up and ensure that protection is there for them and that they are protected.

The temporary modification that the Minister brought into the provisions listed in Part II of the Education Order 1996 and in the Education (Special Educational Needs) Regulations 2005 removes the Education Authority's legal duty to ensure that children with the most complex needs receive the provisions set out in the statement. That has been said to have had the greatest impact on children with the highest level of need, who perhaps need that additional support the most. It goes against everything that we know and feel to be right as to how we support those children. COVID has not been fair to any of us, however, and it has not been fair to those children either. I know that the Minister will indicate that it is a temporary move, but we all know that the reality is that the effects on those children will be longer-lasting than that temporary effect.

A recent report by the National Autistic Society (NAS) shows that 68% of family members say that their autistic child is anxious about the loss of their routine. It also shows that 65% could not do online work and that it has fallen to parents to homeschool in order to support their children's education, often whilst juggling work and other commitments. The report goes on to state that two in five parents and carers do not feel that they can adequately support their child with their educational needs. Seven in 10 parents say that their child has difficulty understanding or completing schoolwork, and around half say that their child's progress is suffering. Collectively, we and parents would like to thank the teachers, support staff, drivers and all those involved in keeping our special schools open for the sterling effort that they are making in the face of one of the greatest crises that we have ever seen.

As I outlined at the start, the Education Committee has been collegiate on those issues, which is not easy, given that there is a five-party Executive that always find room to disagree on just about anything. We have heard from stakeholders, ranging from principals and teachers to parents and pupil advocates, who speak with an almost unilateral voice in saying that closing special schools would be more detrimental to children's physical, emotional, mental and societal health. It is absolutely imperative that every single mitigation and safety measure that can be implemented is implemented with haste.

Mr McCrossan: I thank the Member for giving way. Will the Member agree with me that it is totally incredible that special schools have yet to receive a single penny from the Engage programme when all other schools have received

it? Surely that is a shocking situation that should be addressed by the Minister.

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Butler: Yes, I agree, and I hope that the Minister will update us on that. There might have been a suggestion last week that there was £7 million of funding, but I agree that that money could and should have been made available.

There is an absolute need today, in real time, to monitor, liaise daily with stakeholders, and then review and improve everything that we do around COVID, especially where we seek to keep special schools open. That conversation needs to include the voices of teachers, bus drivers, classroom assistants and the healthcare staff who are involved in supporting those pupils. I offer the Minister a solution today and suggest that we have a stand-alone, visible and accessible special schools champion who would operate from now through the remainder of this pandemic and post-COVID, because the reality is that the recovery phase for those pupils will be harder than for pupils in mainstream schools. Their difficulties are already compounded.

We often talk about mental health, and I am going to talk about it again. The mental health issues for children with a special educational need or a learning disability are often hidden, compounded and not talked about because they are not seen. The reality is that, through these lockdowns and restrictions, when children come out of their routine, those issues can be magnified greatly. I will end by saying that I support the motion and make the offer to the Minister of a suggestion that might bring some resolution and comfort to those who need it.

Mr Newton: Like my colleague William Humphrey, I pay tribute to all those who are involved in the education of our children at all levels. In my constituency, the principals, teachers and support staff are making fantastic efforts in these very difficult days. The Assembly and Executive have agreed and recognised the importance of education and, indeed, made it a priority. I have to say that there is much that Mr Lyttle and I disagree on, particularly around his opposition to the transfer test and to grammar schools, but on this I do agree with him. It is a privilege to speak up for the children who have special needs.

COVID challenges are thrown at us almost on a daily basis, and the requirements in SEN schools mean that it is difficult for teachers and other staff to socially distance from the pupils and to wear PPE. In many cases, that involves personal care of the pupil by the teacher above what would be regarded as a special or regular teaching responsibility. Therefore, concerns have been raised about the need to protect the pupils and teachers by giving special school staff priority access to the vaccine after the first phase. Some also argue for the need for enhanced staff testing.

Mr Humphrey: I am grateful to the Member for giving way. Will the Member agree with me that it is important that the Education Minister is in support of the Health Minister? There was unanimous agreement at the Education Committee last week that a letter should go to the Health Minister asking him to contact the Health Secretary on the mainland about all the Health Ministers calling for the

early vaccination of teachers, particularly those in special schools.

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Newton: I agree with the Member; he and I led the debate in the Committee on that matter.

The DUP has highlighted the need for additional resources more generally to ensure that the education budget is fit for purpose for SEN pupils. Minister Weir has previously told the Education Committee that there has been a rapid rise in budgetary pressures to provide support for pupils with special needs in recent years. More generally, he indicated, prior to the pandemic, that in the region of £400 million extra was needed for education. The 1.8% rise proposed by the Finance Minister in his draft Budget does not come anywhere near delivering what is required. For that reason and in the context of the motion, I and my DUP colleagues recognised at the Committee the need to include a few extra words. Thankfully, those were eventually taken on board. Those words were the phrase:

“calls on the Minister to work with the Executive to provide ... associated resources” —

that is budgets — to address all the current needs of our pupils. It is over to Ministers to react positively to the motion. If we are to see successful implementation, Ministers Murphy, Mallon and Long all have to take it on board.

11.15 am

Mr Humphrey: Will the Member give way?

Mr Newton: I have already given way on one occasion.

Each of those Ministers is key to the successful outcome of what is called for in the motion.

As Mr Humphrey said, since the Assembly was restored, the Education Committee has supported special educational needs schools. Members of the Committee have met the principals' leadership group and have sought to understand the problems and to provide support. Success for pupils and schools has been central to my thinking and that of my party colleagues. We acknowledge the need for a partnership ethos between schools, parents and the Education Authority and for actions that are designed to meet the needs of the children. DUP Members want a school environment that is safe, and regular professional communication between all those involved to allow interactions between staff and pupils will make it safe. Those staff include school staff, therapists and staff from the Education Authority, the Department of Education, and health bodies.

The message that should go out from the debate is that the Minister has been committed to improving the current system of special educational provision to help pupils with SEN to achieve their full potential. The DUP is determined to enhance the system of special educational provision in order to ensure that it is accessible, effective and accountable, whilst meeting the needs of children and parents in a more straightforward and responsive way. We have made some progress, and work in ongoing to progress the new SEN regulations and codes of practice, which will deliver on many of the recommendations set out by independent bodies and which specifically target

better time frames for assessments. We want to see that expedited in the coming weeks and months. Funding has also been granted to schools to deliver new SEN frameworks.

The pandemic —.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Newton: — has had a disproportionate adverse impact on children with special needs and disabilities.

Ms Flynn: I start by joining with other Members in commending all the work that has been done by so many organisations that have supported children and their families over the difficult past months. That includes one of the groups in my constituency, Kids Together, as well as the Children's Law Centre, the Evangelical Alliance, and the National Autistic Society, which has been mentioned previously.

As we all know, routine, stability and support are so important in the lives of children with complex needs. The absence of those things, which might seem simple to us, can cause major emotional and behavioural difficulties, with consequences for families and home environments. Unfortunately, as we know, that absence has been the experience of so many families throughout the pandemic,

It is deeply upsetting that, in addition to school closures, vital health and social care wraparound services were also withdrawn, leaving children with special educational needs and their families feeling isolated and abandoned. We need to know that that lack of support will not happen again and that those families will not be left on their own. We also need to understand what planning and consultation have taken place. Can the Department of Education and, indeed, the Department of Health, provide reassurances that those families will be supported no matter what comes down the line in the months ahead?

Evidence is emerging that parents of children with special educational needs and the children themselves appear to be experiencing worry and changes in mood and behaviour because of the rapid social changes that have occurred over the past 10 months. COVID-19 is clearly affecting the mental health of parents and children. Some parents reported feeling overwhelmed, so the implications of how to support those families in the immediate future must be discussed. That is why I welcome today's debate and motion.

There is good reason to believe that the pandemic and our response to it may be affecting children with special educational needs and their families disproportionately, and, unfortunately, that is likely to have negative outcomes for their mental health. We know that some mental health problems are already associated with special educational needs in normal circumstances, such as anxiety in the autism spectrum, and it seems likely that the scale and speed of the social change that has taken place since the end of March could exacerbate existing mental health problems and, indeed, trigger new ones for some of those children.

Staying at home and, in many cases, as we have seen, not attending school or not getting the same levels of support that families and kids received in the past has created a uniquely stressful situation for those children and their families. Their carefully developed routines have been

disrupted, their support networks have disintegrated and parents have been asked to do a job that trained teachers find challenging. The parents are doing that without any training. These changes have happened really abruptly, and the consequences will be particularly profound in the special educational needs community. Therefore, it is important to ask how COVID-19 is affecting the mental health of these families, with a view to gaining insight into how we, as a society, with the Department of Health and the Department of Education — all of us — can support them over the coming months.

Reports are showing that children with special educational needs and their families are likely to be at greater risk, unfortunately and sadly, of experiencing poor mental health and being under substantially greater pressure than less-vulnerable families during COVID-19. However, it is important to note that although some families will not need or want that additional support, we must find a way to identify those who are struggling and want additional support and then find a way of providing support tailored to them, should that be from an educational perspective or, indeed, a health and social care perspective over the coming weeks and months.

I am happy to support the motion, and I thank the Members for bringing it to the Floor of the Assembly.

Mr M Bradley: I thank the Minister for coming to answer the questions raised during the debate, and I also thank the Chair for bringing the motion to the House. I assure him of our support.

During the initial lockdown in March 2020, special schools closed and many respite and support services, such as trauma response, were suspended. Vulnerable children, some with complex needs and disability, had no support, and there was no support for their parents during the first lockdown either. Lack of services and support led to many issues, and many parents experienced setbacks in special education, affecting not only their children's education but their mental health. Lack of routine affected many vulnerable children in many different ways, including loss of appetite, mood changes and lethargy. My colleague mentioned the difficulties around social distancing and wearing PPE, so I will not repeat that.

Mr McCrossan: I thank the Member for kindly giving way. Does the Member know whether his ministerial colleague has put a bid in for further resourcing or funding for education, and, if that is the case, does he have any details on it? Given that almost £400 million is lying with the Minister of Finance, would it not be good if some of that money were to be directed to support those in education?

Mr M Bradley: I thank the Member for his intervention, but the Minister is here and can speak for himself.

Pupils who attend special schools are among our most vulnerable children, but, for their parents, school was a time of daily respite from what can be a challenging time at home. Therefore, it is important that special educational needs are catered for during the current lockdown. Many children in special educational needs schools require routine, and losing that routine can set children back and, in some cases, cause withdrawal. Not all special education schools can remain open all day. Lessons are prepared after each school day for the following day. Sometimes, lessons are complex, reflecting the needs of children and bearing in mind the safety and well-being of staff. Some

special education schools can only remain open until 1.00 pm or 1.30 pm to ensure that proper educational needs-based programmes are in place for the following day. There must be flexibility within the system. One set of rules does not fit all circumstances. School opening hours are set by boards of governors in conjunction with senior staff, and not all schools will have the same hours or set of circumstances.

Many Members have referred at the Education Committee and in this place to the urgent need to offer protection to teachers and workers in special educational needs settings. I raised in the House just recently the question of vaccination priority for teachers. I implore the Minister and the Executive to place greater priority on offering vaccinations to staff in special educational needs schools, in particular, and all schools, in general. To that end, I ask the Minister, backed by the Education Committee, to apply pressure on the Health Minister to set aside an urgent timetable for the vaccination of teachers and school employees.

Bespoke guidance issued on 21 January was informed by judgements based on the scientific and public health advice, including the latest public health guidance, and provides guidance on how special schools in Northern Ireland can operate. That is what the Minister is compelled to use to form his judgements in an ongoing COVID environment. The aim is to ensure broad consistency and equity across Northern Ireland, but it is sufficiently flexible to allow special education schools and staff to adopt approaches that best suit their needs and those of their pupils.

I share the concerns of other Committee members, parents and teachers and hope that the motion will help to address some of those concerns. The motion highlights how vital it is that access to special educational needs support for vulnerable children is available and that it is sufficiently funded. We should be working towards that. Therefore, I support the motion.

Mr Deputy Speaker, in my previous life as a footballer, I never attacked anybody, because I felt that it was a weakness and a flaw in your character. It is better to attack in defence.

A Member: Hear, hear.

Mr McNulty: I welcome the opportunity to take part in the debate. My Committee colleagues and I have been consistently raising this issue with the Minister for some months.

I begin by thanking each and every person involved in schools and education across the North, and I include parents. Their *modus operandi* has been turned completely upside down, more so than in probably any other walk of life, yet they have continued to work throughout the pandemic, even though it has changed every way that education has been delivered, to provide educational resources and to try to manage schools. I really want to pay tribute to them and to say a heartfelt "thanks".

Children with additional and/or complex needs are some of the most vulnerable citizens. Whilst education is important to their academic development, equally so is the routine of school, meeting friends and social interaction. As others have said, however, at school, they have access to

a range of other allied health care services: educational psychology, speech and language therapies, occupational therapy, physiotherapy and, I say it again, the routine of school, the removal of which has been devastating for some families.

From the outset of the pandemic, parents have been pleading with me, and, I am sure, with many other Members, to ensure that special schools and special units in mainstream schools remained open. Our education system failed that group of children at the early stage of the pandemic. I appreciate that we were faced with something strange and new, but the constant cry from parents has been that they had support from the school but did not have access to the allied health care support that their children so badly needed. The routine that is so important for so many families has been completely disrupted.

I fully support the opening of special schools and provision for children with statements of special educational needs. In doing so, however, I want to ensure that schools are safe, and feel safe, for those children and the teachers, assistants and carers who look after them during the school day. Whilst the figures show that transmission in schools, particularly in primary schools, is low, we are all too aware of the high rates of transmission in the community. Teachers and staff live in local communities and are genuinely afraid of picking up the virus, despite their best endeavours, and bringing it into their school.

They are also anxious about being told to isolate and about not being able to attend their place of work while knowing the detrimental impact that their absence from the classroom has on the children they teach and care for. Children with special and complex needs depend on routine. Any closure or interruption to their education, even for planned holidays, can have a detrimental impact, so unplanned and prolonged interruption to their school life is very difficult for them and their families.

11.30 am

I fully appreciate the need for special schools to remain open. However, the staff need to be protected with appropriate PPE, and they need access to priority vaccination. If we are to live up to our commitments to those vulnerable children we are here to speak of today, we should protect them, their teachers and their carers through a project of priority vaccination for those teachers and staff.

A society is judged by how it treats its most vulnerable. When the dark cloud has passed, we will look back and ask ourselves: how did we treat the most vulnerable children in our care? I hope that we have learned from the errors of the early part of the pandemic.

I want to see a recharge programme in every school, one that rebuilds and invests in our children, their educational attainment, their emotional and physical health and their very well-being. That has to be the Minister and the House's priority going forward. No child can be left behind or left further behind as result of the pandemic. That recharge and reboot of our education system will help those children to catch up and will support those children and families. I support the motion.

Mrs Barton: I will first pay tribute to the parents, staff and all the supporters in the special needs sector in our

education system. Those people have worked very hard with the children and have tried to maintain normality with them. I thank them very much for that.

We are all very aware of the impact of the pandemic on our education system, especially among these young people, with their many complex needs. Those young people must be given the educational support that is so vital to them on a daily basis. Many have suffered dreadfully from the impact of the virus. During the first lockdown, many of those people suffered because of a lack of routine in their day. They enjoyed their journey to school and their education. They missed the education, the social aspect of mixing with other young people and, indeed, the interaction with their teachers and carers. This time, however, many of those children have remained at school but are still suffering. While they are in a routine, they are still suffering the effects in school due to the introduction of COVID safety rules for the children and staff. Often there are fewer in the —.

Mr Newton: Will the Member give way?

Mrs Barton: Yes.

Mr Newton: The Member is gracious, as always. Does the Member agree that key to mitigating some of the circumstances that she is outlining is effective communication between the Education Authority, the schools, the pupils and their parents and getting that important structure in place?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mrs Barton: Indeed, you are quite correct. Communication among all stakeholders is very important, especially for children with special needs and complex difficulties.

During the first lockdown, many children had normality in their life. However, unfortunately, in this second lockdown, although they have had normality, trying to maintain distance has brought a number of issues. Through lower class numbers, children have had difficulty in mixing and socialising again. Teachers have had to spend a lot of time sanitising equipment so that our children are safe in school. While normality has remained, it has been at a great price to the time of support staff and teachers.

Those vulnerable children must continue to be supported by SEN provision. That provision must be flexible in order to work with schools, parents and pupils, as Mr Newton said. It is important that we all continue to support those young people and the staff in their schools through a mixture of blended learning and, much more importantly, teacher-led learning and support. Special educational needs provision for those vulnerable children must continue to be well planned, with consideration for the health of staff and pupils and with the school being a safe environment for all to work in and attend. I support the motion.

Ms Bradshaw: I wish to add some comments, predominantly from a health perspective, because there is a considerable crossover.

The first issue that I wish to emphasise, to which other Members referred, is that, although the motion is specifically about the impact of the pandemic on children with special educational needs and their parents, the difficulties are by no means confined to those that have

arisen from the pandemic. Indeed, many parents will state clearly that the main impact of the pandemic has been to exacerbate problems that already existed. As the ongoing underfunding of provision continues, we can see the extent to which it is difficult even to establish how much we spend on special educational needs provision right through to increasing bureaucracy.

Although parents point to a lack of funding in those areas, that is not their main issue. The issue of children who may have special educational needs has been exacerbated by the pandemic, with many parents feeling that their child's evident needs are not being met because those needs have not been officially assessed or practically recognised. There is a specific question about statemented children not having access to a social worker or being considered or provided for. What I have been told over and over again, and what is evident from the reports that are mentioned in the motion, is that there is a sense that Education Authority officials do not pay significant enough attention to the professional viewpoints that are set out by schools, teachers and principals, or even of the expertise that is available in the third sector.

In health, we talk about moving to patient-centred care. With special educational needs, we need to move on the same basis to pupil-centred provision, yet there is an evident risk of children not being recognised as requiring special educational needs provision. Over the five months from May 2020, twice as many children were statemented each month as in the equivalent month in 2019. It is for others to comment on the educational aspects of that, but it surely demonstrates that there is also a need for early years intervention that was not met pre pandemic.

From the health angle, what is most concerning about the specific pandemic situation is the effective withdrawal of many services, from trauma support to autism provision. Indeed, a Queen's University report, 'Understanding Life in Lockdown for Autistic Young People', indicates clearly that anxiety and worry are the predominant emotions for many children with autism. Angel Eyes also notes the lack of clarity around the vision support service, which is not a new issue but has been exacerbated by the pandemic.

A service can simply be withdrawn, but, on other occasions, attempts can be made to maintain a service in a way that does not support or suit the child. Notably, many parents mention, as other Members have, that long-lasting relationships with familiar or trusted staff have broken down to the children's detriment. That also ties in with warnings about a mental health pandemic to follow the COVID pandemic, which, the evidence states, may afflict households with children with special educational needs unless strong and appropriate intervention is planned now. That aspect of the problem is as yet undefined. However, once again, it emphasises the need for a mental health strategy absolutely no later than the timescale that is currently planned for. That strategy should be fully funded, assured by expert input and ready to go.

With specific reference to the pandemic, I remain concerned that the current view is that routine use of PPE is not required and that transport provision may be based on the notion that children can be in more than one bubble. The first of those may, in theory, be sound technically, but it does not strike me as being practicable in any way.

It leads me to believe that special educational needs teachers need to be treated as carers for the purpose of vaccination and prioritised accordingly. The second strikes me as a blatant contravention of the whole purpose of bubbling. The idea is that the virus should not be transferred between bubbles and thus potentially between multiple households exponentially. I therefore call for a significant and urgent rethink in those areas.

In conclusion, it seems to me that we are experiencing a lack of funding and, perhaps more than that, a lack of knowledge of how we manage special educational needs, both in general and during the pandemic. I pay particular tribute to the numerous SEN schools in South Belfast, from the leadership and boards of governors through to the staff and the visiting healthcare professionals. They all do an amazing job, and we owe them a debt of gratitude.

Ms Bailey: I, too, welcome the debate and thank the Education Committee for tabling the motion, which the Green Party fully supports. I would be surprised if any MLA has not been contacted by schools, staff, parents or our third sector during the 10-month lockdown to highlight the specific problems and impacts for all involved, many of which have been mentioned in the debate.

We really need to remind ourselves that this is not a COVID issue. COVID has exacerbated many of the issues that were already there. Pre-COVID, SEN provision was in crisis. We did not have enough places in our schools, and children were not being given places for the coming year. When we speak to the schools, we hear that they do not have enough resource to deal with all the issues that they have to work with and that there is a deep sense that they are being failed by the Department and the Minister.

Ms Bradshaw raised many of the pre-existing problems that have led to the SEN schools facing what they are facing and coping with what they are dealing with today. I have spent a lot of time in one school in my constituency, Glenveagh School. I have been up to its prize-givings, had the tour of the school and met the families, the children, the staff and the teachers. It is a hard situation that they face, because we hear that they are expected to take children who, more frequently, are coming in with more complex needs; are living longer than expected owing to medical advances; and are coming in with more equipment and bigger equipment, such as wheelchairs, even though the school and its classrooms do not have the space to facilitate it. Numbers are growing, but provision is not being given to the school to cope with that. The school has a small outside area that it tries to use to allow kids and parents outside access, but it did not have the resource to do any work on it.

Mr Lyttle: I thank the Member for giving way. Does she agree that it is an absolute disgrace that an additional new special school has been recommended for establishment for the Belfast area since 2012 yet we still have not had it delivered?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Ms Bailey: I thank the Member for his intervention. Not just I but the whole sector would absolutely agree with that. It has been waiting and been under pressure for long enough.

Something that really struck me during my time at Glenveagh was that the school wanted to turn part of the outside space that they have into a memorial garden, because it is not uncommon for a lot of the children to die while they are at the school. That is hugely traumatic, not just for their family and staff but for their classmates. They could not get that work done. I am so proud of the Green Party volunteers in South Belfast who did that work for them over the summer. Fully following the regulations and social distancing, we were able to do that work voluntarily and at our own cost, but it would be great if the Department were able to do such work and give the provision that is needed. Despite all of that, the staff and the families continue to provide outstanding care. I commend their commitment and the family lives and community that they have built to support one another. I can assure the House that they have been more than capable of communicating their situation and circumstances to me. Therefore, I imagine that they are exactly the same when dealing with the Minister and the Department, and that is before we even get to lockdown. The parents, staff and teachers have all been left in limbo and despair. The routines that, in some cases, take years to build up have disappeared. The behavioural problems, not just for children in schools but for the adults in their homes and care settings, have escalated. The social circles, more critical to so many SEN children and adults, have dissipated in some cases.

11.45 am

I have listened to bus drivers in the sector who have told me that, in order to try to provide some level of respite for parents within their capacity, they are driving round and round roundabouts and that, on the journey that they drive to take children home, they are going around twice, even if it provides an extra 10 minutes to the parents for respite care. There is absolutely a huge need to acknowledge and respond to the very special circumstances within the sector. I look forward to hearing from the Minister today what that will be. There is an opportunity here to stop failing our children and the SEN sector.

Mr Dickson: I appreciate the opportunity to speak on this issue, and I thank my Alliance colleague, the Chair of the Education Committee, for facilitating the debate. I also thank all of those who work in our schools, many of whom are, quite frankly, scared. Nonetheless, they continue to provide care and support for children with special educational needs in exceptionally challenging circumstances. I have a number of special needs schools in the constituency of East Antrim and know well the dedication of the staff to the children in their care. I speak regularly with staff and parents.

The pandemic has had a profound and long-lasting impact on educational provision across the world. In Northern Ireland, the vast majority of children are learning remotely, including many children with special educational needs, and this presents very serious challenges. A Queen's University report last year found that remote learning arrangements were disproportionately difficult for autistic children, especially as regular school supports are withdrawn. I am disappointed that the issues highlighted appear not to have been resolved. Online learning needs to be reviewed to provide quality learning and support to meet the needs of special needs children.

With regard to providing ongoing support, the Royal College of Occupational Therapists noted varying COVID-19 arrangements for schools and difficulty in communication and cooperation with schools. Our Minister has to be aware that this is a vital part of ensuring the well-being of young people. I encourage the Minister to work with schools to standardise measures to permit occupational therapists to carry out their functions when schools reopen. Furthermore, can the Minister advise what measures have been put in place to ensure that, through the current period of closure, occupational therapists can work with teachers and others to prioritise students and meet their needs?

This pandemic has highlighted a much greater need for communication across many levels of government, including health trusts and the Education Authority, which needs to engage better to provide support to children with special educational needs in general, but especially through this period of serious disruption. I want to know what the Minister's plans are and what he is putting in place to ensure this. With specific —

Mr McCrossan: Will the Member give way?

Mr Dickson: *[Pause.]* Sorry, I thought that there was an interruption.

Mr McCrossan: Yes. Will the Member give way?

Mr Dickson: Yes.

Mr McCrossan: Thank you very much to the Member for giving way. Does the Member agree that the situation facing the SEN sector prior to COVID was beyond crisis mode and that what was happening to our children in vulnerable circumstances was criminal? Statementing forms were not being date-stamped, there were cover-ups in the Education Authority and vulnerable children were left in a very serious situation. That has now worsened. Does the Member believe that the EA and the Minister have got the message that something needs to happen now?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Dickson: Thank you, Mr Deputy Speaker; my apologies. I agree with the Member. It is absolutely clear that special educational needs schools were in crisis pre COVID and that this situation has exacerbated that further. The Minister owes an explanation not only to the Assembly but, much more importantly, to parents, students and school teachers and staff.

Everyone here agrees that special schools should remain open through the lockdown in order to ensure that children with some of the most complex needs and their families can be supported. However, I have serious concerns about the mitigations and supports that have been put in place. Staff in our special schools are feeling let down; that is what I am told daily. I spoke with a principal last week who told me that a number of parents are opting for remote learning because of fear for their children's well-being. I believe that that is, ultimately, a judgement for parents; however, we need to do much more to reassure them, from an educational well-being perspective. Children benefit from being in the school environment.

I am informed that a number of staff in a school in my constituency are off ill, including some who are recovering from COVID-19 and others who are suffering from

anxiety. It must be recognised that social distancing is all but impossible in a special school environment. For the continuation of the service, and for the safety and reassurance of staff, we need high-quality and plentiful PPE to be provided and full engagement with the Department on those issues that are highlighted. Many, I fear, have been left to look after themselves.

I was interested to see the UK Government's attempt to roll out the rapid COVID-19 testing in secondary schools in England. Of course, that has now been delayed. Has the Minister of Education had discussions with the Health Minister for something like that to be provided in our special schools, considering the unique circumstances in which they operate? That would go a long way to reassuring staff and parents as we try to find our way out of the pandemic.

Children have a fundamental right to education. While we face serious challenges, I regret that I do not believe that we are doing enough to support children with special educational needs. The response has been, at best, haphazard, inadequate, in the hope that, perhaps, we would not face further lockdowns. However, that needs to be fixed now.

Looking forward, the Equality Commission has noted that the loss of months of schooling for many children —

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw his remarks to a close.

Mr Dickson: — will have a detrimental impact on them, and particularly on children from minority and ethnic backgrounds and those with disabilities. It is, therefore, vital that the Education Minister, in addition to acting now, support children with special educational needs and outline his plans for how he will support them and to recover.

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

Mr Carroll: I thank the Chairperson of the Committee for Education for bringing this important motion to the House. It is clear that the pandemic has been very hard for many in our community, none more so than those vulnerable children and children with special educational needs. Whilst we absolutely should discuss what we can do to ensure that they and their families have adequate support, we should avoid the narrative, as others have mentioned, that everything was rosy before the pandemic.

Let us not forget that special educational needs schools have been starved of funding for so long. They have, disgracefully, been forced to fundraise themselves for necessary items such as special needs swings and other devices. Let us not forget about plans not so long ago — by this Minister as well, I think — to close special needs schools and current attempts to, possibly, go down that path again in the middle of a pandemic.

Many years ago, the writer Naomi Klein warned about a "shock doctrine" approach in the aftermath of hurricane Katrina, which saw the full-scale privatisation of schools and housing in New Orleans. There cannot be a "shock doctrine" approach to education in which the pandemic is used to underfund, close or amalgamate special needs schools. I will not stand for it, and I know that teachers, parents and the trade unions will not stand for it either.

Truth be told, many people have been appalled — outraged, even — by the Minister's apparent ignorance and dismissiveness towards warnings about the safety of keeping staff and pupils in schools in the middle of a global pandemic. I suppose that the Minister has been true to his party's form by expressing downright opposition to basic scientific arguments, especially about the virus not being immune from spreading in schools, when repeatedly presented with those arguments.

I have received a lot of correspondence as, I am sure, have others, from staff in SEN schools who are very concerned about how the pandemic has been handled and how the Minister in particular has responded — or not responded — to issues and cases.

Ms Ennis: I thank the Member for giving way. One of the biggest issues that I hear about from teachers in special educational settings is that nobody asked them how they felt or consulted them. They do not feel that they are being listened to. Does the Member agree that the Minister should urgently contact teachers, teaching staff and their unions to ensure that the utmost support is given to our teaching staff and that they have all the resources that they need to continue to deliver education for children with special educational needs?

Mr Deputy Speaker (Mr Beggs): The Member has an extra minute.

Mr Carroll: I thank the Member for her intervention and totally agree with her point. The Minister is part of a body that meets with trade unions, and they have not met since September of last year. That is appalling. The Minister appears to not want to listen to those reps and trade unionists, but he absolutely should. Continuing with that theme, someone who works in education contacted me and said:

"The best place for children and young people to be is in safe schools and colleges. However, there is clear evidence that teachers and educational staff are at higher risk of contracting Coronavirus. Further measures are needed to protect all educational staff from contracting this deadly virus."

The Minister needs to listen to that and to other voices that have expressed similar concerns.

It is worth emphasising that there has been quite a lot of union- and teacher-bashing. Parents, teachers, classroom assistants and all education workers share the same interests. They all want to see pupils educated, but in a safe manner. We should do away with this notion that parents and teaching staff are at loggerheads; they do not have opposing interests. It is quite noticeable that, when trade unions are forcing Governments to retreat and backtrack from previously entrenched positions, the Governments go on the offensive and attack them, as seen most recently in Britain and the South of Ireland.

It is also important to emphasise that the failure of this Executive to implement a zero-COVID strategy has a direct impact on pupils and staff in special educational needs schools. The strategy of living with COVID, agreed, adopted and implemented by this Executive, has seen the pattern of lockdown, surge, lockdown, surge being repeated. That has led to an exponential growth in cases and, tragically, deaths. Despite what the Minister has

previously said, schools and pupils have not been immune from the virus and that approach.

Mr Weir (The Minister of Education): Will the Member give way?

Mr Carroll: I will give way.

Mr Weir: The Member seems to be in some way quoting me. I have indicated that the risk in schools tends to be relatively low, but I have never ever suggested that schools, teachers or pupils are “immune” to the virus. I have never used that terminology. I wish the Member would, at least, quote me accurately.

Mr Carroll: I remind the Minister that he sneered at me when I suggested that pupils needed to wear masks on public transport and had a dismissive attitude towards other Members when they raised issues. He may not have said that they are immune to the virus, but his approach has been inconsistent and dangerous.

For the SEN pupils who have had anxiety or are finding it difficult to understand what is going on, it is even harder for them when the Executive and this Minister are pursuing an approach of lockdown, surge, lockdown, surge, lockdown, surge. A zero-COVID approach offers them hope that there is a way to get a handle on this pandemic, eliminate community transmission and assure pupils, teachers and education assistants that there is an end in sight. It is worth emphasising that, last weekend, concerts were held in New Zealand, with tens of thousands of people —.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Carroll: They have had a handful of deaths, and we are looking at more than 2,000 deaths. The Minister should respond and answer the question on whether he will support a zero-COVID approach to support those in SEN schools and the wider public.

Mr Deputy Speaker (Mr Beggs): The Member should draw his remarks to a close. I invite the Minister of Education to respond to the debate. You have up to 20 minutes.

Mr Weir: I thank all Members for their valuable contributions. The tone of the debate has been generally fairly good. Miss Bradshaw made a very pertinent point. I appreciate that it lies beyond my scope and that of the Education Committee; there is a range of crossover issues with Health. I will try to deal with it as best I can. There is close working with Health, and there will be aspects to which the Department of Health is in a better position to respond.

12.00 noon

I welcome the opportunity to respond to the motion. First, I commend all our school staff who are supporting some of our most vulnerable pupils, and there is a real desire to do that.

I apologise to the House. I was a little late at the start of the debate, but it was for a good reason. Mention has been made by a number of Members of vaccination, and I look particularly to Mr McCrossan and Mr McNulty. I was late because I had a paper on vaccination at the Executive. Given some of the time constraints on Executive members this morning, we were unable to bring that to a complete

conclusion. Executive members will debate the paper again on Thursday. It is undoubtedly clear to me —.

Mr McNulty: Will the Minister give way?

Mr Weir: I will give way briefly.

Mr McNulty: Can you confirm what the debate is about? Surely there should be no debate on that: teachers should be prioritised for vaccination, especially in special schools. What is the debate about?

Mr Weir: To be fair and without breaching confidentiality, I say that, because of some of the other discussions and, for instance, meetings organised on the issue of the mother-and-baby situation, there had to be a cut-off point of 11.00 am. We only got about five minutes into the level of discussion. I suspect, Mr McNulty, that, if you and I were around the Executive table, it may be an issue that we would find absolute agreement on. Given the importance of the issue and to be fair to Ministers, it is not something that can simply be bounced through in a matter of a few seconds, but I believe that it will be brought to a conclusion on Thursday. I share with Members a desire to see a prioritisation for education staff, and I think that that needs to be taken on board by JCVI. A wider discussion is beginning on the issue, and it is important that we make our views clear.

Specifically on special schools, my clear public and private view is that there needs to be a prioritisation for those working in special schools. They need to be part of the current phase. They need to be designated as carers to have the vaccination done. It is undoubtedly the case — we will come on to some of the broader issues on mitigations and actions that can be taken — that vaccination is, particularly for special schools, the game changer. More than any other single intervention, vaccination is the one thing that can give confidence.

It is the case that, for the broader teaching profession and even those working in special educational needs schools, the figures from the Office for National Statistics (ONS), the Scientific Advisory Group for Emergencies (SAGE) and the PHA suggest that those in education have no greater level of incidence of COVID than any other profession or part of society. It is also undoubtedly the case and is very understandable that social distancing is virtually impossible for those who work closely with children, particularly in special schools, and a number of Members have indicated that. No matter what levels of protection are put in place, there is a limit to what that can provide. It is undoubtedly the case that there is widespread anxiety out there. It strikes me that, while a range of things can be done, the biggest single thing that will impact on confidence and dispel anxiety for parents and, particularly, staff is the vaccination of staff, and that has to be an absolute priority.

It remains an extremely challenging time for special schools. I particularly thank special school principals, teachers and non-teaching staff, who work tirelessly to keep those schools operational and safe. There is a rationale and broad cross-party support for keeping special schools open. Part of the anxiety is that some in special schools will say, “Why are we being kept open when other schools are not or are open on a more restricted basis?”. It is undoubtedly the case that what is happening in schools is not the main driver for broader

community transfer, and the medical experts will confirm that; it is the wider behavioural aspects.

In the debate, someone mentioned that individual families would want to make choices on whether their children are in school. The position, largely speaking, is that, sometimes because of a particular vulnerability or because the parents are at home and feel in a better position to look after their children directly, the attendance figures at special schools have been in and around 50%. Some of those 50% are in because parents believe that school is the best educational place for their child, but, for a strong section of that cohort, it is critical to the lives of those children and their families that they are in school. The children are in sometimes for particular medical reasons or mental health reasons, but it is critical that we have it.

Various studies that stretch beyond Education and Health have been done during the pandemic. Mention was made of the analysis that Stranmillis has done, the work of the National Deaf Children's Society, the report of Angel Eyes and the work of the National Autistic Society. There is plenty of data. We try to take account of a lot of that information. There are other bits as well. It is an emotive issue.

The tremendous work of staff on the front line has ensured the continuation of education and support for pupils. That is critical. I appreciate that there are challenges. Support has been ongoing since March, when children of key workers and vulnerable children were prioritised for access to supervised learning as part of the Department's response to support those most in need during the pandemic. The fact that the numbers attending, including special schools, have hovered between 8% and 9% across the board is, I think, an indication of changing patterns of employment and of how parents see schools as a relatively safe place. In many ways, that is a mark of confidence in what schools have done and in what has been put in place.

The current public health crisis became apparent over the Christmas period. Again, as with all matters, I will work with my colleagues in Health. While a particular approach was taken for mainstream schools, as I announced in the Assembly, special schools were to remain open and vulnerable children and key worker children would continue to have access to school. Vulnerable children include, amongst others, all children with statements of special educational need. In order to support schools, my Department issued a contingency framework for vulnerable children and young people to all schools on 31 December. While there was previous guidance, guidance was issued on 8 January by the EA, and bespoke DE guidance for special schools was issued on 21 January. The contingency framework sets out the expectations of how vulnerable children and young people should be supported when schools and other education settings are directly impacted by restrictions that are put in place as part of the COVID restrictions. The support model that is offered to those pupils will be managed on a tiered basis. We are not quite in the tiers of across the water, but they are on four levels, with the aim being to maintain on-site education where possible and to provide a suitable support plan that meets the individual needs of the child or young person. The current level that schools and education settings are at in the contingency framework is level 2, which means that they are open for vulnerable children and young people. Remote learning requirements and

the removal of face-to-face teaching should be temporary and should last no longer than necessary. It will remain under review by the Executive, but, obviously, it will be very dependent on the wider public health situation. I will continue to work closely with the Minister of Health as the situation progresses.

Mr Lyttle: I thank the Minister for giving way briefly. Will he provide an update on his response to the Education Committee proposal that he establish a vulnerable children reference group, comprising Education and Health, special schools and parents in order that they can work together to ensure that special schools and, indeed, all SEN provision is sustained in a safe manner?

Mr Weir: Broadly speaking, there are two aspects to that. We are working with our colleagues in Health to establish that group because it does not lie exclusively within our remit. I will come on in a moment or two to some of the arrangements that are specifically there and to some of the reference actions and, indeed, discussions that are taking place with special schools.

Undoubtedly, Health and Education are providing services against a backdrop of challenging restrictions, and sometimes that will also be because workers have been redeployed. The EA and Health and Social Care bodies continue to work in partnership with schools to facilitate health and education services along with appropriate SEN support and therapies as a priority. Well-being support is being prioritised; indeed, funding has been provided directly to schools for that purpose.

Structures were mentioned. My Department continues to work with Health, and a joint Health and Education oversight group meets weekly to monitor progress, particularly for children with complex needs, and to put in place multidisciplinary local-level solutions where they are required and it is safe and appropriate to do so. EA pupil support services remain fully operational. They provide a blended approach to remote and in-person support for the most urgent cases of assessment or support, if required. In addition to the ongoing training, advisory and intervention work, an extensive suite of resources, contact details and signposts is available through the EA website.

The Middletown Centre for Autism remains operational for training purposes and support services. It has made a considerable amount of support resources available online to parents, carers and the education workforce, particularly through social media.

There are two other aspects to the structural side of things. First, we are meeting regularly and have had discussions with the trade union side. That engagement is with not only the teaching unions but the non-teaching unions of support staff. Secondly, there is interaction with the special schools' leadership group. It regularly meets officials from the Department and the PHA. The PHA is represented at every meeting, and maybe I did not convey that impression well enough when the Member asked me about it previously. Beyond that, the PHA has offered to speak to some of the special needs schools, because, although some of this is about what can be done to meet needs, it is sometimes about providing reassurance and trying to de-escalate anxiety from a medical point of view.

I will address a couple of the other aspects that were mentioned in the debate before I come to resources. Work is ongoing with the EA on transport. During the

current situation, in which there is a level of lockdown, the aim is to ensure that transport remains for those who are attending special schools and facilitated, where it is needed, for the children of key workers and vulnerable children. I appreciate the point that was made about trying to ensure that as many precautions as possible are taken on buses. In normal times, when all are attending, the volume of people on buses makes that difficult. As part of the mitigation measures around the wearing of masks, we have instructed the EA to do spot checks. One of the advantages of the current situation, at least for transport, is that there is an opportunity to spread transport provision so that we can reduce numbers on the buses.

Additional PPE is being made available this week through the EA. It has been procured for children and staff in particular. Higher grade PPE is not needed, but there are specifics that need to be considered. As we know, a number of students do not have the same level of bodily control as others. Therefore, this PPE is a bit more resistant if, for example, somebody tries to take it off somebody else's face. I take on board what has been said. Ms Bradshaw is sceptical about whether the level of PPE is adequate for teachers. To that extent, we will provide whatever is needed and is beneficial. To some extent, we are dependent on circumstances, and occasions on which PPE should be worn still depends on PHA advice. We are not in a position to second-guess. If the PHA says that PPE is necessary, it will be used; if the PHA outlines a circumstance in which PPE is not needed, it is difficult to impose wearing it.

I can provide reassurance. I think that it was Mr Dickson who raised the issue of testing and tracing. There should be an announcement shortly about that. Before Christmas, a pilot programme was carried out in a couple of post-primary schools. The aim is a weekly roll-out of test and trace for special schools. I am working with the PHA on that. It is close to fruition. One of the problems is asymptomatic children and staff, and it is critical that they are targeted through the programme.

12.15 pm

On the issue of resources, an additional £27.4 million has been allocated to the EA for SEN, and that includes money for SEN pupil support. On top of that, to mitigate the additional costs of COVID-19 for SEN support, I included £6.9 million directly. That also covers SEN children in mainstream schools and pupil support.

Mention has been made of the Engage programme. Work has been done to deliver that on the ground specifically for special schools. As well as the Engage money, additional money has been made available to help address the adverse impact of school closures. The Member said that special schools did not receive that funding. Special schools do not receive funding directly into their own budgets, however. That is a difference between them and mainstream schools. Instead, the money is spent by the EA.

Mr McNulty: Will the Minister give way?

Mr Weir: I am a bit tight for time. I am happy to talk at a social distance to the Member afterwards if he has a particular issue.

We have made various resource bids at times for additional money, and as recently as the January

monitoring round, but sometimes, because of COVID, we have had easements to meet pressures. That is money that we have been unable to spend that has been reallocated. Where we have made no bid, it is sometimes because those needs are being met from within existing budgets.

Mr McNulty mentioned a recharge programme. We have made it very clear that, given the extent of the interruption that has taken place, the Engage programme has largely worked well. We want to see it operating for a second year, and we are taking bids for it.

Mr McNulty: Will the Member give way?

Mr Weir: I know that the Member wants in.

The only complication is that running Engage for a second year will probably lead to an increase in the funding that will be sought. Although the Executive have had around £3 billion allocated by Westminster for COVID, the figure for 2021-22 will be considerably smaller. Even with a rollover, it may be somewhere in the region of £0.5 billion, and it will certainly be less than £1 billion.

I continue to impress on my Executive colleagues the need for funding. Any resource that we can find or that is needed will be applied. A lot of the issues are not necessarily resource issues, however. For example, one of the issues that has been raised is the need for substitute teachers for special schools. Work is ongoing to create a pool of substitutes, but, when staff are unable to be in school, the pool of specialist teachers who have particular experience in special schools is small. It is much more difficult to draw down teachers for special schools than it is to draw them from the mainstream schools' substitute list. We need people with a specialism to teach in a special school.

All action will be taken. Any request from a special school that we can meet will be met. Sometimes, however, the issue is not necessarily money. It may well be the approach that has been taken.

As I have stated a number of times, I want to see the resumption of face-to-face teaching at the earliest opportunity. It is the best education provision and support. We need a safe and welcoming environment for all our staff and children. While our battle with COVID-19 continues, I am working to ensure that appropriate measures and resources are in place to secure access to education provision. SEN provision supports our most vulnerable children, who need and deserve it to negate the adverse impact of the pandemic. For all children but particularly for SEN children, some of the pressures on their mental health and that of others —.

Mr Deputy Speaker (Mr Beggs): I ask the Minister to draw his remarks to a close.

Mr Weir: Ultimately, the physical safety, mental health and well-being of all pupils and staff throughout the pandemic remains paramount.

Mr Deputy Speaker (Mr Beggs): I call Karen Mullan to conclude and make a winding-up speech on the motion.

Ms Mullan (The Deputy Chairperson of the Committee for Education): On the behalf of the Committee, I thank the Minister and all the contributors to the debate. I expect that the discussion will continue online or through other media for quite a while.

I begin by referring to vulnerable children — those with special educational needs — and how they, their families and their schools have been supported during the pandemic.

When the present crisis abates, there will be considerable focus on how we have managed educational provision during these unprecedented times. A key measure of the Department's effectiveness will be how we ensure continuity —, con — I cannot even say it.

Mr McCrossan: Continuity.

Mr Weir: Continuity.

Ms Mullan: Continuity of support for those who are clearly most in need. Thank you.

Mr Weir: You are getting cross-party help.

Ms Mullan: I know. I need some educational support.

I hope that, following the debate, we will see a multidisciplinary, cross-departmental, coherent and permanent process for ensuring that vulnerable children gain consistent access to special educational needs support during and after the pandemic. I hope that that will include a transparent, single-point-of-entry process with a named officer responsible for each child. I hope also that we will secure the associated resources required to cover those services for all future pandemic-related disruptions to education and beyond.

I turn now to the contributions to today's debate. I thank all Members who spoke, my fellow members of the Education Committee and the Minister for his presence and his response. I will try my best to do justice to the many valuable contributions and to fit them all in.

By way of an overview, all Members supported the motion and thanked and paid tribute to our school staff, particularly those in our special schools, the community, parents, pupils and stakeholders. All Members raised concerns about special school support, the resources, the guidance and the safety. Members also supported the vaccination of school staff, with a priority for special schools. I know that the Minister gave us an update on the meeting this morning, but it is disappointing that we are still talking about the need to vaccinate staff, particularly staff in special schools — that should have been done by now — and those in the mainstream schools that are also open. We need to move on that very quickly. I acknowledge the Minister's position. He gave an update on the priorities for the vaccination and recognised that that will reduce anxiety among staff, so thank you, Minister, for that.

First, the Chair of the Education Committee, Chris Lyttle, spoke about the limited access to special schools in the last lockdown and how the Committee was concerned about the services available to children with special educational needs during that period. He spoke about how the Committee, during that time and since then, has been prioritising needs and engaging with stakeholders, parents and others. He pointed to the event that we held in December at which we as Committee members heard how schools and parents felt abandoned during that period, particularly those with autistic children. He went on to speak in his role as an Alliance MLA. Again, he spoke about parents feeling abandoned and struggling. He asked that the Minister give more clarity on support, safety, resources and the vaccination.

Mr Lyttle: I thank the Member for giving way. I take the opportunity to thank the Deputy Chairperson for her service on the Education Committee and for her effective advocacy on behalf of the education sector on a wide range of issues from special educational needs to free school meals to youth services. She has made a valuable contribution to important work that often goes unnoticed and unreported, and we are very grateful for that. Thank you.

Mr Weir: You can put that in your election literature.

Ms Mullan: Thank you, Chair. I think that the Minister might be glad that I am moving on. I very much welcome your comments. It has been a real pleasure to work with the members of the Committee and the vast number of people whom I have met throughout the sector.

Mr Humphrey raised the worsening situation around statementing pressures. He spoke about what families have had to deal with and the devastating impact that the closure of services during lockdown has had. He also raised, as many other Members did, the issue of social distancing and the wearing of PPE.

My colleague Nicola also spoke about the impact that the loss of services, particularly therapeutic services and respite, had on children and their families and the heartbreaking reality that many families are going through still, not just in the last lockdown.

Daniel McCrossan made a personal contribution in relation to his nephew and commended his local school for the support that it has provided to his family. He outlined the need for complete change on this from the Minister and the lack of expert-led support and guidance for special schools from the Minister and his Department. He said that more support was needed in special schools and that vaccination must be prioritised.

Robbie Butler outlined the huge impact on families. He talked about how the temporary removal of the provisions in the Education Order goes against everything that we know to be right. He made the relevant point that the effects on these children will be long-lasting rather than temporary. He also quoted statistics from the National Autistic Society and talked about the vital need to monitor, liaise on and review everything.

Mr Newton outlined the difficulties for special schools and said that it was a privilege for him to speak up for children with special educational needs. He outlined the budgetary pressures prior to the pandemic and the need for resources to be in place.

My colleague Órlaithí Flynn also raised that but focused particularly on the mental health and isolation of families and pupils. She talked about how they feel abandoned, the further impacts of the pandemic and how we must find a way to provide support to all those people.

Maurice Bradley was also concerned about respite and the lack of support for children and parents. He highlighted the disparity in provision.

Justin McNulty highlighted the absence, loss or removal of other allied services and the impact that the lack of support has had on young people's routine and their families and how we need to learn lessons from that.

Rosemary Barton commented on the impact on young people's education and on how many have suffered greatly

from the loss of their routine, which has continued into the second lockdown. She said that we need to plan better for children with special educational needs.

Paula Bradshaw focused on health. She pointed to the lack of funding and the need for early years intervention and to work more closely with stakeholders, particularly those with a focus on children and young people. She said that the Department, the Minister and the Education Authority should do better in relation to that.

Clare Bailey raised concerns about the impact of COVID-19 and talked about how it had exacerbated existing issues with special educational needs.

Stewart Dickson outlined the loss of services and asked how the Department and the Minister would support the Royal College of Occupational Therapists to get back to work.

Gerry Carroll pointed to the underfunding of special schools and SEN before the pandemic and said that all was not rosy in the garden before it.

Mr Carroll: I thank the Member for giving way. Is the Member concerned that, in answer to my question on 4 December, the Minister stated that the last meeting of the Department of Education employer and trade union consultation subgroup was on 8 September and that there was a period of at least two months last year when the Minister did not meet that body of trade union representatives?

Ms Mullan: Yes. I was just coming on to the fact that you outlined engagement with unions and teaching staff. That is something that we —

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw her remarks to a close.

Ms Mullan: Yes. Finally, the Minister answered many of the points in his contribution. He pointed to data and reports that have informed educational openings in the current lockdown, along with Health. He outlined his Department's support and the partnership working and funding that is happening in this lockdown. I welcome the Minister's giving us that update. I ask the Minister to take away from today that there is a need to do better for children —

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

Ms Mullan: — with special educational needs and their families.

12.30 pm

Question put and agreed to.

Resolved:

That this Assembly takes note of the numerous stakeholder reports relating to the adverse impact of the pandemic on access to special educational needs (SEN) support for vulnerable children; calls on the Minister of Education to bring forward appropriate measures in order to ensure a minimum level of consistent access to special educational needs support for all vulnerable children; and further calls on the Minister to work with the Executive to provide the associated resources required to cover these

services for all future pandemic-related disruptions to education.

Mr Deputy Speaker (Mr Beggs): Members will have been recently notified that the First Minister and deputy First Minister will make a statement later this afternoon, after Question Time, on mother-and-baby homes and Magdalene laundries.

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 and to reconvene with questions to the Minister of Education.

The sitting was suspended at 12.30 pm.

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

2.00 pm

Oral Answers to Questions

Mr Deputy Speaker (Mr McGlone): Before we proceed, I remind Members that only one Minister will respond to questions for oral answer today. The remaining Assembly business will resume promptly at 2.45 pm.

Education

Key Workers' Children: In-school Teaching

1. **Mr Allister** asked the Minister of Education whether the uptake of in-school teaching for key workers requires the criteria to be revisited. (AQO 1458/17-22)

Mr Weir (The Minister of Education): I thank the Member for his question. The Department does weekly surveys. The latest data, which includes responses from around 75% of all school and preschool education settings, reported almost 12,500 key-worker children being located on-site on Monday 18 January. On the pure figures, that equates to around 4% of all pupils, but, given the fact that they show responses from 75% of settings, you could extrapolate a little further. Those figures do not include children in special schools, which have been asked to reopen for all children.

The majority of those key-worker children, about 10,500, are attending primary schools. As the majority of those numbers relate to children attending special schools, the number of children of key workers attending mainstream schools is low enough that there is no reason to assume that social-distancing regulations cannot be adhered to.

Across the board, the overall attendance at primary schools is around 9.5%, post-primary school attendance is running at about 5% or 6% and special school attendance is in or around 50%. The latest overall figures for attendance, including all categories, show attendance at around 8.6%, which fluctuated between about 8.9% and 8.2% across the day.

On 8 June, the Executive, in line with their coronavirus recovery plan, extended the criteria for key workers. The definition of key workers was agreed, and there is currently no evidence that the criteria need to be revisited.

Mr Allister: I must tell the Minister that I know of a number of schools in my constituency in which the attendance level is much higher than 8%, 9% or 10%. I can think of one school, where, I am told, the attendance level is in excess of 25%. Such a situation is unfair to the pupils who have to be taught at home and to the teachers who have to juggle teaching at home and in the classroom. It also defeats the purpose, if there ever was a public health reason, of closing our schools if there is a quantum of up to 25% of pupils in school.

Given that there has been that extensive increase since the previous lockdown, would it not be more prudent to have the key-worker criteria as two parents, if there are

two parents in the house, rather than one? I have been told of cases in which there is one key-worker parent and a non-working parent at home and the kids are in school. Is that what it is meant to be like?

Mr Weir: The definition has been consistent from the start. Not all schools have applied it in that way, but, from the first lockdown, it was based on one key worker.

The Member can highlight some schools that are outliers with the percentages attending, but, if you talk to the medical experts, you will find that it is not that schools are unsafe places. The principal aim of closing schools was to reduce the overall level of contacts in society and, indeed, to address the behavioural impact of schools being open. There is a limited level of risk directly in a school. The principal problem is the behavioural aspects outside the school. Having a situation in which, across the board, more than 90% of children are not in school, removes a considerable element of the levels of contacts.

Different families will operate in different ways. Part of the point of needing only a single key worker is to try to ensure that key workers are available for work in all circumstances. For example, if you take the case, as it is in many cases, of a family in which there is one key worker and one non-key worker and there is a choice of who will go into work, it may be that the key worker is much less well paid. If they have to remain in the home, there is a risk of society being deprived of key workers.

All things are always kept under review, and the definitions have not principally changed. There is a broad acceptance that parents are generally confident about their children being in school, and that has arisen through the figures, but, across the board, the figures, which have been fairly consistent over the last three weeks, suggest that more than 90% of families do not have children in school. I see that my time is up.

Mr Deputy Speaker (Mr McGlone): Before I call the next Member, by way of housekeeping, I will say that question 2 has been withdrawn.

Ms Mullan: Given the need to deliver effective remote learning, has the Department sought assistance or received offers of support from internet providers in order to address poor broadband for pupils? Are there any plans — I wrote to you about this matter — to provide data to pupils and families who are struggling?

Mr Weir: On support, we have worked with BT to provide additional coverage. There are two aspects to that that can then boost the numbers, and that has been done. The issue will be that, until Project Stratum rolls out, in certain geographical areas, irrespective of what an internet provider is trying to do and regardless of the devices, there will be a limit to what can be provided. As part of that, the Education Authority (EA), which is currently procuring an additional 10,500 devices to add to the 24,000 that are out there largely to try to ease that burden. However, as the Member will be aware, while connectivity issues and issues with the number of devices are important issues with remote learning, the bigger problem is that remote learning is still not as good as face-to-face learning from the point of view of enabling children to have direct focus. In any circumstances, it is difficult to overcome that other than through face-to-face teaching.

Mr McNulty: It is an incredible situation. Parents and children are dying for schools to reopen and to get back to school. Will the Minister outline what advice he has got from the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA) about potentially reopening schools in February?

Mr Weir: The Member will forgive me, because there is a limited amount that I can say. The intention is to bring a paper on the wider situation to the Executive on Thursday. I cannot really pre-empt that paper. The Executive will take their decision. We will always work closely with the Chief Medical Officer in particular. The Chief Scientific Adviser is not actually in place at the moment in that regard, but we will work with those key medical experts, and that will form a key part of the thinking as we move ahead; indeed, I think that my officials were meeting the Public Health Agency (PHA) to discuss issues as well. I share the Member's view that the sooner we can get back to a situation in which there is direct face-to-face teaching in a safe manner that is compatible with public health, the better for all of us, whether that is parents, teachers and particularly the children.

Remote Learning

3. **Mr Middleton** asked the Minister of Education for his assessment of remote learning during the current restrictions in schools. (AQO 1460/17-22)

Mr Weir: As a system, we are significantly better prepared and equipped to deliver remote learning than we were last March. Since the beginning of the 2020-21 academic year, my Department has asked schools to have contingency plans in place for the delivery of remote learning. Schools are now implementing those plans to deliver remote learning during the next couple of weeks. Due to the dedication of teachers and school leaders, the vast majority of schools had already been delivering remote learning where and when it was needed during the autumn term, continually improving their provision in line with expectations and emerging best practice.

At the beginning of January, my Department issued an educational continuity direction, which makes it a legal requirement for all preschool settings and primary and post-primary schools to provide remote learning. Alongside the direction, my Department published further detailed guidance for schools on supporting remote learning. That provides additional advice and guidance to schools about how they can tailor and adapt the delivery of the curriculum. Schools are required to have regard to that guidance.

There is much good practice across our system, and my Department is monitoring the implementation of remote learning through the school managing authorities, which will work to support schools that have any difficulties.

Mr Middleton: I thank the Minister for his response. I welcome the guidance that has been issued on remote learning. I know that he will agree that face-to-face teaching is the most appropriate but that we have to be mindful of the health advice. Will the Minister outline what additional resources have been provided to support remote learning?

Mr Weir: About an additional £7 million has been provided to support remote learning this year. That has enabled up

to 24,000 devices to be made available for learners and to continue to improve online services. The scheme to provide the devices and Wi-Fi access to the educationally disadvantaged to support access to remote learning remains open, and, as I said, the EA is procuring more devices.

As well as the money side of it, there are resources in terms of guidance materials and case studies to support learning. Those have been produced by the Department as part of a continuity of learning programme. Through C2k, the EA has developed My-School, which is a website of best resources that provides a gateway to access online teacher professional learning sessions and webinars. The website collates and makes available the resources and guidance developed through the continuity of learning programme, including newly developed resources and case studies.

Since the start of the process, there have been link officers — they are still in place — for each school, largely through the Education Authority or the Education and Training Inspectorate (ETI). The Department continues to work closely with them, particularly with the ETI, and other educational support bodies to identify additional support materials to be developed at pace.

Mr Lyttle: Will the Minister provide an update on the EA procurement of funded access to the Seesaw digital learning platform for schools to aid remote learning among students, teachers, and parents and guardians?

Mr Weir: I do not have the direct information on Seesaw, but I will get it to the Member.

Mrs Barton: The Member just asked the question that I was going to ask. Is the Minister considering other platforms for primary- and post-primary-school children?

Mr Weir: Advice comes from the EA through its C2k side. That can help primary schools and, in particular, teachers. We are open to any other suggestions. Through the continuity of learning programme, we try to channel those. No one is a fount of all wisdom on these things. As we move further into lockdown, we are developing programmes all the time, and we are open to doing that. Obviously, we have to make sure that what is there is quality controlled and appropriate to a child's age.

Mr Deputy Speaker (Mr McGlone): A fair bit of interest is being shown in this topic, so I will go beyond the standard two additional questions.

Ms Brogan: I raised with Mr Weir previously the issue of the digital gap that has been made more evident because of remote learning. As has been said, families struggle to access support for IT devices and printers. In my constituency of West Tyrone, families struggle with access to adequate internet connectivity.

Given the availability of significant COVID support funding, as set out by the Finance Minister yesterday, will the Minister submit a further bid for funding to scale up the provision of devices and equip pupils with internet connectivity?

Mr Weir: We have put in a range of additional bids that equate to around £18 million, which, I think, have been accepted by the Finance Minister. Much of that is to sponsor the additional devices that the EA is providing. We are in constant iteration, particularly with the EA. Given the

funding that is available, there is no lack of willingness on our part. It is just a question of how quickly certain things can be delivered. With devices, there is a procurement time lag, which is still difficult to overcome in the short term. However, there will be additional devices.

As I said, we have also made some tools available, such as MiFi and BT access, but we do run into a problem. The Member correctly identified that the problem with a lot of households is not the lack of a device but the fact that a number of family members are pursuing that device.

2.15 pm

As I have indicated, the other thing that is difficult to overcome is that, geographically, there will be some parts of Northern Ireland where, no matter what you are able to put in, because of the lack of broader internet access, some schools will have to operate in a slightly different sphere. That is simply because, no matter what can be done from the education end, there is not always going to be that availability for those children. We are, however, constantly liaising with the EA to see whether anything additional can be done to stretch what can be provided. Given the broader financial position, the lack of finance is not the issue. Rather, it is how quickly, from a public procurement point of view, things can be turned around on some of the issues.

Mr McCrossan: Minister, I have a brief point to make that follows on from what some other Members have said. Some would argue that C2k is largely no longer fit for purpose, given that it is 20 years old. That needs to be addressed, and I know that the Minister has acknowledged that. Seesaw is worth considering. Some other Members and I have had a rundown on it, and it looks as though it is a very good and appropriate programme.

Can the Minister outline what analysis his Department has conducted on the impact of remote learning on children from a deprived background and whether mitigations have been sufficient to address educational underachievement?

Mr Weir: I indicated in the previous debate that a number of reports have been done. There is no doubt that remote learning will have an impact on children from disadvantaged backgrounds. Again, the issue is not simply one of access to devices. All children will flourish best in an environment in which they are in a face-to-face teaching situation. As I indicated, there is a strong need. This year, the Engage programme was put in place. We need to look ahead, and bids will be made to the Executive for 2021-22 funding. I know that the Member has been active on that particular front, so I should indicate that those who have been engaged through Engage will continue to be. As far as is possible, schools are trying to deliver what they can through remote learning.

I appreciate that a lot of schools will have tried to focus on small groups. That is not impossible, but it becomes more difficult using remote learning. It is imperative that the Executive look favourably on any proposals to roll out the programme. There may be times when the Member and I are metaphorically on a see-saw. We occasionally struggle to be level on it, but I know that quite a lot of schools, particularly during lockdown and particularly primary schools, have used Seesaw. It is therefore not something that has appeared overnight. It is a good example of some

of the platforms that can be used by primary schools, and, indeed, it is widely used by them.

Mr Carroll: My question follows on from those on the digital divide. Minister, can you guarantee that all pupils from disadvantaged backgrounds will have access to a digital device and free access to the internet?

Mr Weir: I do not think that that guarantee can be given for every individual across the board. We are trying to procure the maximum number of devices. Can that be done in every individual case? Unfortunately, achieving that will be difficult. As I indicated, it is rarely about devices. Indeed, the feedback from schools that we got, which we used when procuring the first round of devices, was around what the needs out there are. Even out of the initial 24,000 devices, a small number are still available and eligible to be claimed.

It would, however, be foolhardy to give a guarantee that every single person will be able to receive everything that is needed. All of us can do only the best that we can. It also highlights the fact that, beyond simply the lockdown period, there will inevitably be a need for some catch-up to be done and a need for investment in the resources required for our students as we move into the next financial year.

Post-primary Admissions: Academic Criteria

4. **Mr Blair** asked the Minister of Education what alternative data he has recommended to schools to use as a proxy for academic criteria in post-primary admissions. (AQO 1461/17-22)

Mr Weir: The use of academic selection in their admissions criteria is a decision for boards of governors. It is not something that is just their general responsibility. They have the legal authority.

I have therefore reminded schools that are considering using academic selection or, indeed, any form of criteria, particularly in the absence of the Association for Quality Education (AQE) and Post Primary Transfer Consortium (PPTC) assessments, that they should ensure that any alternative approaches are robust and are supported by legal advice and that the process that they have adopted can clearly and objectively select pupils for admission. There is no single set of criteria that we have been recommending to schools.

Mr Blair: I thank the Minister for his answer. Hopefully, he will accept that a lack of contingency planning has caused anxiety for many children and families across Northern Ireland. With regard to that, why does the Minister refuse to use his powers under the Coronavirus Act 2020 and the Education (Northern Ireland) Order 2006 to direct the use of common contingency criteria for post-primary admissions in order to insert some consistency and certainty in the exceptional circumstances of this year?

Mr Weir: There are a number of reasons for that. With regard to that direction, the Member mentioned the Education Order. The power for the Department to direct in those circumstances can be triggered only when the Assembly has taken a vote on whether it wishes academic or non-academic criteria to be used. It can be triggered only once that decision is made. Therefore, that power is not open to the Department directly unless some previous

steps have been taken. Looking across and around the Chamber, I suspect that a consensus on whether to have academic selection or not will elude us for many a year.

The Coronavirus Act deals principally with the measures to be taken with regard to childcare in schools, opening or closure, directions for opening and the means. To stretch that in order to put in place what the criteria should be would be legally questionable and, certainly, would be beyond the intention of the Coronavirus Act. The other factor is that, politically and, indeed, between schools, there is no consensus on what the criteria should be. There are a wide range of schools, some of which are keen to embrace academic selection — there is a legal right for them to do that — and some of which would never support academic selection at all. The Member needs to be aware that, if we were to impose criteria on schools against their will, we would have to square that circle as well.

Boards of governors have the legal authority to set their criteria. We may have different views on what the ideal criteria should be. Guidance is given on what is reasonable and unreasonable, particularly with regard to academic criteria, but it would certainly be beyond the powers of the Department or myself to impose a one-size-fits-all solution on that basis. I do not believe that there is consensus at any level on what those criteria should be.

Mr Lynch: Following the cancellation of the transfer test, the Minister commented that that would limit children's opportunities. Recently, he visited St Kevin's College, Lisnaskea, with me. It is the best non-selective school in the North of Ireland and outperforms some of the grammar schools. A number of my family, my nieces and nephews, went to the school, and they all went on to third-level education. There were no limits to their education. The Minister's comments were deeply insulting to a majority of those involved in the education system. Will he take the opportunity to withdraw those remarks and apologise to teachers, staff and the pupils who are educated in non-selective schools such as St Kevin's College, Lisnaskea?

Mr Weir: I am well aware of the excellent work that is done in St Kevin's College and other schools across the sector, be they selective or non-selective — or academically selective or non-selective, I should more accurately say, because all schools will employ some level of selection in that regard and do excellent work. From that point of view, I did not make myself as clear as I should have done and apologise for any offence that was caused. What I meant to say — a peril of social media is that your meaning does not always get across — was that, where any pupil is limited in trying to get to the school that they want to get to by factors that are outside their control, that is some level of reduction of opportunity, whether it is a selective school, St Kevin's College or any school. That was the message. I apologise if the language that I used was somewhat clumsy.

We have a system that delivers very well for pupils across all post-primary schools. There is always room for improvement, but, when you compare our performance with that of jurisdictions nearby, you will see that there are excellent opportunities for all here. I feel for any family that is looking to get a child into a particular school and has the door to that school, wherever it is and whatever sector it is in, effectively closed due to circumstances beyond its control.

Mr Butler: Thank you, Minister, for your answer. I thank the Member who asked question. It is a perfect question and is on the issue that has probably caused me most pain during my time on the Education Committee. We have failed 16,000 pupils who, in good faith, were entered for the AQE and GL tests. Had the Minister had the courage, he would have got cross-party support, even from the parties that oppose academic selection, and could have used the coronavirus legislation. That being the case and the disappointment having been caused, what is the Minister doing for those in the P6 cohort, who face doing the exam in November, to protect their rights under the admissions criteria, which exist and have legislative power, to make sure that this debacle is not revisited in November 2021?

Mr Weir: Ultimately, it is still up to boards of governors to decide on selection. As we move into the spring and beyond, we hope that the situation will have eased considerably. It is noticeable that the vast bulk of schools that had been academically selective but moved away from it this year have since, more or less uniformly, indicated that they want to move back to some form of academic selection, which will be available.

Although the Member made very well-intentioned efforts to find a solution, for which I strongly commend him, the problem that many schools found, particularly when they sought advice — we advised them to seek their own advice — that the methodologies for using alternative data were not particularly robust. A small number of schools have used alternative data, but that perhaps explains why the vast majority of schools that are normally academically selective have been reluctant to go down that route. The advice that they have received, particularly from a legal point of view, is that it would be open to challenge.

There is an opportunity for better preparation for November, and I trust that we will be in a better position then across the board to facilitate choices, regardless of the direction that they come from.

Substitute Teachers: Financial Support

5. **Ms S Bradley** asked the Minister of Education whether he will introduce a further financial support scheme for substitute teachers. (AQO 1462/17-22)

Mr Weir: The question probably predated some of the announcements, but I am pleased to confirm that I introduced a further income support scheme for substitute teachers on 22 January. The new scheme will operate under similar arrangements and will effectively echo what was in the scheme that was there from April to June. Details of the scheme are available on the Department of Education website, including information on who is eligible for the scheme, how payments will be calculated and a straightforward online application form. The closing date for the scheme, because it reflects the levels of work that teachers had during that period, is 29 January 2021. I encourage substitute teachers to apply, if they are eligible.

Any substitute teacher with a booking predating any announcements on the current lockdown will have their pay honoured for that. Similarly, on the Engage programme, which was raised by Mr McCrossan and others, quite a number of substitute teachers will have been employed on a short-term basis through that

programme. Again, they will still be in a position to deliver that, and they will all be paid for that period.

Ms S Bradley: Will the Minister give an assurance that a scoping exercise has been carried out to ensure that all substitute teachers who benefited from the previous scheme are included in the new one?

Mr Weir: As has been made clear to teachers, anybody who is eligible is entitled and encouraged to apply. Eligibility may differ slightly between the two schemes in individual cases. To take one example, a substitute teacher who qualified in June of last year would not have been eligible for the first scheme because they would not have had an opportunity to do any substitute work. However, they might have done substitute work in the autumn and so be eligible for the new scheme, whereas they would not have been for the first scheme.

It is entirely open for every teacher to whom this applies to apply for the scheme. There is encouragement. Indeed, there was good uptake of it previously, and there is no bar to anybody who previously received it or to anybody new coming onto it. On the flip side, it may be that some teachers who, although they were eligible previously, have retired and have not done any substitute work during the period in question will not now be eligible. On either side of that line, it would be relatively marginal.

2.30 pm

Mr Deputy Speaker (Mr McGlone): That concludes the period for listed questions. We now move to 15 minutes of topical questions. I call Sinead McLaughlin. I will give you a minute to get rested. That was quick.

COVID-19 Variant: School Safety Measures

T1. **Ms McLaughlin** asked the Minister of Education, in light of the disturbing revelations about the new variant of COVID-19, which could account for 50% of infections in the North and, even more alarming, is potentially 30% more deadly, what additional safety measures does he plan to implement to protect children and staff in special schools and, more generally, in mainstream schools. (AQT 911/17-22)

Mr Weir: OK. There are a number of points to respond to there. Not to break any confidences from a conversation that I had this morning, but there are a considerable number of question marks around the deadliness of the new variety. The medical profession would say that it is far too early to say. The Prime Minister may have jumped the gun on that. Nevertheless, it is something to be taken seriously.

A range of measures have been put in place across the board for schools. For example, for post-primary schools, the requirement — unless there is a medical excuse — is for pupils to wear a mask. Obviously, we are not at the stage where, apart from key workers' children and vulnerable children, all children are in school. There will be increased surveillance on school buses. We are working to erect signage in every school. A lot of the medical experts have said that what is directly happening in schools is having relatively little impact; it is the behavioural aspects around schools that are important.

For special schools, I have said on a number of occasions that I want to see a swift use of the vaccination process

for staff at special schools. Although I think that education staff in general should be prioritised, the vaccine should be targeted at special schools in particular.

From this week, we will roll out and deliver additional PPE. That is not to say that the medical side has recommended that there are additional circumstances in which that is needed. However, one of the concerns, particularly in special schools, would be to have PPE that students are less able to pull off the faces of others.

Fairly soon — imminently — I hope to make an announcement about working with the PHA on additional testing and tracing in special schools.

Ms McLaughlin: All Members know that we have taken extra precautions because of the new variant. It is really important that we make sure that our schools, especially our special schools, are protected. The roll out of the vaccine is very important. I have nothing else to ask because you answered my supplementary question, which was about how quickly you would do that. It is imminent.

Schools: Safe Return

T2. **Mr Lyttle** asked the Minister of Education to set out his plan for how and when children will be returned safely to school. (AQT 912/17-22)

Mr Weir: As I said, I will bring a paper to the Executive on Thursday. There will be further discussions on that with the Health Minister this afternoon. Until the Executive take a clear and final decision, I am not in a position to share that information with the Assembly.

I think that all of us accept that we are in a very fluid situation as regards everything to do with COVID, but, if the Executive are able to reach a decision on Thursday, it is important that it is communicated quickly. It is important that staff, parents and, particularly, children are given as much certainty as possible as we move ahead with regard to the timescale, notwithstanding the fact that everything always has to be kept under review, given the speed of movement of actions.

Mr Lyttle: I thank the Minister for his answer. Does he agree that a safe return to school has to be a priority for the Assembly and that doing so may require increased social distancing and decreased class sizes, which would, obviously, require extra staff, extra space and extra capacity for digital learning? Has the Minister bid for extra resources of that nature in order to return schools as soon and as safely as possible?

Mr Weir: From the point of view of what would be needed, one of the options on the table is to consider a form of blended learning. Whether that is across the board or for certain year groups would need to be examined. Although some work could be done around the margins with extra staffing and extra space, the practical reality of that will be that some pupils will be in at a particular time and others will be in remote learning.

Last summer, we looked at models that were being developed towards a potential blended learning return, and those models can be utilised, but one of the drawbacks of that would mean that it would not be the basis for a full return. What we looked at last summer, particularly with regard to primary schools, was a situation where there was a rota in the week for when pupils would be in. That would

in and of itself enable a greater level of social distancing. A slightly different model would maybe apply to post-primary schools.

As we look ahead to the situation post the half-term break and towards the rest of the academic year, while we hope in the near future to outline some of the issues around qualifications, it may well be that there is a need to concentrate a lot of our actions around those who are receiving the public examination qualifications that are so vital in the educational journey that children will have to make.

Post-primary Education: Opportunities

T3. **Ms Armstrong** asked the Minister of Education whether he believes that attending a grammar school gives a child greater opportunities. (AQT 913/17-22)

Mr Weir: I addressed that question to some extent in my answer to Seán Lynch. The issue that I have highlighted is that, whenever the opportunity for any child to go to a particular school in whatever sector is reduced, that reduces the level of opportunity. That is true of any school, whether it is academically selective or non-selective. We have schools across the board that deliver very strongly for all our children, but, at a broader level, in any sense, whenever parental choice is limited, that reduces individual choices for children and their families.

Ms Armstrong: I thank the Minister for that. I find his answer somewhat disappointing, given that 20% of children who want to attend integrated schools have that opportunity turned down because there are not enough places. Will he confirm that his job is to ensure that all children have equal educational opportunities and that, therefore, all schools should be pushed in the direction of providing all opportunities?

Mr Weir: Certainly, we want to make sure that all children are given the maximum opportunities in life. It means that, from what can be provided in schools, there should be the maximum opportunity for all children. There will probably be certain practical constraints on schools in what can ultimately be delivered, but the aim is to give people as much choice as possible. Critically, as we move ahead, that has not been progressed as quickly as possible. However, when we look to ongoing work that will happen, for example, on the 14-to-19 strategy with the Department for the Economy, it will be not simply about what lies within the school walls but about what happens beyond that and the wider opportunities that can be provided. That level of collaboration will be critical. As we look to expand opportunities for all, that will be one of the critical issues that the independent review of education will look at.

COVID Expenditure: School Budgets

T4. **Ms S Bradley** asked the Minister of Education to confirm that all COVID costs and associated codes accrued by schools in order to keep them open and functioning, including for substitute teachers, will be met outside of school budgets. (AQT 914/17-22)

Mr Weir: There are a couple of points connected to that. There was bidding for funding for that money, and some of that will be a reprioritisation of funding. As part of the overall packages that were sought from the Executive at earlier stages, specific money was set aside from COVID

funding for, in particular, substitute teachers. I mean that money was given to schools rather than to individuals. That money was secured. Financially, the costs were roughly what was needed, with maybe a little bit more required. We found that, from the overall amount that the EA bid for PPE, a certain amount was left over. This is about redirecting some costs.

There has been engagement with a number of schools, and, where specific costs have not been met, through working with those schools and the EA, there will be an opportunity to try to make sure that they are met. Due to a range of factors, the overall impact on school budgets this year has meant that, where schools across the board normally tend to be in a strong deficit, this year there is a reasonable surplus, partly because some of the financial pressures in schools have been reduced. Where there are genuine costs, they will be met centrally from that funding.

Ms S Bradley: Thank you, Minister. Many principals and school management teams will be relieved to hear that the money will not come from their central budget. Does the Minister agree that we have a register of qualified, capable, able, willing and waiting substitute teachers who want to engage and to be part of the solution to keep schools open? Will he reach further and engage with those teachers in order to allow them to be active during this time?

Mr Weir: The Member makes a very valid point. That is why the Engage programme runs alongside that. Teachers who are in full-time positions are generally not the principal source from where additional people or teachers can be drawn, so it is about bringing in additional people, and that has been done. We are certainly very open to that. There is a window of opportunity between now and the end of the financial year, so where schools require somebody additional — for example, to try to juggle supervised learning with remote learning — we are open to any suggestions on that. Where somebody is missing because they have had to self-isolate because of COVID, there is an opportunity to bring in staff.

The only caveat that I will add across the board is that it is not an opportunity for schools to say, "We want additional staff to boost our numbers". I am sure that nobody would ever do that, and I do not think that that approach has been taken by schools, but, where there has been any pressure within the system, that has been met. If there is an overhang of something not being met, we will be happy to go back to examine that and try to provide that support for schools.

Face Masks

T5. **Mr Givan** asked the Minister of Education, in light of the statements that have been made to say that our schools are safe places for children to be educated, with the transmission of the virus taking place outside in playgrounds and so on, and given the fact that schools took mitigating measures to bubble classes and introduce protective measures for teachers, what evidence base was used to force children to wear face masks for six hours a day, five days a week and what impact assessment was carried out on the children who would be forced to do that. (AQT 915/17-22)

Mr Weir: Broadly speaking, we always work and coordinate with the Chief Medical Officer and the Chief Scientific Adviser and take Public Health Agency guidance.

What can be done to facilitate the maximum number of pupils being in school should be done. Face coverings have been used in other jurisdictions for post-primary schools. It has not been used or intended to be used for primary schools. As with all these things, it will have some small impact and is an additional safety measure.

In an ideal world, as with a lot of things with COVID, it would not need to be embraced, but we believe that this is an advantage. There will be individual cases, as there are for other regulations, where there will be pupils who are exempt for particular physical or mental health reasons. There is flexibility in the system to build on that.

The implementation of that was announced over Christmas; subsequently, a decision was taken that, for the most part, schools would not remain open. Testing that in the classroom environment has not been able to happen so far.

2.45 pm

Mr Deputy Speaker (Mr McGlone): That concludes the period for topical questions. Members, please take your ease while we prepare the Table for the next item of business.

(Mr Speaker in the Chair)

Ministerial Statement

Historical Mother-and-baby Homes and Magdalene Laundries

Mr Speaker: I have received notice from the First Minister and deputy First Minister that they wish to make a statement. Before I call the First Minister, I remind Members that, in 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 still have to make sure that their name is on the speaking list if they wish to be called, and 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 question. I also remind Members that, in accordance with long-established procedure, no points of order will be taken during the statement or the question period afterwards.

Mrs Foster (The First Minister): Today, the Executive considered the research report into the operation of mother-and-baby homes and Magdalene laundries in Northern Ireland. First and foremost, we offer our personal thanks to those women and their now-adult children who came forward to contribute to the research. Your voices were silenced for so many years, and that was a significant wrong. As a society, we must acknowledge that and do all that we can to bring the truth of your experience into the open. The report is an important first step towards a full understanding of what happened to thousands of women and their children in our recent past. It helps us to reflect on and recognise how poorly they were treated, often in ways that lacked even a basic level of compassion and kindness.

The full report will be published this afternoon. Victims and survivors have been given advance sight of the research report, advised of its findings and given the opportunity to have their questions answered prior to its going into the public domain. Today, they have been told about the Executive's decision to hold a victim-centred independent investigation into those historical institutions. The investigation will be co-designed with victims and survivors and will give them the opportunity to influence the aim of the investigation, how it should be conducted, who should participate in it, who should chair it and how long it should take. They will also be part of the consideration of whether the investigation should be statutory or non-statutory. It is intended that the co-design work will be expertly facilitated and will conclude within six months from now.

By way of background, the Executive established an interdepartmental working group in 2016 to gather and consider evidence about the operation of the institutions. The working group was also tasked with examining historical clerical child abuse, which fell outside the remit of the historical institutional abuse inquiry. That work is ongoing. The working group is independently chaired. Its current chair is Judith Gillespie, who has been in the role for less than a year. I acknowledge the commitment, determination and energy that she has brought to the role. We also recognise the work of the previous chairs, Norah

Gibbons, who tragically passed away last year, and Peter McBride.

While we talk about “historical institutions”, Members should be aware that the last mother-and-baby institution closed its doors as late as 1990. As the recent report of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters in the Republic of Ireland shows, the issues of abuse and poor treatment of women at a vulnerable point in their life were not unique to here; indeed, they were part of the culture of a number of countries around the world.

The research that led to the report being published today was undertaken jointly by Queen’s University and Ulster University. It examined the operation of mother-and-baby homes and Magdalene laundries in Northern Ireland and the wider historical and social context in which they operated between 1922 and 1990: a 68-year period. The research examined eight mother-and-baby homes, a number of former workhouses and four Magdalene laundries. It involved a literature review and examined archive records, for example those in the Public Record Office of Northern Ireland (PRONI). Importantly, it sought and obtained the personal testimonies of women with experience of the institutions and their now-adult children. The research is so much richer and real because of that testimony of lived experience. It also obtained oral accounts from others with a connection to the institutions, because they either worked there or were involved in placing women and girls there.

Under the terms of reference for the research, the universities looked at how and why women and girls entered the institutions and where they and their babies went when they left. Living conditions and care arrangements were considered, as were maternal and infant mortality rates. Given reports elsewhere, the researchers were also asked to determine whether there was evidence to support concerns about post-mortem practices and procedures and whether there was evidence of vaccine or medical trials. There was a specific emphasis on the practice around adoption, particularly consent to adoption.

I will give Members a sense of the headline findings in the research, starting with the mother-and-baby homes. All of us should be shocked to find that over 10,500 women entered mother-and-baby homes over that 68-year period. That is likely to be a conservative estimate. The records relating to mother-and-baby homes are not complete for all the institutions. A high percentage of the women and girls — around 86% — were from Northern Ireland. The others were from outside the jurisdiction. Around 11.5% of the women and girls crossed the border, and a small number came from Great Britain and elsewhere. The youngest child to be admitted was just 12 years old. Shockingly, around a third of those admitted were under the age of 19. The majority were in the 20-to-29 age group. The oldest person to be admitted was a 44-year-old woman. Appallingly, a number were victims of sexual crime, including rape and incest.

The living conditions and care arrangements for women in the mother-and-baby homes are difficult to determine from the archival records, as very little was recorded about them. However, the personal oral testimonies provide a greater insight into the lived experience. While a small number of women offered a more positive account of life

in the mother-and-baby homes, others spoke of strenuous physical labour being expected of them late into their pregnancy. On the basis of the information available to the researchers, it is thought that, across the entire period, around 4% of the babies were either stillborn or died shortly after birth. That can be compared with data held by the Registrar General for the period between 1961 and 1980, which indicates that around 7-8% of neonatal babies born outside of marriage died in their first month of life or were stillborn.

The research report does not reach firm conclusions about the rates of infant mortality in mother-and-baby homes. That is mainly because mothers and their children did not remain there for long periods, unlike the position in the Republic of Ireland as outlined in the Commission of Investigation’s report. The researchers are clear that firm conclusions can be reached only through an examination of the records of those other institutions that babies were sent to. Members should note that an estimated 32% of infants were sent to baby homes following separation from their birth mother. Other babies were boarded out, or fostered, in today’s terms, and others — around a quarter — were placed for adoption.

Since 1929, when adoption legislation was enacted here, a mother’s consent to adoption has been required, although, in later years, a court could dispense with consent in certain circumstances. A number of the oral testimonies raise concerns over the issue of informed consent for adoption. Most commonly, those testimonies feature discussion of the traumatic, and sometimes pressurised, circumstances in which often very young women were asked to make decisions about adoption. In a smaller number of cases, testimonies include allegations of irregularities around the signatures on consent forms. Without access to adoption records, it is difficult to conclude that legal and procedural requirements in adoptions were followed in all cases. Given that some children were transferred to other jurisdictions, including across the border, it could also require access to adoption records held in those jurisdictions.

What is indisputable is that there was a considerable movement of babies from Northern Ireland to the Republic of Ireland, in significant numbers: 202 babies from Marianvale from 1957 to 1982; 171 from Marianville from 1950 to 1990; 120 from Mater Dei from 1942 to 1970; and 58 from Thorndale from 1930 to 1970. How that came to be raises many more questions — questions that require answers.

The Health Minister, Judith Gillespie and the deputy First Minister and I have already raised the issue with the Minister of Children, Equality, Disability, Integration and Youth in the Republic of Ireland, Roderic O’Gorman. He has committed to considering the scope for cooperation in the area of adoption linked to mother-and-baby homes. I put on record the sensitivity around adoption: many women and adopted children may not want to be found. We need to always be mindful of that and to respect the rights and wishes of individuals.

I move now to the Magdalene laundries. Nearly 3,000 girls and women are estimated to have entered the three Good Shepherd/St Mary’s homes, and a further 707 women and girls entered Thorndale industrial home, which operated as a “girls’ training home” and as a probation home for women sent by the police, courts and social services. Women

and girls entered by a number of routes, one of which was from mother-and-baby institutions. Women with learning disabilities and mental health issues also entered these institutions, and there is evidence of admissions triggered by our past: some teenage girls and women were being sheltered from forms of community rough justice.

Oral testimony collected by the researchers, as well as that for the Hart inquiry, suggests that physical punishment was rare in the context of the Good Shepherd laundries here. Instead, discipline was instilled by the regimented regime, and by other forms of punishment. Girls and women were given class names, and there was a significantly greater number of children under the age of 18 in the laundries than the historical institutional abuse inquiry was able to identify. That inquiry concluded that it was unacceptable for such young girls to be expected to do industrial work of this type and considered that it “amounted to systemic abuse”. Work was carried out without pay, and some women spent a lifetime in a laundry, died and were buried from there.

I am mindful that this report is following, in quick succession, the publication of the Commission of Investigation’s report of two weeks ago. Comparisons will undoubtedly be drawn between both jurisdictions. The research report reveals strong similarities with the experience of women reported by the commission.

3.00 pm

There was huge stigma attached to pregnancy outside marriage. Women and girls were admitted by families, doctors, priests and state agencies. As I have already said, they were required to undertake tough domestic duties late into pregnancy. They had little preparation for childbirth, and some had cold and castigating birth experiences. There were also key differences, but it is for a further investigation to draw those out. I will say more about that shortly.

There was also the cross-border movement of women and children into and out of those institutions. In the same way that women from this jurisdiction were admitted to mother-and-baby homes across the border, as reflected already, women from across the border were also admitted to homes here. Some questions about adoption and infant mortality rates remain unanswered and will require further examination.

We welcome the research report. This is an important day for those women who were resident in mother-and-baby institutions and Magdalene laundries. The research gives an account of their individual and collective experiences and reminds us of the importance of the developments and progress of recent decades in how we treat the most vulnerable, including children.

It is with huge regret that we acknowledge the pain of those experiences and the hurt caused to women and girls, who did nothing more than be pregnant outside marriage — some of them criminally against their will.

None of us should be proud of how our society shunned women in those circumstances or what they experienced in those institutions. The research is comprehensive — the report runs to around 550 pages — and, as I have said, includes the rich testimony of women and their children with direct personal experience of those institutions.

There are a number of unanswered questions, particularly in relation to adoption and infant mortality. Today, the Executive agreed to undertake a further independent investigation into the institutions. Before I set out what that means, I want to let Members know about a number of other important steps already being taken to ensure appropriate access to records and information relevant to those institutions.

The research identified that many records are not held in appropriate conditions and may be at risk of deterioration. Preserving documents relevant to any investigation is of great importance, as failure to do so could prejudice further work and may hinder the learning of important lessons. It may also hinder the proper recognition of any harm done to individuals and prevent appropriate amends being made to them. Those records are of significant historical importance and may also assist adopted people wishing to trace their birth relatives. As a result, the Health Minister has already written to the relevant institutions and record holders, asking them to ensure that their records are maintained in line with best archival practice, and to take steps now to prevent their destruction.

Tracing in connection with adoption is well established here; it has been in place for more than 30 years. There are plans to develop that further and strengthen existing arrangements under new adoption legislation, the adoption and children Bill, which the Minister of Health intends to introduce in the Chamber in March. There are powers in the Bill to make regulations intended to assist adopted adults to obtain information about their adoption and to facilitate contact between an adopted person, their birth relatives and, for the first time, birth relatives and descendants of adopted people. Regulations made under the Bill will introduce new legal rights to intermediary and other services, such as counselling or access to information and advice. The draft regulations will be subject to full public consultation, meaning that victims and survivors will have the opportunity to shape them.

The research report, to be published later today, is only the start of a process to allow the long-silenced voices of women and their children to be heard. For too long, they have carried a burden of shame and secrecy. Too often, their treatment by those in positions of power and trust caused them real harm and a lifetime of trauma. Today, the publication of the report shines a light into darkness, but there is more to do.

The Executive today agreed that an independent investigation will be carried out into those institutions, to be shaped by survivors, through a co-design process, and facilitated by experts. We will ensure that their voices are heard loud and clear. Their views will be given primacy in determining the way forward. They will be given the opportunity, over the next six months, to take part in work to define the aims of the investigation, who should take part, who should act as chair and how long it should take to complete. They will also be asked whether it should take place in public and whether it should be framed in law. A statutory public inquiry may well be the outcome of that process, but victims and survivors will be given the opportunity to influence that.

This is a day of mixed emotions. The research report presents a worrying account of what happened to women and girls simply because they were pregnant, and with that comes a real sense of sadness, but I hope that this will be

the beginning of a healing journey for thousands of people. Those who were harmed by their experience in those institutions have the right to be heard, both at this time and for the rest of their lifetime.

This is a long and detailed report. It contains important testimony from voices not heard before, and it took tremendous courage from all those who participated in the research. It demonstrates a faith in us and in society that we will properly listen and act to support them now. I commend the research to the House.

Mr McGrath (The Chairperson of the Committee for The Executive Office): I thank the Minister for the statement today. This was, indeed, a shameful chapter from our past. It was a time that caused much pain and much hurt and has left much anger, and it was a time that has neither been addressed nor appropriately acknowledged. One cannot begin to comprehend the trauma that those mothers were subjected to or the lifelong suffering that resulted for them and their babies. Those precious babies were subjected to such hard conditions, and their life chances were hampered to begin with. How many children in this world go to bed every night wondering who they are, where they are from and what their life history is? They were ripped from their mother's arms, and many were sent to far-flung places. I am so glad that those institutions were closed down a long time ago, but the stench of their legacy hangs over us all until this matter is appropriately, sensitively and finally addressed.

I welcome the inclusion of a substantial co-design process with survivors, and I wish to ask the Minister when that will begin. Does she agree with me that it is essential that, alongside that co-design, which could take up to six months, and any inquiry that follows from it, there will be appropriate support services and redress for survivors to help them? They have waited long enough for this conclusion of a public inquiry; another six-month wait would just be too long.

Mr Speaker: I call Trevor Clarke. Apologies, I call the First Minister.

Mrs Foster: I absolutely agree with all the Chair's sentiments. He said that it was "a long time ago". For those of us who are slightly older, it does not seem that long ago. In 1990, I was 20, so it is not that long ago in my world. We need to reflect today that it is not actually that long ago that those homes were still open.

The co-design process begins immediately. The deputy First Minister and I had the opportunity to meet Judith Gillespie and the reference group before we came here this afternoon, because we wanted to engage with them and reassure them that we want to work with them in designing what it is that they want to see happening as a result of the research. It is important to say that it will begin immediately. When we talk about "six months", we mean "up to six months". We would much prefer it to happen faster than that, and that is the desire of many of the survivors as well.

We are absolutely committed to the provision of appropriate support for survivors, and that has been built into everything that we have been doing in the run-up to today. This morning, officials again discussed with members of the reference group the need for support, and how they need that support to help them co-design the process, as well as all of the other needs they have.

To date, WAVE has been involved in reference group meetings. If there is a need to have any conversations, that support is there. We are also asking the co-design group to consider what further support they may need. That certainly does not need to wait until the conclusion of the six-month process. We are quite happy to have an ongoing, parallel discussion around the supports that need to be put in place.

Mr Clarke: First Minister, you said that this is an important day for those who were in the homes, and I think that we all concur with that. Following on from your response to the Committee Chair, what will the support look like for the many survivors of the homes, in particular those who we are talking about today?

Mrs Foster: It is important to say that the support that is provided will depend on the needs that come forward from the victims themselves. It is important that they tell us the supports that they require. We have put some supports in place already through, as I said, WAVE attending the reference group, but we want to know if there are other issues that we can deal with. You will know from dealing with victims and survivors of any trauma, Mr Clarke, that the needs are different and varied. We need to take that into consideration to make sure that it is a flexible model that we provide for them. It is important that we try to take into account the experiences that they have lived through. This is such an important day for a lot of survivors but, as I said, is also a day of mixed emotions. It is with great sadness that we reach this point and see the extent of what happened in the mother-and-baby homes and Magdalene laundries.

Ms Dillon: I thank the Minister for her statement. I will start by outlining that we should reach out to the women and girls to support them and to end the silence and shame; that is what we need to do. We need to ensure that all the supports that have been talked about are the right supports to end that silence and shame and to support those women and those who were referred to as illegitimate children. Let us be clear: there are no illegitimate children. Every child born then and born now is legitimate. Every child has a right to know who their parents were and where they came from.

I really welcome the assurances that the Minister has given that this will be victims and survivors centred and that they will guide us in everything that we do; that is vital. Can she also give us assurances that we will learn from the mistakes that were made during Hart's historical institutional abuse (HIA) inquiry? Many victims and survivors were retraumatised, and we need to make sure that we do not make that same mistake again.

Mrs Foster: I thank the Member for her points and commentary, all of which were very well made. It is important to say that we need to learn from all the processes that have happened thus far. I note that some of the survivors were upset by the Commission of Investigation report in the Republic, because they felt that some of its language was too legalistic. Look at the adoption piece, for example. The commission indicated that there was no evidence to say that there were any forced adoptions because there was paperwork to show that the adoptions had been signed off. But of course we do not know the story behind that signature. We do not know what happened to bring about that signature on that piece of paper. It is about trying to get behind

that and finding out whether it was actually informed consent or something that the person had to do in those circumstances. We will try to look across what happened not just in the Hart process but in other jurisdictions and to learn from those messages. It was suggested to us that perhaps we need to look at what is happening in countries like New Zealand. We will want to take all those issues into account. I am sure that Judith Gillespie will want to take those into account as she tries to find a way forward that is supportive and gets to the truth.

Mr Beattie: First Minister, thank you for your statement. I look forward to reading the full report, although I am not sure that that is the right use of words.

I look at this as a pure disgrace and a shame on us all, but I have a real concern that maybe we are touching only the tip of the iceberg here. Have we looked at the intergenerational effects of the issue, especially as some of the adopted children went right across the globe, which would have an effect on further family members?

3.15 pm

Mrs Foster: I thank the Member for his comments. As I said, one of the issues that we want to look at is the adoption process, because babies were moved after birth into different jurisdictions, and we need to try to understand that. Some went to the United States of America, for example. How did that happen? What was the process for all that?

I hear what he is saying about intergenerational issues. We know that that is an issue with other victims and survivors, particularly victims of terrorism, who have raised how there can be intergenerational effects. The group should look at that, but, at the moment, we are focusing on the adoption piece and at infant mortality, because that is a concern for us.

Ms Bradshaw: First Minister, you used the word "shunned" in your statement. You will recall that, last September, I asked you specifically whether the victims and survivors from mother-and-baby homes could access the counselling services that were being put in place for the historical institutional abuse victims, and you said no and that it was the responsibility of the Department of Health. A couple of years ago, I asked a very senior official from the Department of Health if he would put in more resources for contact tracing for people, and he said no. Why, all of a sudden, has this become an issue? Is it because the South's commission report has come out? The women involved who are living today still feel shunned. Will you please outline what additional financial resources you and the Department of Finance will put into that? Those are all very warm, woolly words today, but victims and survivors expect a lot more.

Mrs Foster: I am disappointed with that reaction, because this is not about warm, woolly words; it is about action. When we met the victims' reference group today, we were very clear about that. We want to ensure that there is action, but we also want to ensure that it is the correct action and that the correct services are put in place. We could put a whole range of services in place, but if they are not appropriate and needed, frankly, what is the point of doing that?

When we talk about moving forward, it is right that we realise what happened in the past. The terms of reference

for the historical institutional abuse inquiry were finalised in 2012. At that time, there was very little research on mother-and-baby homes. Indeed, there was a belief that most people in the Magdalene laundries were over 18. It has turned out that a third of the people in the Magdalene laundries were under that age. A lot of research has been carried out, and I commend the research teams not only for what they brought forward today but for the manner in which they went about their research. They looked at the literature review, they looked at archive documents and went to PRONI, but they also engaged with very many people who had been in the institutions as residents and with some staff members and people who referred others to the homes, so we get a rounded story and a very clear picture of what was going on at that time.

We will, of course, put funds into services and support, but they have to be the correct services and the correct support. We have given a commitment to the victims today that that support will be there.

Mr Robinson: I am sure that all Members will agree that this is a shameful and horrific report about so many innocent human beings, namely women and small children. Will the First Minister outline what key differences are emerging between what happened in Northern Ireland and in the Republic of Ireland?

Mrs Foster: As I said, there are a lot of similarities between what happened in the Republic of Ireland's jurisdiction and in our jurisdiction, but there are a number of differences. For example, there is no evidence of some of the appalling living conditions that were found by the commission. Indeed, there were expectations that living conditions in institutions here were of a higher standard than those in the general population. There were no unaccompanied children in mother-and-baby homes here, although that may have been the case earlier in some of the workhouses. Women gave birth here in hospitals or in private nursing homes, not in mother-and-baby homes, as happened in the Republic of Ireland. We think that, as a result, maternal mortality was not as big an issue here.

Women also seem to have stayed for shorter periods in mother-and-baby homes, and women and babies appear to have left at the same time. The adoption legislation was also different, but, as I said, we will look into the whole issue of adoption and conduct more research. Importantly, there was no evidence of vaccine trials. There was a lot of concern about that because of what happened elsewhere.

There were, of course, the same issues of stigma here as in the Republic of Ireland, but there were also differences. Those will be reflected when people look at the research report.

Mr O'Dowd: I thank the First Minister for her statement. It is quite a harrowing report.

Minister, on an island that has faced more than its fair share of torture and abuse, it never ceases to shock me when I hear reports of the abuse and violence that our women and children faced when they were supposed to be under the care of the state or states and the Churches on this island. Does the Minister agree that what was behind that was state-institutionalised misogyny and that the victims of that abuse, torture and those human rights abuses are completely blameless?

Mrs Foster: Absolutely. To put it in context, you have to look at society during those years and the attitude towards women who became pregnant at a young age. For me, the most difficult part of the research was reading about children who were raped or were the victims of incest, and who were victimised again by being put into those homes. It was not their fault that they were raped or were the victims of incest, yet they were the ones who suffered, and it appears that those who perpetrated the crimes got off scot-free. There is a huge issue with that, and we need to look at that and ask ourselves some pretty difficult questions about society.

Last night, I reflected to one of the victims and survivors that we sometimes look back with rose-tinted glasses and refer to the “good old days”. There was nothing good about what happened to those children and women. We need to reflect on that and work with the victims and survivors to make sure that their voices are heard. Importantly, we also need to state, very clearly and unequivocally, that it was so wrong.

Ms Bunting: I am grateful to the Minister for what was a very emotive statement, some of which was extremely distressing to hear. The statement refers to young women having to go to those places to escape “community rough justice”. Will the First Minister indicate the context of that and whether it will be a key area of examination for the independent investigation? Given that some of this dates to relatively recent times — the 1990s — might there be a prospect of criminal justice outcomes in the future?

Mrs Foster: The Member raises a very interesting point that came from evidence from the laundries. In St Mary’s laundry in Londonderry, there were references to:

“a number of girls and women deemed to be in a crisis situation arising from the Troubles.”

For example:

“In 1972, [a girl], aged 18, was brought to the Good Shepherd Convent by the police who had rescued her from being tarred and feathered. It is not clear why she was under threat of ... communal rough justice ... In 1973, R. arrived at the convent accompanied by a Protestant clergyman. She had a Catholic boyfriend and the UDA had threatened her. In 1976, 16-year-old C. was placed in St Mary’s ... by her Parish Priest because an army officer had complained to her mother that she had been frequenting an army base.”

Those are reasons that young women were put into Magdalene laundries. I find that incredible, and people will be shocked to read that. There are also references to women coming to the Belfast laundry to escape communal rough justice.

If, after looking at that, there is evidence, it should absolutely be investigated by the police to see what can be done.

Mr Lynch: I thank the First Minister for her statement. What efforts are being made to contact victims and survivors overseas, such as those in America, who may or may not be aware of this report or of any redress support to which they are entitled?

Mrs Foster: The Member touches on the redress issue. After the commissioning of an investigation in the Republic of Ireland, a number of issues were identified that needed

to be taken forward, including redress. We are not at that stage yet, because we have not taken forward the investigation proper, as it were. When we come to that, I am sure that a number of areas will be looked into. A number of children were adopted into different jurisdictions off the island, and how those people can be contacted will cause some concern. We are at the beginning of the process. The research document is very meaningful and gives us a very good starting point from which to move on to the discussion about what happens next, but the issues of redress and contacting people outside the jurisdiction will be worked through during the coming months.

Mr Catney: First Minister and deputy First Minister, I thank you for bringing this very difficult statement to the House. I am thinking of women who are 50 or 60 years of age with children who have gone out. We have to look at this as a societal problem that happened simply because people were worried about their next-door neighbour seeing their young daughter with a swollen belly. Daughters were then sent to those places to be out of sight and out of mind. I beg every Member in every political party not to play politics. We must get the truth out and give help where it is needed.

First Minister, there are young women — they are older now — who went into the homes but do not want their name to be out there, and we have to accept that. This is a societal problem. This was the way we were, folks. All of us, including our mums, our dads, our brothers, our aunts and our uncles, put girls into those institutions for no other reason than they had made a little mistake. I therefore ask the First Minister, the deputy First Minister and all of us here not to play politics with this. We must get to the truth as it is meant to be got to, but we must also bring the healing hand that is required. We can bring that healing hand together, especially in this centenary year of the foundation of Northern Ireland. That is a goal for all of us to unite behind.

Mrs Foster: I absolutely concur with the Member’s commentary. Yes, we do have to reflect on actions that were taken in society. That is key. Although the state was a big actor and the Churches were involved, we all need to reflect on the attitudes that existed across society at the time. The research talks about how families had such an influence on some of those women and about how older brothers did not want their sister to bring shame on the family so that is why she was sent away to a mother-and-baby home. There is very little reference to the fathers of any of the children who were born in the homes.

I concur with what the Member said about healing. It is important that we do that right across the piece, because those mother-and-baby homes existed for all of the community, and I referenced that in the statement.

Mr Nesbitt: I welcome the fact that the report has been compiled. It is very important, and I thank the First Minister for her statement. Will she now address a group of victims who may consider themselves to have been forgotten today? Under the terms of reference of Judith Gillespie’s working group, there were three groups covered: those in the mother-and-baby homes; those in the Magdalene laundries; and the victims of historical clerical abuse. To be clear, that means that we offer different regimes of support and opportunities for redress based not on the abuse that a victim suffered but on where it happened. I hope that the First Minister will agree that that is not acceptable

and that it would be appropriate to offer a message of acknowledgement and hope to the victims of historical clerical child abuse.

3.30 pm

Mrs Foster: Yes, I absolutely agree with the Member. It does not matter where the abuse took place; it was abuse, and we need to recognise that. I am hopeful that that work will be completed soon. I will come back to the Member with a time frame for that; I do not have it in my notes today. If anyone has suffered clerical abuse and is not covered by the historical institutional abuse team, certainly I cannot see Fiona Ryan, as commissioner, closing the door on those people. If the Member has anyone from that background who is having difficulty in accessing services, he should please let us know, because we want to be as inclusive as we can to support those people and to do what Mr Catney said about trying to heal what happened in the past. We always say that the first thing to do is to acknowledge what has happened. It is important that we acknowledge that, not to point the finger of blame but to acknowledge what has happened, and that we now get into the full investigation, because that is really important.

Mr Middleton: I thank the First Minister for what she has said and recognise that today is an important day for victims and survivors. We will all be thinking of them at this time. It is, indeed, a day of mixed emotions. There is a worrying picture, First Minister, on infant mortality. Can you confirm that that will be one of the areas and key aspects that will be looked at?

Mrs Foster: Yes, we are concerned about infant mortality, because we just do not have the information to hand, so we want to do more work on that. It appears that maternal mortality was better in Northern Ireland, because, it appears, most women went into a hospital or private nursing home to have their babies. What happened directly after they left is something that we are concerned about, and we just want to get to the bottom of that. That is one of the key issues that we will do more research on.

Ms Mullan: I thank the First Minister for the statement. I send my heartfelt thoughts to all victims of the mother-and-baby homes. Like other Members, I believe that it truly was a shameful time in our history. First Minister, what outreach will there be and what further steps taken for victims and survivors who have never come forward about the abuse that they faced?

Mrs Foster: I thank the Member for her comments and her question. When we are dealing with victims and survivors, whether from the Troubles, from historical institutional abuse or, as in this case, from having been in or having been born in a mother-and-baby home, we have to respect the fact that some people do not want to come forward and reflect on what happened to them. We have to respect the right to privacy of those women and, indeed, of some of those children. What is important is that, if someone wants to come forward and is in need of support, we have the supports in place to make sure that those services are there. That is what we are challenged to do now, and we have to meet that challenge. It is only right that we do.

Mr Dickson: Thank you very much, First Minister, for your statement. Today, your statement has started to draw back the veil on a difficult time in the history of Northern Ireland. You said that many of the adoptions were cross-border

adoptions and that there were incomplete records in respect of those. Can you tell the House what engagement will take place to access those records and archives in the Republic of Ireland and what work will be done on a cross-border basis? You also referred in your statement to the preservation of records now: is that an instruction or a request?

Mrs Foster: To take the last point first, as I understand it, the Minister of Health has written to all the relevant state agencies here to make sure that they protect the documents in our possession so that they are not destroyed. That is really important. I imagine that an instruction such as that from the Minister will be adhered to by those agencies, but I get the point that the Member makes and will take that back to the Minister.

In terms of the adoption records, as you will know, some of those institutions are Church-based, so we will need to engage with some of the Churches.

Others were a step removed from the Churches, although it is clear that there was an influence there when you see the number of referrals and where they came from. An interesting part of the research will be to look at how women ended up in mother-and-baby homes and where were they referred from, so we will need to access Church records.

In relation to the Republic of Ireland, the deputy First Minister and I have already engaged with Roderic O'Gorman, the Minister in the Republic responsible for the issue. That will be an ongoing conversation on the adoption issue.

Ms Ennis: There were no "fallen women" and no "bad women"; there were just women and girls who were failed by and were victims of the two regressive and repressive regimes that existed on this island. Will the joint First Minister agree that any investigation must include questions about the location of the bodies of babies and children who died in the homes?

Mrs Foster: Absolutely. I confirm that we will look into where babies were interred and where their last resting places are. There are distressing accounts of mass graves, and we want to be alert to that and look into it as sensitively as we can, given the horrific nature of some of the burials. We will look in greater detail at infant mortality as we move forward.

Ms McLaughlin: Thank you, Minister, for your statement. There are no words to articulate adequately the horror of the abuse levelled at those women, levelled in a very unchristian way by Christian organisations.

I will follow on from Sinéad Ennis's question about infant mortality. I know that those babies were put into unmarked graves. I was brought up beside one of the homes, and I knew that there were unmarked graves in the area where that home was. It is now a housing estate. Time is of the essence for us to uncover the graves and to give visibility and dignity to those babies. We can wait to get all our ducks lined up, but housing and planning permissions have taken place since the babies were put in those graves. Is there anything that we can do now to uncover that terrible past and give dignity to those babies?

Mrs Foster: I thank the Member for her question and for her point about her area and what she knows about burials. This morning, the urgency of dealing with the issue

was raised with us. We were all incredibly moved on the call when the point was made that planning permission will come and there will be no stopping what goes on. We have to respect the dignity of burial places, even though they are unmarked. Judith Gillespie will want to get to that quickly in the work that she is taking forward.

Mr Chambers: Minister, I go back further than being 20 years of age in 1990. I remember, as a teenager going to school each day, walking alongside a long, dark, tall stone wall that would not have been out of place in a prison. I walked that route for seven years and never knew what was on the other side of that wall or what took place there. I now know that it was a mother-and-baby home with a working laundry — out of sight and out of mind. I was blissfully unaware of that operation, and I suspect that society, by and large, was unaware of it as well. It should be to our regret and shame that we did not ask the questions then.

Would the Minister agree that a more graduated approach to a full public inquiry — you referenced a period of six months — will ensure a more efficient and effective outcome of a much-needed public inquiry?

Mrs Foster: We want to recognise what the Member said about his own memories. It would have been the easiest thing for us today to say that, having looked at the research, we believe that there is a need for a public inquiry.

However, we felt very strongly that it was up to the survivors and victims to design the process that they wanted because — again, referring to other jurisdictions — sometimes, if there is a very legalistic approach, it does not actually capture what happened in those places. I am not prejudging what will come back to us as a recommendation. We will have to wait and see. We hope that the leadership that Judith Gillespie has given to the group and the facilitation that will take place will allow it to come forward with a workable programme that can be taken forward in as short a time as possible.

Ms Bailey: I, too, welcome the long-awaited report. It is an important day for victims and survivors. Not only does it mark the end of one process, it begins the next steps of further processes. I have listened to the comments from the Floor. While the report highlights the culture of misogyny that we all lived under as a society, we should not fool ourselves that it is something in the distant past. It is a culture that is very much present to this day. As legislators, we have a long road ahead of us to acknowledge and address what continues of that legacy. The Minister has already mentioned much of that. I want to raise again the lack of justice for current victims and survivors of rape and abuse today; the fact that we have only just passed the Domestic Abuse and Civil Proceedings Bill, the very first Bill of its kind in Northern Ireland; and that family planning and reproductive healthcare is very much a Cinderella service, if a service at all. We should all echo the sentiments that were expressed by Linda Dillon to women and girls today, as well as to those in the past, that there is no shame.

I thank the Minister for her statement, the tone of her words, the publication of this long-awaited report and the very welcome commitments to co-design through working with the victims and survivors. I have a few questions. When did the Executive have first sight of the report?

Further to the Minister's comments about discussions with Roderic O'Gorman, the Minister in the South, and access to records, what can we do immediately, perhaps, about institutions and bodies here in the North that refuse to engage in sharing access between institutions on a cross-border basis?

Mrs Foster: I thank the Member for her comments. When she has the opportunity to look at the full report, when it is published later this afternoon, she will see that every care has been taken by the research team to try to reflect all that went on. To me, the team has done that really well, even by cutting down on academic language so that people would be able to engage with the report in an open way. I welcome that.

The Executive received the paper last evening. We felt that it was important that the victims had first sight of it. Yesterday, there was engagement with the reference group about the executive summary. We received the paper last night. I am pleased to say that there were no leaks about the paper. That is, probably, a first for me, standing here, actually. There was recognition right across the Executive that it was such an important issue that we had to respect the privacy of it until the victims were made aware of the issues and the way forward before the general public. That is really important.

With regard to continual engagement with the Republic of Ireland, we will, certainly, push very hard to have full access to those adoption records — again, respecting individuals' privacy because we absolutely must respect their privacy. There is a need to get further into the whole adoption procedure and whether, indeed, there was informed consent at that time or just a paper consent for a lot of those adoptions.

Mr Carroll: I thank the First Minister for her statement and offer my solidarity and thoughts to all the victims and survivors. The history of mother-and-baby homes and Magdalene laundries is, obviously, a devastating example of institutional abuse here. Such cruelty existed in both religious and state run institutions. Both must be held to account for the crimes that were committed.

I noted the Minister's comments about a public inquiry. Can she assure the House that if the majority of victims want a public inquiry, one will be held?

Will she also assure us that the Executive will not be coy about seizing the assets of religious institutions if they refuse to compensate the victims affected by the report?

3.45 pm

Mrs Foster: First of all, we have been very open about the outcome in terms of an inquiry, so we are not closing our minds to anything that comes from the reference group. It is important that that is the case, because it is up to them to decide what they need.

Secondly, we will continue to engage. It is fair to say that we have been a little disappointed about the engagement with the historical institutional abuse scheme by some of the institutions, but we will continue to push for that, because it is right and proper that there is recognition by the institutions of what went on in the name of religion and society at that time, and there needs to be recompense for that.

Adjourned at 3.46 pm.

Northern Ireland Assembly

Monday 1 February 2021

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

Members observed two minutes' silence.

Matter of the Day

EU Proposal to Invoke Article 16

Mr Speaker: Mr Jim Allister has been given leave to make a statement on the EU proposal to invoke article 16, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called to speak, they should indicate that by rising in their place and continuing to do so. All Members called will have up to three minutes to speak on the subject, and I remind Members that I will not take points of order on this or any other matter until the item of business has finished.

Mr Allister: Anyone who thought that the EU was a benevolent organisation with Northern Ireland's best interests at heart and that the protocol was a manifestation of that had a wake-up call on Friday night, including those in this House who have demanded the rigorous implementation of the protocol. Over a few hours on Friday evening, we saw the true heart of the organisation to which many in this House are slavish devotees. To think of it: that the EU thought it appropriate that it would cut off exports of live-saving vaccines to the people of Northern Ireland. That was the proposal, and that was a telling insight into just what the protocol is all about and what type of organisation we are dealing with in the EU.

For me, there are three points to take away from this episode. First, the callous self-interest of the EU: it cares nothing for the people of Northern Ireland, even in circumstances where we might need vaccines to save lives. That does not matter. The second takeaway point is that, after all, it turns out that an Irish land border is possible, if and when it suits the EU, no problem. That would have been the manifestation of the decision: a land border would have kept the vaccines out.

The third takeaway for me is that it does not take very much, obviously, to cause article 16 to be invoked.

So, what is keeping you, Prime Minister Boris Johnson? A far more serious situation pertains than pertained to allegedly justify the EU action. The far more serious situation is that our trade has been strangled, our east-west relationships have been emasculated and our consumers are being starved of necessary supplies. That is a matter of laughter for the Alliance Party, but it is not a matter of laughter for those who suffer the belligerence of the EU through its protocol.

It will get worse, because, by this time next year, under this very protocol, when the noose tightens, our medicines will be under the control of Brussels. That is what the protocol

says. So, if ever there was a wake-up call to recognise the malevolent and iniquitous intent of the protocol —

Mr Speaker: The Member's time is up.

Mr Allister: — this is it. There is an urgency now to unstitch it, and I trust that anyone —

Mr Speaker: The Member's time is up.

Mr Allister: — to whom the Union matters most will set about that through actions as well as words.

Mrs Foster: Mr Speaker, thank you for the opportunity to speak to this Matter of the Day. It is a very important matter, of course. The actions of the European Union on Friday last have caused significant dismay and distress, as the Member who secured the Matter of the Day said. It was wrong and unnecessary, and I think that we all know that that was the case. The first strike by the European Union of triggering article 16 at the very first opportunity and without consultation — without, it appears, thought for or consideration of the welfare of the people of Northern Ireland — has rightly been condemned by all.

First, it is important to be clear about what the European Union did. The export controls extended only to Great Britain due to the existence of the protocol, and, therefore, the EU had to take deliberate and particular action to trigger article 16 in order to ensure that we, the people of Northern Ireland, would not be able to obtain any vaccines through that route. I think that that is very striking and very horrific in equal measure. It is also important to highlight the nature of the action of the European Union. This was no accident or some inadvertent mistake, as some have tried to allege. The EU had been working on this all last week. It was done with purpose, and it was done with intention. It was only due to the public furore that it changed its mind. However, I think that Members need to realise that even that U-turn comes with heavy caveats. The statement from the European Union makes clear that it holds in reserve invoking article 16 and that it intends to do that if it feels that it needs to. That does not give any assurance or guarantee, and that is completely unacceptable.

The first triggering of article 16 was not only deployed by the EU but was deployed not to protect the people of Northern Ireland but in an attempt to stop people across all communities here getting life-saving vaccinations. Shame.

We must also put this into context. The EU triggered article 16, before it rightfully backtracked under significant pressure, in order to protect an anticipated problem with its supply lines. Article 16 allows unilateral action by any party to the protocol in order to protect against serious harm

caused by the provisions, which means that the United Kingdom can take action, without agreement, to protect disruption on our supply lines and to protect the people of Northern Ireland.

The protocol was imposed on the people of Northern Ireland. I have always opposed it, and, despite significant protestation and logical argument against its provision, it is still here. Too many people have been fooled by what it seemed to be on paper, but reality has bitten. Unionists across the length and breadth of Northern Ireland —

Mr Speaker: The Member's time is up.

Mrs Foster: — are in anguish. That may not matter to the Members on the opposite Benches, but it should matter. It should matter that everyone in Northern Ireland is being denied supply of trade. If they really care about all the people of Northern Ireland, they will act.

Mr O'Dowd: From the outset of this debate and from other commentaries — whether in the media or in halls up and down the country — people have to keep calm heads. People have to reflect on the implications of their words. Only recently, we have seen the events in Washington, where Mr Trump made a passionate speech to his supporters, marched them up to the top of the hill and left them there. Many in this society have seen the inside of courtrooms, police stations and jails because of the loud voices of people who marched them up to the top of the hill and left them there. No one in the Chamber will get angrier than Jim Allister, so let us not try to. Let us be calm, measured and look at exactly what is going on.

The EU Commission was wrong. It was wrong, simply wrong. Whatever the motivations and however it came to that decision, it was wrong. How was it ensured that that decision was not implemented? Through diplomacy. Diplomacy brought us to the point where sense reigned in the EU Commission and it did not trigger article 16. It was not angry words, foot-stamping or statements from this one or that one about what might happen in the loyalist community: it was diplomacy. So let us use diplomacy.

If there are genuine concerns in the unionist community, we are prepared to listen to them and to work with you to overcome them. Be sure of that. However, as I have said in the House before, when you drove Brexit through, did you listen to any concerns from the nationalist and republican community? Did you listen to the concerns of the 56% of people who voted against Brexit? Did you listen to the warnings that the British Government would sell you down the river? No, you did not. Let us learn from the mistakes of the past so that we do not repeat them in the future.

The issues with the protocol can be resolved. No one is starving, as Mr Allister claims, and the economy has not been strangled as a result of the protocol. Those are myths and mistruths. They are provocative terms, so let us calm ourselves and work with one another, the Dublin and British Governments and the EU to ensure that whatever outstanding issues there are with the protocol can be resolved. However, I appeal to you: calm your language, stop sabre-rattling and we will get through this.

Mr O'Toole: What the European Commission did on Friday was wrong, unjustified and unacceptable. My party called it out, as others did, as did the Irish Government and the UK Government. It was right to call it out, and it was right that it was corrected quickly. It is concerning

that it happened in the first place. It underlines the need for all of us to ensure that those who are implementing the protocol understand the sensitivity of the issues at stake, whether east-west or North/South, and treat the treaty obligations that they entered into with the seriousness that they deserve.

I am trying to keep my voice even and to treat the issue with sensitivity and moderation. It is incumbent on us all to take our words seriously. I say that to all those in the Chamber. Brexit has happened. I did not want Brexit. It is true that there are specific areas of east-west disruption, and I will come to them in a second. There will be areas of North/South disruption. Northern Ireland is not in the European Union any more; we are in the single market for goods. There are a few specific areas where we align to the EU single market. However, I will come on to those areas in practice.

Some of the language and rhetoric used about the protocol is not just irresponsible; it is inaccurate. One of the big areas of disruption for east-west trade has been on sanitary and phytosanitary (SPS) rules, the movement of plant and animal products across the Irish Sea. No one anywhere has plausibly suggested that there could be a border in plant and animal health rules on the island of Ireland. There are farms that straddle both jurisdictions on the island. It is implausible. We need to be honest with one another and the people whom we represent. I see the Member for North Antrim smiling at that, but we all have a responsibility.

Those of us who think that there is an alternative to making this protocol and this complicated place work should explain their alternative.

12.15 pm

When it comes to the protocol, there are specific issues where we need to work together and lobby the European Commission for easements, derogations and processes to be made easier. We need to lobby the UK Government to ensure that GB businesses are completely prepared for this change. We also need — I have heard the First Minister refer to some of this, and we want to work with her and all parties on it — to look to some of the benefits that might accrue to this place. For the first time, we have a potential competitive advantage in Northern Ireland. We have access to both the GB market and the EU single market for goods. Let us focus on that.

Some of us in the Chamber are sometimes told that we talk Northern Ireland down. I am not doing that. I want us to maximise our potential, where we go from here. I want others to think very seriously about the language that they use.

Mr Speaker: The Member's time is up.

Dr Aiken: I commend the Member for North Antrim for bringing this Matter of the Day to the Floor. I will use calm and particularly moderate language. Bear in mind the number of times that I have raised, in the Assembly, the issue of us all working together to make sure that there are appropriate derogations. I have said that the protocol, if it ever came into position, should not be designed to damage the Northern Ireland economy, which, quite frankly, it is.

No Member of the Assembly is unaware of the impacts on our economy. There are very many areas that need

to be derogated. Indeed, so much of the protocol needs to be derogated that you have to ask, as you normally do when you look at an international treaty, whether it is, in fact, rational, responsible and proportionate. It is quite clear that the Northern Ireland protocol is none of those things. It was designed specifically to deal with the North/South issue, but it has created an east-west one. Northern Ireland is fully integrated, interconnected and interdependent with the rest of our nation, despite what some people may think, and, therefore, we are now in a situation where, day in, day out, our economy, society, culture and virtually every aspect of Northern Ireland life are being impacted.

The Ulster Unionist Party has said, for a considerable period, that article 16 should be there, and it should be used. If we look rationally and calmly at annex 7, we see what should have happened but, in fact, did not. We can see now that there is an opportunity here. If we call article 16, as I hope the Prime Minister does, we have an opportunity for reflection and discussion.

Here is the significant issue: there is no Northern Ireland voice at the table. We can attend and sit as observers, but we are not treated as equals with the British Government or the Europeans. That has to change. Indeed, when the vice president of the European Commission says that we need to have a “reset”, we should do that; we should call article 16 and take a considerable time in reflection to sort this out. However, the Assembly and the parties of the Northern Ireland Executive should have a seat at that table to be able to make those decisions. We cannot do that at the moment because, quite frankly, the EU has shown that the best interests of Northern Ireland are not at its heart, and I am not overly sure that Boris Johnson has the best interests of Northern Ireland at his heart either.

We need to be at that table.

Mr Dickson: Let us be absolutely clear: there is and was no justification for the European Union invoking article 16, or attempting to invoke it. The last thing that the EU, the United Kingdom and, indeed, the world needs is a vaccine war. Shame on the EU for what it attempted.

We also need to be clear that there was no such thing as a good or sensible Brexit. However, we are where we are. Those in this House who turned down and opposed a range of moderate means to manage Brexit have failed. They thought that their hard Brexit was the way forward, rejecting such proposals as were made by former Prime Minister Theresa May.

It is hypocritical of those who, on the one hand, criticise the EU to, on the other hand, continue to call on the GB Government to invoke article 16.

A wide range of issues need to be resolved. My party is working on those. I challenge others around the Chamber today to say what work they have been doing to resolve the issues. That is what we are about. Bespoke solutions are needed to issues such as SPS checks, parcels, pet passports, mutual recognition of qualifications, trade into and out of the Republic of Ireland and the United Kingdom, groupage, qualifying goods, frontier workers, the shared prosperity fund, environmental issues and employment law issues. A long list of issues need to be resolved between the United Kingdom and the EU, to the benefit of Northern Ireland. We need to work on those issues, not shout and scream at each other across the Chamber. I have to say

to Mr Allister that I am not aware of anyone in Northern Ireland who has been starved as a result of Brexit. I am aware, however, of those who struggle to put food on the table — shame on the House and the parties in the Chamber that have contributed to that.

It is important that we all calmly address the issues that are in front of us today. The article 16 debacle that took place over the weekend actually has an upside: it has opened a door for further and genuine discussion between the EU and GB. I have to say respectfully that the GB Government addressed the issue well over the weekend. It has also clearly achieved an opportunity for all the parties in the Chamber to get together to address the issues. I call on the First Minister —

Mr Speaker: The Member’s time is up.

Mr Dickson: — and the Executive to deal with those matters through the Brexit subcommittee.

Mr Muir: Sadly, some of the contributions today have been entirely predictable, but let me be clear: the European Commission’s decision to invoke article 16 on Friday was wrong. Those who invoked it would do well to learn a lot more about Northern Ireland, to ensure that lessons are genuinely learnt and perhaps to take this week to read the Good Friday Agreement, plus the background to the establishment of the European Union. Vaccine nationalism certainly was not part of the vision set out by the founders of the European Union. To those in the House who now call for retaliatory action, simply put: two wrongs do not make a right, and nor do ongoing inflammatory language and tactics help to resolve problems. All that those tactics do is a disservice to consumers and businesses.

Alliance has been working hard ever since the Brexit referendum, standing up for Northern Ireland, first and foremost, and seeking practical solutions to mitigate the impact of a hard Brexit, unlike others who just shrug their shoulders and refer to unicorn solutions such as “Borders 2.0”. The protocol is here, whether we like it or not. There is a duty upon everyone in this place not to lead people up the garden path towards some unattainable, magical utopia but, instead, to work with and lobby the UK and EU Governments to find solutions to the issues being encountered. Throwing your hands up in the air and declaring that it is all too complex and that we should just walk away, as some in the House have done, is not the leadership that Northern Ireland needs. If anything positive is to come from the events on Friday, it is perhaps that there will now be a little more pragmatism and openness to consider greater flexibility when it comes to some of the most onerous aspects of the protocol. Alliance will continue to work to find solutions, not seek to create further problems.

Lastly, we cannot allow a descent into protectionism and vaccine nationalism. Yes, we should and must protect our population, especially the most vulnerable, as soon as possible. We must not fail to learn the lessons from previous pandemics. For example, when drugs were rolled out in the west to deal with the HIV and AIDS pandemic but were denied to so many in the developing world. We are one human race. We have a duty to support each other as we work to bring this pandemic to an end.

Mr Carroll: The EU Commission was forced into a Boris Johnson-style U-turn at the weekend, but we should be clear that it attempted to walk a destructive path that could

have had serious repercussions for people across Ireland. This was primarily about protecting the interests of for-profit vaccine companies and Governments' mishandling of the pandemic to cover up the EU's handling of the vaccination programme in particular. It was a flagrant attempt at vaccine imperialism, whereby citizens of one part of Europe were pitted against others in an attempt to cover up the EU's failure to ensure rapidly that its citizens were vaccinated. It has also exposed the way in which Governments have adopted a mantra for many decades that the market knows best and that states cannot intervene in the economy. That is one of the mantras of the European Union, the UK and, for the most part, the House. The profits of private pharmaceutical companies have soared throughout the crisis while they have benefited from extensive public research funds. Governments should not be beholden to the interests of for-profit private companies in the middle of a health pandemic, but the hands-off approach by the British state and the EU throughout this crisis has allowed their profits to stack up at a time when Governments across Europe should be challenging control of patents to produce a people's vaccine and ensuring that as many people can avail themselves of it as quickly as possible. They are engaging in vaccine imperialism. The EU has purchased twice as many vaccines as needed, and the British state four times as much as it needs. Unequal vaccine distribution is a massive issue, with people in poorer parts of the world being affected and likely not having a vaccine at all. Our health must come first, no matter how huge the profits. Our health should not depend on the border within which we live, and the people of Ireland cannot be caught in crossfire that threatens our lives.

Over 100 years ago, James Connolly said, "Neither King nor Kaiser". Today, it is neither London nor Brussels but a socialist Ireland, and we need to put people's health before profit. With the centenary of partition this year, it is more relevant than ever.

Mr Middleton: Our party leader, quite rightly, described what the EU did on Friday evening as a reckless and hostile act. It was a shameful and despicable action, which should be condemned right across our communities. What was it over? It was over a vaccine and the safety of life. Shame on the EU. It told no one. It did not tell the UK Government, the Irish Government or any of the parties in the Chamber. It did not tell the Shinnars, the SDLP or Alliance — the people who travelled across the world over the past four years putting the EU above their own country. That is what the EU thinks of the parties opposite. It is a glimpse of how democratic, or undemocratic, for that matter, the European Union is.

In recent days, there has been a lot of talk about a reset of the UK-EU relationship. Of course, the protocol needs to be dealt with once and for all. We warned about the way in which the EU was using Northern Ireland over the past four years to punish the wider United Kingdom. Once again, that was proven right on Friday evening. Sinn Féin told us all to be calm, and the SDLP told us all to watch our tone. My goodness. This is from the parties that, along with Alliance, have spent the past four years hyping up the border and hyping up the threat of IRA violence. It was to the detriment of the people whom we all represent and to the United Kingdom to which we belong. "Rigorously implement the protocol" was the cry from the three parties opposite. Will they now change their minds? Will they

now accept that the protocol to which they clung to, and to which they continue to cling, is causing serious harm to our country? The European Union's mask has slipped. It has said, however, once again, that it is prepared to take action if it suits its agenda. The United Kingdom Government need to step up. They need to listen to all views in Northern Ireland and to what is being said on the ground in our communities. On the radio this morning, the SDLP leader said that this was a mistake and that the decision to invoke article 16 came from somebody who did not understand the protocol. That is a disgraceful excuse. I urge the parties in the Chamber today to stand up and be counted for the people whom we represent, to listen to all communities and to not ride roughshod over the unionist community.

12.30 pm

Ms Ennis: The EU Commission was foolish. Friday's actions were reckless and disproportionate. Ursula von der Leyen, president of the EU Commission, has struggled to get to grips with the vaccine issue in the EU bloc, and, on Friday evening, a bad couple of weeks for her and her team almost descended into chaos. We now need to see cool heads and leadership on all sides. That is what Sinn Féin is advocating, and it is what we are doing. I appeal to others in the Chamber to do likewise. Two wrongs do not make a right, and the notion being peddled by unionist politicians that we enter into some tit-for-tat game with the EU is childish and absurd.

Let us inject some realism into the debate. We are in this situation because the British Government — the Tory Government — and the DUP argued for, pushed for and voted for the hardest possible Brexit. The First Minister described the events as "an act of aggression" and "an act of hostility", totally ignoring the fact that nothing came to pass on Friday evening. She talks as if the EU followed through with its original intentions to trigger article 16. Thankfully, it did not. Due to quick dialogue and communication, the EU Commission realised that it was making a serious error and endured a humiliating climbdown. A climbdown happened, yet Arlene and the DUP seem determined to keep walking us into a political crisis.

The political, economic and geographical reality is that it is simply inconceivable to put a hard border on the island of Ireland. Many fanciful proposals were floated, none of which were based on any kind of reality. It is time to realise the truth: there is no going back to some pre-Brexit utopia. That world does not exist any more for the reasons that I have outlined.

The protocol is not anyone's preferred choice. Sinn Féin would prefer that it was not needed and that Brexit had not been foisted upon us, but it is the most workable solution for the island. Therefore, all parties should work together to mitigate the worst aspects of Brexit on behalf of all our citizens, instead of working themselves into a frenzy over a situation that did not happen.

Mr Speaker: Members, the time is up.

Mr Muir: On a point of order, Mr Speaker. Mr Allister referred to a tightening of the noose. As Members will be aware, there was disgraceful graffiti in south Belfast referring to the same thing — a noose — and the Tánaiste, Leo Varadkar. Is that language appropriate in this place?

Mr Allister: Further to that point of order, Mr Speaker. I make it absolutely clear: I am referring to the political tightening of the noose that the protocol on medicines delivers to us within 12 months through the EU regime. It is nothing to do with the other issue, which I utterly deplore.

Mr Speaker: The Member will resume his seat, please.

In relation to Andrew Muir's point of order, I noted a couple of remarks made by more than one Member in the past half an hour, and I intend to review the Hansard report of both contributions and return to them at a later point. You have made your point on the record, Mr Allister.

Dr Aiken: On a point of order, Mr Speaker. May I speak for all Members and say that we think that the graffiti on that building was disrespectful and disgusting? I do not think that any political party in Northern Ireland is supportive of it. Please, can we ensure that that is in Hansard as well?

Mr Speaker: I would like to think that that is reflective of all parties. The Member is absolutely correct in that regard.

Assembly Business

Public Petition: Save Barnish Primary School

Mr Speaker: Philip McGuigan has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr McGuigan: The petition that I present was organised by the Barnish Action Group and signed by 1,867 people. All of them are asking the Education Minister to reverse the decision to close Barnish Primary School in Carey, in my constituency of North Antrim. The threat of school closure has hung over the rural community of Carey for a number of years. As is often the case for many small rural schools, instead of the school being allowed to grow to meet enrolment targets, bureaucratic decisions were made on the basis of funding, transport and nursery provision that sometimes serve only to stifle growth and allow the closure debate to grow legs. The Department of Education's decision in November 2019 to close the school in August 2020 was met with a vociferous local campaign to keep it open. It should also be said that the campaign has the support of all political parties locally.

In the midst of all the uncertainties brought about by the COVID health pandemic, there was a sigh of relief when August 2020 came and went without the school doors closing.

That relief did not last long, unfortunately, with a decision being announced last month to close the school this coming August.

I represent a rural constituency that has many rural small schools. I totally understand that schools are and must be centres of quality education. I totally understand too that they must be run efficiently and cost-effectively, but policies must allow flexibility and we must consider each case on its merits to ensure that schools are not closed without having fully explored every possibility of keeping them open.

Barnish Primary School is much more than a building. It is the heartbeat and focal point of that local community. That is clear from the thoughts and words left on this petition and the comments left one after another by past pupils, teachers past and present, parents of pupils who themselves were taught at Barnish and, indeed, grandparents who have witnessed their whole clan taught in that school, all praising the standard of education and how that school looked after and looks after children and prepares them for the world after leaving, and showing how fearful they are now about the closure and what it will mean for the children and the community as a whole. The words "fear", "worry", "decimation" and "devastation" are used repeatedly.

Throughout this difficult year, I guess that by now the Minister of Education has learned that, during a health pandemic, you cannot hold dogmatic views on decisions affecting our schools. We have no idea what life is going to be like in September 2021. We do not know what school settings will be like or what class sizes will be. Will social distancing be ever present? How will children be taught? Will large class sizes make this more difficult? In the midst of that general worry, felt by every pupil and parent across the North, to ask the parents in Carey to start looking for

other schools is wrong, and to ask the children at that school to move to a different school setting —

Mr Speaker: The Member's time is up.

Mr McGuigan: — separated from their friends, in these circumstances is cruel and unfair. I ask the Minister to, at the very least, wait until the pandemic is over and place a moratorium. I hope that the Minister shares my view. Better than that —

Mr Speaker: Thank you.

Mr McGuigan: — I hope he shares the views of the 1,867 local people who signed this petition —

Mr Speaker: Thank you.

Mr McGuigan: — and immediately calls a halt to the closure of Barnish Primary School.

Mr Speaker: Normally I would invite the Member to present his petition at the Table, however, in the light of social distancing I ask the Member to remain in his place and I will make arrangements for him to submit the petition to my office later this afternoon. I thank the Member for bringing this petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister of Education and send a copy to the Committee.

Committee Membership

Mr Speaker: The next item of business on the Order Paper is a motion regarding Committee membership. As with other similar motions it will be treated as a business motion and there will be no debate.

Resolved:

That Ms Linda Dillon be appointed as a member of the Committee on Procedures; that Ms Karen Mullan replace Ms Carál Ní Chuilín as a member of the Committee for Communities; and that Ms Carál Ní Chuilín replace Mr Pat Sheehan as a member of the Committee for Health. — [Mr O'Dowd.]

Mr Speaker: I ask Members to take their ease for a moment or two, please.

Committee Business

‘Inquiry Report on the Impact of COVID-19 in Care Homes’

Mr Gildernew (The Chairperson of the Committee for Health): I beg to move

That this Assembly approves the Committee for Health’s ‘Inquiry Report on the Impact of COVID-19 in Care Homes’ [NIA 59/17-22]; and calls on the Minister of Health to implement the recommendations contained in the report as part of the ongoing response to protect care home residents during future surges of the pandemic.

Mr Speaker: The Business Committee has allowed two hours for the debate. The proposer will have 15 minutes to propose the motion and 15 minutes to make a winding-up speech. All other Members who speak will have five minutes.

Mr Gildernew: As of 1 January 2021, 775 of our care home residents had died with COVID-19, which is some 40% of all registered COVID-related deaths. It was clear from the early stages of the pandemic that there would be significant impacts on older people, particularly care home residents. Much of the Committee’s work in the spring was focused on that area, prompting our decision in July to conduct an inquiry.

In setting its objectives, the Committee agreed that it wished to be forward-looking and to put its energy into learning from recent experience in order to provide constructive suggestions for the future. Many of the issues, from staff terms and conditions to workforce shortages, and funding and regulation, brought the wider question of adult social care reform into sharp focus. There was virtual consensus on a number of significant points on pandemic planning from the acknowledgement of pre-existing workforce shortages to initial problems with PPE supply and testing capacity.

Mr Speaker, you will be glad to hear that I do not intend to go through all 54 recommendations. However, I want to give the House a sense of the areas that we looked at in the report.

With regard to visiting, whereas the Government’s speed of response was challenged, I do not believe that anyone could have said the same of care homes; most had restricted visiting or closed their doors before they were actually told to do so. One of the sessions that really hit home for me and, I think, other members was an informal Zoom call that we had with families of residents, who described the traumatic impact of visiting restrictions on the physical and mental well-being of their loved ones, the importance of ensuring meaningful contact and the limits of technology for those with sensory or cognitive impairment. They recognised the sterling work that was being done by staff to provide care in the most difficult circumstances and the risks that were involved in visiting. However, they were clear that the risk had to be managed in communication with families and that it must also be balanced against the harm that would be caused by isolation as their loved ones approach the end of their life.

Our report endorses their calls for safe and meaningful contact to be facilitated through identification and

implementation of innovative measures, rapid roll-out of the care partner initiative and better communication and consistent implementation of guidance.

Significant progress has been made on testing since this time last year. It is certainly one of the key elements to addressing this and any future pandemic. The Committee recommends that, subject to rapid testing becoming available, there should be daily testing of all those who enter a care home, including residents who have attended an external appointment. Capacity issues remain. The Committee recommends further consideration of pooled testing in order to make better use of existing capacity and an increase in local capacity to test and analyse results.

From an early stage, the Committee expressed concerns about patients being discharged from hospitals to care homes without a negative test. That was reinforced by evidence on the challenges of isolating older and vulnerable individuals, particularly those with cognitive decline. The Committee recommends that no one be discharged from hospital to a care home in which they are a resident without having tested negative for COVID-19 unless the care home confirms that it has the staffing and facilities to ensure isolation for the required period. That should be subject to monitoring and review. We continue to believe that step-down isolation facilities should be explored as a way of further reducing risk.

12.45 pm

Having heard very worrying evidence of PPE shortages in the spring, aggravated by a global shortage and spiralling prices, it came as a great relief to hear by May that supplies to care homes had stabilised and were being provided free of charge, which we understand remains the case for the moment. There remains a longer-term question around procurement, and the Committee recommends that charges should not be imposed on care homes without a review of the tariff.

The pre-existing strain on the sector regarding funding, staff levels and staff terms and conditions was exacerbated by COVID, which generated additional costs from staffing to cleaning and support for visiting. A number of very welcome additional funding allocations were made available: some £6.5 million in April; £11 million in June; and a further £27 million in October, as well as staff support and PPE. Questions remain, however, about underspends arising from administrative constraints, leading to the Committee’s recommendation that streamlined processes are required, subject to audit and verification, but they need to be flexible to allow care homes to meet their needs at any given time.

Throughout the past year of the pandemic, we have asked some of our lowest-paid workers to shoulder an enormous burden on our behalf. The skill and value of that work is long overdue proper acknowledgement. For many, it is a vocation rather than a job, but we must look at recognition, reward and retention in what is a hugely challenging work environment. While the Committee welcomed the Minister’s commitment guaranteeing sick pay, we are calling for urgent reform to address low pay, poor terms and conditions, and additional measures to make social care a more attractive career in the time ahead.

Moving on to issues with staff levels, understaffed homes had to manage sickness absence and staff self-isolating

as a result of COVID-19. Others were unable to come to work due to caring responsibilities, with schools and day centres closed. Care workers' responsibilities increased, with symptom monitoring, increased infection-control measures, and providing additional care to large numbers of unwell residents. Caring for dying residents and grieving relatives has undoubtedly taken its toll on their mental health. Access to the Health and Social Care psychology helpline was appreciated in that regard.

Staff support was also offered by trusts and brought in via agency workers. Each solution created other difficulties, adding to pressures in the health service generally, as well as increasing risk of infection through staff movement. Efforts must continue to ensure that, where possible, agency staff work in one home only. Recognising the workload, the Committee also wants to see staff ratios for care homes agreed in discussion with stakeholders.

Turning to regulation of the sector, stakeholders expressed appreciation for the advice and support role provided by the Regulation and Quality Improvement Authority (RQIA) during the first surge of the pandemic. Others expressed concern at the consequent reduction in inspections at a time when oversight from families and other professionals going into homes was almost non-existent. The Committee concluded that inspections and dedicated advice and support need to be resourced to continue in a pandemic.

The RQIA briefed the Committee on its move to a risk-based assurance framework and on its research to identify a number of key characteristics associated with homes most at risk of an outbreak. Those included larger homes and larger providers, as well as those with recent or frequent management changes. The Committee endorses the Minister's desire to ensure that providers can be inspected corporately, rather than the RQIA being confined to looking at each home individually.

The Committee also welcomes the Minister's review of regulation and believes that there must be consequences for failures of care. We recommend consideration of models by which quality and delivery of care can be linked to funding and reviewed in future contracting arrangements. There should also be the capacity to recoup public funds where poor service has been evidenced.

With regard to access to health and social care, while we heard impressive reports of innovation and the use of technology to provide safe and effective care during the pandemic, there are clearly limits to approaches such as virtual ward rounds. The Committee welcomes the ongoing work being led by the Chief Nursing Officer on an enhanced clinical care framework for care homes.

Members were concerned to hear of the adverse impact on residents' overall well-being of reduced access to podiatry, occupational health and other care. There is a need for consistent implementation of the policy regarding in-person access to care homes as is deemed necessary by the health and social care professionals concerned and subject to testing and PPE requirements.

Advance care planning (ACP) issues were also raised with the Committee. That conversation needs to happen with each care home resident on an individual basis, ideally well ahead of any crisis. It should be led by the clinician who knows the individual best, with the input

of other relevant professionals, and should be reviewed periodically as required.

Moving to pandemic planning, the Committee believes that a key lesson for the future is ensuring that care homes are at the very centre of pandemic planning from the outset. There should be centralised procurement and supply of PPE to care homes without charge and ring-fenced funding that can be accessed quickly via a streamlined and transparent mechanism. The Committee endorses the call in the rapid learning initiative for accredited regional training on infection control. The Committee recommends that each home be required to designate an appropriately trained staff member, other than the manager, to lead on infection control.

While the Committee recognises the enormous pressure under which Health and Social Care (HSC) and departmental staff were working at all levels and the considerable volume of guidance developed and advice put in place, communication and engagement issues were central to criticisms raised with us. The Committee was concerned to hear on several occasions that initiatives had been introduced without prior engagement with providers or unions. Co-design, co-production and robust communication plans remain essential, even in a pandemic, and could have averted some of the problems raised with us.

Having heard impressive evidence of the success of other countries in learning from SARS and containing the current pandemic, we recommend that renewed efforts be made to gather and learn from the breadth of international experience of pandemic planning and management.

Human rights concerns were raised in respect of visiting, testing and end-of-life planning. The Committee recommends that guidance be developed on the consideration of human rights issues during a pandemic.

In conclusion to my remarks as Chair, the Committee wishes to put on record its gratitude to the 691 individuals who took time to respond to our survey, the families who engaged with us virtually and the stakeholders who appeared before us and informed our recommendations with their experiences, concerns and ideas. On behalf of the Committee, I also thank the Clerk and Committee staff, who put so much work and effort into the completion of the report.

Members will, no doubt, join me in thanking and acknowledging once again not just our precious care home staff but the wider health and social care family, who continue to struggle to get us through the emergency after what have been eleven exhausting months. I wish to convey the Committee's appreciation to the Minister and his senior officials for their positive engagement with the Committee throughout the period, and I acknowledge the number of positive initiatives that were implemented in a short few months.

Case numbers and pressures remain worryingly high, but the vaccination programme is already offering protection in our care homes and some hope for the wider community. That said, there is so much work to do, and recommendations in the report have potential read-across to other sectors in the case of future pandemics. The good news is that we know what needs doing: adult social care reform and wider transformation of the health service have

never been more urgent. The mental health toll of the pandemic will require a long-term investment.

The recommendations in the report were developed in a collaborative manner and agreed unanimously and are offered in a spirit of constructive engagement as a contribution to future pandemic planning. We look forward to engaging further with the Minister on the implementation of the recommendations and trust that the Executive will give positive consideration to the financial support required to do so.

I will make a few short remarks in my role as Sinn Féin's health spokesperson. I thank every one of the stakeholders who participated in this, including independent care home providers, family members, the unions and many other groups and organisations who assisted us with the report. I also acknowledge the strong cross-party work by all members during the inquiry. It was clear that identifying the flaws and areas of concern was done constructively and in a bid to offer workable solutions and recommendations. I hope that the Department and Minister will consider each in that spirit and commit to their implementation.

As a personal reflection, I say that the impact that this devastating pandemic has had on our people continues to weigh heavily on us all. I offer again my condolences to everyone who has been a victim of the pandemic in any way and for those who have sadly lost their lives.

The report is on the impact that COVID-19 has had on care homes, especially during the first surge, but many of its warnings and lessons would have been suitable for consideration before the COVID pandemic and will remain suitable afterwards. Care home residents are not just patients but have wider family and friends. COVID-19 has a considerable impact on their relationships and visiting, and there is stress about loved ones catching it. I recommend the report to the Assembly.

Mr Buckley: By and large, I concur with many of the Chair's remarks. Many Members have been touched by the COVID-19 pandemic. We can all look to an experience where we have watched how cruelly COVID-19 has, sadly, affected those in care, many in end-of-life care. As, I am sure, other Members have, I had a close friend in a care home. He was somebody whom I visited regularly in normal times and someone who valued friendships and visits. Sadly, I had to watch from a window in his closing days as he breathed his last breaths. That was not because he was COVID-positive but because of the restrictions that were put in place. It really has been devastating, particularly in this sector. We have seen loved ones lose those who are most precious to them, not having been able to be at their side in their darkest days.

I came to the Committee late in the process, when evidence had already been taken. It was of value for the Committee to look into this and to see ways in which we could reflect, learn and plan the way forward. The purpose of the inquiry was to help mitigate and manage the impact of a potential second surge of the virus in care homes. The Committee received 21 submissions from a range of organisations spanning public, private and charitable organisations, professional bodies and trade unions. Shortly before the report was agreed, the HSC began to roll out the vaccination programme. While some of the report's content may, therefore, now be dated, the

recommendations are a contribution to present and future planning. The Committee was very aware that this is a rolling situation with continual developments. We welcome the vaccination programme that has been rolled out into our care homes at high speed. That is really welcome and can help to bring them towards some sense of normality.

I will not have time to touch on them all, but there are some notable recommendations. We have recommendations on visiting, testing, PPE, funding reform, standards of care and mental health. Those are real issues, every one of which merits an Assembly debate in its own right, but we know that the point of the inquiry is as a conversation starter. It is now up to us, as Committee members, to engage directly with the Department and others to ensure that we find a credible way forward and prepare for such events.

I sincerely thank every stakeholder who provided evidence to the inquiry in what were extremely challenging times. Carrying out a Committee inquiry like this in such circumstances has been difficult, whether that has been the online forums in which we have had to engage or, indeed, dealing with the here and now of COVID-19. We recognise that the roll-out of the vaccination programme has dramatically changed the nature of the public health response, but that does not mean that we should not reflect seriously on the deficiencies of the steps taken in the first wave and use that learning to adopt more effective measures in future.

The report focuses on only one aspect of society that has been impacted on by COVID-19. We acknowledge that much more work and investment will be needed to assess the effectiveness of Northern Ireland's response and to look at events in a much more holistic way for the future. In the immediate future, we would like the Minister to take forward the recommendations on enhancing visiting arrangements. That is something that has struck a chord with us all and is still very live and very relevant.

Asymptomatic testing should be ramped up, and mental health support for residents and staff should be expanded. As the Chair mentioned, rapid testing can prevent staff having to drive significant distances for a test at mass testing centres.

1.00 pm

One of the strengths of the report is that it looks beyond the current crisis to the reforms that are needed to transform and revitalise the care home sector in the future. The pandemic has laid bare the weaknesses in relationships between the Department, the trusts and care homes. It has also highlighted the great void between staff terms and conditions in the public and private sectors. We want to see cooperation overhauled in those areas. The proof will be in the pudding in terms of the Health Minister's stated plans to bring staff terms into line with those in the public sector. We are mindful that recommendation 29 on staff ratios must be considered in the context of full workforce planning across the health and social care system.

The report raises many questions, which we will take up in due course with the Minister, but I am glad that it is a conversation starter about this serious issue, which we have to deal with as we move on from the first and second waves of COVID-19.

Ms Hunter: I speak today as a member of the Health Committee and as my party's spokesperson on health. I thank all the organisations and individuals who contributed to the report and discussed the issue of care homes and COVID-19. I regret that I have only five minutes in which to speak. I thank the Minister for his regular, positive engagements with and briefings to the Health Committee. As a new member, I definitely found them helpful. I appreciate that, given the serious nature of health at this moment in history, the Minister has kept open and transparent communication with us.

The report gives a very clear picture of what things have been like for care home residents, staff and families during the pandemic. I hope that the Minister and the Department will implement the report's findings and recommendations. As is outlined, at the start of 2021, 30% of COVID-related deaths — 607 — had taken place in care homes. That is 607 people. That is a shocking figure. The report looked into many aspects of care homes and the impact of COVID-19. I will touch on a few in particular.

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

I have great and deep admiration for the staff, who are working in such a challenging environment, but I will, first, speak about testing. Although it is good to note that the context has changed significantly since the outbreak of the pandemic in terms of testing capacity, increased frequency of testing, regular symptom monitoring and new approaches, it is deeply regrettable that, at the start of the pandemic, care homes were not equipped to carry out testing better to ensure that the spread of the virus was kept to an absolute minimum. Of course, I welcome the fact that the report finds that the situation now is much improved. The Committee's recommendation is that, subject to rapid testing becoming available, care home workers should be tested daily and that testing should be extended to all those entering nursing homes. It is vital that those crucial steps to track and monitor the virus are taken to ensure that every safe measure is taken to protect those in a vulnerable category.

Like the Committee's findings on testing, the situation with PPE and its availability has improved from what it was at the start of the pandemic. That is also welcome. We all recall the real fear last March about access to PPE. That must never happen again.

The lack of visiting has had a severe and negative impact on families with loved ones in care homes. They have had a particularly difficult and upsetting time not being able to visit their loved ones, and residents have not been able to have that really important time with their family. In line with the Committee's recommendation that the care partner scheme be expedited, perhaps the Minister, in his concluding remarks, could include an update on the scheme and its uptake to date and what more he and his Department are doing to encourage it. Several families in great distress have reached out to me on that matter. The inability to see their mum or dad safely and the lack of visitation are causing severe distress and uncertainty. There is also an element of suffering; it is very difficult not to see your loved ones. The lack of visitation has undoubtedly contributed to the cognitive decline of those with dementia. It has been almost a year now — 11 months — since families have seen their parents and loved ones due to the fear of passing on the virus.

I recently spoke with Julieann McNally from Care Home Advice and Support NI. Julieann lost her mother and grandmother in the Dunmurry Manor home and has since fought to get answers about appalling care standards. We had a very thought-provoking discussion. During our meeting, she said, "The elderly in our society are not treated equally. If we were talking about children, would it be allowed?". I do not think that it would, and that is why the report on COVID in care homes is so important. It outlines the immediate steps that we must implement and recognises the evident failures from last year. So many have been impacted by separation from their loved ones, and I fear that, one day, when we come out the other side of COVID-19, not all loved ones will be here with us. We must recognise that.

In conclusion, I very much welcome the report and the opportunity to speak about it today. We have a responsibility to ensure better preparedness for such an eventuality, should it happen again. There are also many lessons to be learned from this awful experience and many issues that we must urgently address in care homes —

Mr Deputy Speaker (Mr Beggs): Will the Member draw her remarks to a close?

Ms Hunter: Yes.

— for residents, staff and families, and I hope that the report will go at least some way to addressing those issues.

Mr Chambers: I hope that the report will be viewed not as a critique of the performance of anyone or any body during this pandemic in relation to the impact of COVID-19 on care homes but as a learning curve for us all as we continue to try to protect the well-being of everyone, especially the most vulnerable.

It was certainly not the desire of the Health Committee that any aspect of the report should descend into a party political debate on any of the recommendations, and I am confident that that will not happen. I am sure that all in the House will welcome the report and support the recommendations. All the recommendations have been put on record in a constructive way, and I am sure that that is how the Minister and his officials will view them.

It is important to remind ourselves that we went into this pandemic, with all the twists and turns that the virus has created, without any recent experience of dealing with such a situation, and it was not a case of nipping down to the library to borrow a textbook that spelled out how to handle it. The report acknowledges that, prior to the arrival of the virus on our shores, we had no sitting Assembly for three years and, consequently, no Health Minister in post. That is hardly the best set of circumstances to prepare to fight an enemy like COVID-19. Our NHS was due, during those three years of inertia, to be reformed by a debate around the Bengoa report. That report was gathering dust for those three years and, given the priority demands of tackling the pandemic at the moment, it continues to gather dust. In the early part of 2020, our hospital waiting lists were the longest in the United Kingdom. Given all that, we were hardly in the best place to deal with a pandemic that none of us had any experience of dealing with.

Our care homes were also under pressure for a number of reasons. Many had staff vacancies that they struggled to fill. On the plus side, they had in post many dedicated

people who view their duties as a vocation rather than just a job. The fact that many of these jobs are paid in accordance with the minimum wage, as set by government, is hardly an incentive for anyone to choose working in a care home as a long-term career opportunity.

I will use the example of one home that I am familiar with. It is a home that has a modern design and an ethos of providing top-class care. That said, it has 40 rooms to be fully serviced, and bedding needs to be changed and cleaned daily. It has corridors, specially adapted bathrooms and common rooms to be cleaned, and four workers share that task during the week. If one worker is off for any reason, the others have to pick up the extra work, which is carried out during a six-hour shift. At weekends, only two staff are on duty to complete those tasks. Shortcuts are inevitable, and, in normal circumstances, they are not visible and do not compromise anyone's safety, but, during a pandemic, it can be a different story.

It is easy to see how a virus can enter a care home and, unless every surface is constantly cleaned, take hold. That is labour-intensive, and adequate staffing levels are needed. The issue of staff levels will be paramount going forward. I know that the Minister is aware of the situation, and I have every confidence that any future reform of the care home sector will address the important issues of staff levels and increased levels of pay to attract workers to make a career in care and will ensure that proper working conditions are in place.

The report has 54 recommendations. Many have been overtaken by events and have already been addressed, either fully or partially. Many of them cannot be taken up overnight and will need careful consideration by the Department. They have been made in a constructive manner, and I have every confidence that they will be received and studied in that spirit.

We owe a huge debt to front-line hospital staff but we must also recognise the dedicated work being carried out daily in difficult circumstances in care and nursing homes. I commend the Department of Health and the Minister for all the assistance, both financial and practical, that they have made available to the care home sector during the past difficult year. All that teamwork and cooperation has, undoubtedly, helped to save lives. However, we must remember all who fell victim to this dreadful virus, and also their grieving families. Those families had valuable time with their loved ones stolen by COVID-19.

Ms Bradshaw: Naturally, I support the motion on the inquiry report. The Health Committee staff are to be commended and thanked for all their work on it, and I echo the Chairman's thanks to those who gave evidence to the inquiry. I agree with him that the informal Zoom session that we had with relatives was probably one of the most moving experiences during the pandemic.

I would like to put on record that I have a family member who works in a care home.

I start by passing on my sympathies to all the families whose loved ones died in our care homes due to this horrendous virus. Their grief will undoubtedly have been made worse by the circumstances of the pandemic. We need to recognise how difficult it has been for residents and their loved ones to have such limited contact, waiting months to catch even a glimpse of their wives, husbands,

mothers or fathers. Then, when they did, they were aghast at how much they had become withdrawn and sorrowful, with their conditions worsened, feeling that they had been abandoned. That was alongside the general confusion of the pandemic.

It does not suffice just to pay tribute to care home staff. We need to do so much more to show them how much we value them and the support that they provide at all times, not just during pandemics. They are another group in society who have, until now, been undervalued, and we must never ever forget their contribution.

We have seen, with huge concern, the impact of COVID on care homes in Northern Ireland and, indeed, in many other places. Our preparations for a pandemic had not fully taken into account the potential of a virus that would spread indoors and leave older people particularly exposed to death and serious illness. Therefore, it is evident that the system had not adequately prepared for the impact on care homes.

The report, rightly, outlines the fact that there was already a broader context of an underfunded and unreformed health and social care system, and thus of undervalued care homes within that system. That made it very difficult to respond adequately when capacities suddenly became limited by greater pressure on homes, with fewer physical rooms with which to meet demand because of social distancing requirements. Nevertheless, specific issues were raised regarding a lack of urgency to get ahead of the virus.

Moving on, we saw for a long time an inability to take account sufficiently of the importance to mental well-being of visiting and meaningful contact. The risk of the virus was increasingly understood but there was, for many weeks at least, a tendency to focus on the virus without recognising the severe impact of having no contact with family and friends. There was, for example, a missed opportunity to introduce care partners at an early stage. It should be noted, and has been noted here today, that that is still not fully implemented across all care homes. What we describe in the report as innovative methods to allow visiting needed to be put in place long before they were discussed as part of a Committee inquiry. Sadly, it is likely that we will pay the price for that lack of contact for years to come.

I put on record in mid-April a call for testing in care homes regardless of symptoms, as it was an obvious means of protecting those who were vulnerable to the virus, so this is not a matter of speaking in retrospect. It was obvious early on that testing was one tool that needed to be implemented proactively. We should not have waited until other jurisdictions acted first.

Regarding the future, the report contains further findings and recommendations which I hope are helpful to the Minister and his Department.

There are ongoing concerns about the true independence of the RQIA given the resignation of its entire board during the pandemic, and I trust that those concerns are now being addressed. We also need to be better prepared for future pandemics, including with equipment storage and helping people to cope with bereavement in times of a public emergency.

1.15 pm

The pandemic has shone a light on the crucial role of the sector, how much more we need to do to equip it to play that role and, indeed, how much we rely on staff who often go beyond the call of duty and acting — it is a vocation — to keep it operating. The exact nature of an emergency is never easy to predict, but we must apply learning now for future generations.

In closing, I recognise the amazing work of Pauline Shepherd and her team at Independent Health and Care Providers. From the start, she raised with the Department of Health issues that were affecting care homes and kept pushing for them to be addressed until the additional funding, PPE and other supports were made available. I genuinely believe that without her tenacity —

Mr Deputy Speaker (Mr Beggs): Will the Member draw her remarks to a close?

Ms Bradshaw: — the number of deaths and serious illnesses would have been a lot worse.

Mr Clarke: Whilst I was gathering my thoughts about the motion, I noted that it is a very sombre topic, as we are talking about those who have lost their life. Like others, I offer my thoughts and prayers to the families.

When Mr Chambers spoke, it struck a chord with me. It was disappointing that he brought political point-scoring into the debate while criticising others. Today is not a day for political point-scoring or for talking about devolution or the three years of the suspension of Stormont. The other Member whose contribution struck me was Cara. She talked about lessons being learned.

I welcome every one of the recommendations and look forward to hearing what the Minister has to say about them, but, if we look at them, we could also be critical of being too prepared for the pandemic. Eighteen months ago, it would have been unheard of, and if all the stuff had been sitting there, we would be talking about wastage in the system. There is a balance to be struck between what should be done, what could have been done and what was not done.

On that point, I welcome the recommendations. They all make common sense, but we all, as Members, have to reflect that, 18 months ago, we would never have foreseen something as tragic as this hitting us. We were all shocked beyond belief at some of the suggestions that came forward. We took our reliance on care homes as a matter of fact; they were there, and they were there to look after our loved ones. No one predicted what was going to happen.

Jonny's speech struck a chord with me because, for our older population — I have lost both my parents — one thing that is important to them is to not die alone. In care homes, older people were cut off from their family and could not have them around them at the time of death. It was in the newspaper last week about one hospital — I am not sure where it was — where they brought the husband and wife in together and they died six minutes apart. That is testament to the care staff who organised that for the family and for the husband and wife to die together.

One of the cruel things about this horrid pandemic, and this is not a criticism of the Minister or the homes, was that we were absolutely blindsided by it. I think that the

care homes stepped up to the mark. Primarily, the focus was obviously on the hospitals because that is where the most seriously ill people were presenting, but I am sure that each and every one of us was contacted by care homes with their concerns about the lack of PPE as the virus continued. Again, as I said at the start, if we had an abundance of that stuff sitting about, there would have been criticism about overstocks. There were clearly concerns about PPE, and we should give credit where credit is due because there was a rallying call. Folks, we have to realise that it was not just in Northern Ireland; it was a worldwide pandemic, and we were bidding for the same stuff as everyone else. Whilst it took time to get that roll-out of PPE, it got there and there has been a meaningful change.

The only criticism that I have is that there is a concern that families still cannot get into homes to see their loved ones. If your elderly relative is upstairs in a care home, you cannot get to talk to them through a window, whereas others, whose relatives are downstairs, can. I have a member of staff, and her sister is in a trust facility. I am not referencing the trust. Her sister has been moved upstairs, so that point of contact has been taken away. That is absolutely brutal because families and patients need that interaction.

I want to support the Minister, but the other thing that strikes me about all this is that, whilst we refer to these homes, we have to bear in mind that lots of them are private homes and that those who own them are profiting from them. That is not to say that the recommendations say that we have to introduce systems to make them better places. However, I do not believe that all the responsibility should be on the Minister to fix them, given that some of them are running private businesses. Broadly speaking, I support this.

Paula mentioned rapid testing. Like her, I asked about it once we heard that it had been rolled out in Liverpool. We worked with the Westminster Government in the roll-out of this and were very dependent on them for it. I remember the Minister saying that, in response to the pilot scheme in Liverpool, we were going to carry out our own tests.

It is OK for us to be critical now that we do not have it. However, imagine if we had rolled it out and it was not accurate. To be fair to the Minister, he got it right. However, what we want to see as part of the recommendations is testing being carried out daily. One of the things that struck us all was —

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw his remarks to a close.

Mr Clarke: — how can all these people be so sick if they are not allowed out. It was obvious that it was being brought in. I welcome the report and all the recommendations in it, and I commend the Committee for bringing it forward.

Ms Rogan: First, I would like to thank the Health Committee members and Clerks and all those who gave evidence and who shared their experience for the report. There are quite a few finds and recommendations to go through, but I will pick out a few that I think will add to the debate and which deserve to be mentioned in detail: advance care planning; the impact on relationships in families; and the do-not-resuscitate (DNR) orders.

We know that coronavirus is highly infectious and that it can kill. Tragically, we hear daily updates of rising numbers. However, we must not forget that, each time, there is a person, a family and a community wrapped up in grief. In the first surge, nearly half of all deaths occurred in care homes or to care home residents.

With the second and third surges seeing a decline in that ratio, it is clear that care homes and residents were disproportionately affected. They were truly at the centre of this storm.

I wish to declare an interest in that I have family members who work in care homes. Almost all staff working in a care home do so because they love the job. They treat the residents like their own family and work tirelessly to keep them safe. Members of my family have said that the hardest thing was that residents, many of whom have dementia, thought that they had done something wrong because no one had come to visit. They had not remembered about COVID but had remembered that no one had come to visit them. Speaking to family through closed windows and doors is heartbreaking.

One of the most difficult things for human beings is not having close contact with family, especially older members of the family. I am fortunate in that I have a granny who — she will not mind my saying — is in her early 90s. She maintains that her family contact keeps her young at heart and keeps her going. However, the past year has been very difficult for her, just as it has been for many elderly in our communities. Speaking to her on the phone is just not the same.

It is worth remembering that most of the older people who receive care, receive it in their own home and community. The lessons of this report must be considered in many other settings.

I want to highlight the issue of advance care planning, as it can play an important role in a person's life if it is person-centred and does everything to make people feel safe. Recommendation 34 states that:

“Advance Care Planning should be discussed with each care home resident, on an individual basis, ideally ahead of any crisis; it should be led by the clinician who knows the individual best, with the input of other relevant professionals; and reviewed as necessary.”

There is no substitute for planning ahead for person-centred care.

Recommendations 35 and 36 call on the Department to:

“clearly outline and communicate the rights of older people and families regarding end-of-life”

care and to ensure that there is sufficient training for the relevant professionals and making talking about advance care planning and end-of-life care easy.

Unless it is done in a positive way, it can create a sense of doom. In particular, I would like to bring people's minds back to the early stages of the crisis when images showed hospitals and care homes in Italy and Spain being overwhelmed. There was a lot of concern about older people and care home residents being pressured into signing do-not-resuscitate forms. Let me be very clear: no one should be pressured into signing a DNR.

A few other recommendations deserve a mention, including ensuring that there is sufficient PPE through procurement and pandemic planning; regional access to e-learning on infection prevention and control; learning from international best practice and experiences; addressing staffing levels and so much more.

To finish, most of the report centred on the pandemic and how best to respond. It highlights the need to ensure a sustainable and high-quality care sector. I look forward to the Minister bringing forward his Department's proposal for the reform of adult social care and welcome and support this report into care homes.

Ms Ennis: I thank the Chair of the Health Committee, my colleague Colm Gildernew, and the members of the Committee for bringing the motion to the Assembly today and giving us the opportunity to debate it. To be clear from the start, I welcome the report and acknowledge the work that has gone into developing it from all the members of the Health Committee, the Committee staff and the wide number of organisations and individuals who participated in the inquiry.

I echo much of what other Members have said today. The themes that are covered on staff levels, access to care, access to PPE, emergency planning preparations, discharge policy and visiting restrictions are all extremely important. I will focus my remarks on funding and the impact that that has on the social and emotional needs of care home residents, staff and their wider families.

I start by acknowledging that the social care sector was struggling before coronavirus arrived on our shores. As Trevor Clarke mentioned, most care homes are privately run, but they are commissioned to provide residential or nursing care beds. I have also heard that many care homes ask for third-party contributions as part of the process of securing a bed. I would be interested to know whether the Minister is aware of that and whether he has looked into how common that practice is, as, apart from a few statutory or trust homes, the vast bulk of care is provided by the private sector.

Social care in the North would be virtually non-existent if it were not for the private or independent sector. It is important that we understand the system in which care homes operated before the pandemic and how, to use the Minister's own words:

“The social care sector has been struggling for years and as a whole is not fit for purpose.”

The North has few large care home providers, and so the ability to buy or introduce quantities of scale just do not exist. That is why the learning around regional decision-making and providing additional funding was so critical for many care homes, their staff and, ultimately, the residents.

The lack of comprehensive pandemic planning for care homes in the private sector left them to their own devices. Recommendation 44 clearly offers a solution. The Committee recommends that future pandemic planning should factor in the central procurement and supply of PPE to care homes. Surely, when we reflect on impact of the pandemic, it will be a matter of immense shame that many care homes were just left to their own devices and left on their own to secure much-needed PPE. In south Down, we had a phenomenal community response when care homes had to put out a call for PPE. That was great

and commendable, but it is not how it should have been; that responsibility should have been with the Department of Health.

During the first surge, many care homes could not buy PPE and were using their normal weekly stocks in a matter of days. However, it was not only care homes that were left in limbo. Assisted living sites were also left rudderless, and the Minister will know that I have constantly raised with him the case of Camphill Community Mourne Grange in south Down. With assisted living, we are often talking about high-functioning people, and they have effectively been locked in since last March. They have missed huge family milestones — marriages, births and deaths — and were denied the chance to process the consequences of those important markers. Why was that? Because assisted living was treated like a care home setting although we know that it is fundamentally different.

It was clear that care homes needed additional funding, and I welcome that, especially as it helped to ensure that care homes had no reason not to pay staff more than statutory sick pay for those who had to take time off. So, I fully back the report's recommendations on funding, particularly where it argues that there should be a streamlined process for funding, development of a true cost of care for future social care reform and consideration of funding to the wider social care sector, an essential part of the healthcare service.

To close, I very much welcome the report and its recommendations, but the sad reality is that if the recommendations had been in place before, some of those who lost their lives in our care homes as a result of COVID might still be here to see their implementation.

1.30 pm

Mr McNulty: As someone who is not a member of the Health Committee, I welcome the opportunity to take part in the debate and thank the Committee for its work on this important issue. The report is timely, but it is also key to learning for the future. Residents in care homes are our most vulnerable citizens. It is not an easy decision for a family to place a loved one in a care home or a residential facility. A family's decision is based on where a loved one will be safest and best cared for. When we see the dignity and care that is afforded to our loved ones by those who care for them, we see compassion in action. The staff in those homes are trying to juggle their care roles with their family lives at home. During the pandemic, they left their own homes to effectively go and look after their second family. We all know the impact that the restrictions have had on our daily lives, but for those who are in care homes not to be able to have any contact with their families and the outside world was heartbreaking — residents, families and staff alike.

In the spring and summer of last year, many of us gathered on doorsteps to applaud NHS workers and others on the front line. Those who work in care homes are a critical part of our healthcare system, but they do not often get the recognition that they deserve and certainly do not get the financial reward that they deserve. To the front-line healthcare workers who staff our care homes in every capacity with compassion and selflessness, I say this: we owe you an enormous debt of gratitude.

As I said at the outset, residents in care homes are some of our most vulnerable citizens. As the coronavirus wave hit Asia and Europe, our television screens were flooded with stories and images of people in care homes amidst escalating outbreaks in those facilities and, unfortunately, bereavements. The natural reaction here was to shut the doors and keep visitors out, which meant keeping families out. It meant talking to loved ones through windows and not holding their frail hands for months. My experience of that was talking to a close family friend through a care home window and asking him where he would like to have his mother laid to rest. He did not get to attend his mother's funeral.

The report captures many of the issues that we have all heard about from our constituents, including restrictions on visiting, staffing levels, PPE, discharges from hospitals to homes and support for staff and families. Like others, I applaud the leadership of Pauline Shepherd, who was a steady hand at the tiller and a proactive voice for care homes at the height of the first wave and has been since.

The pandemic arrived like a bolt out of the blue, and it has pushed society and our healthcare systems to the brink. The report contains a sad and stark statistic, which is that 40% of COVID deaths here occurred in care homes. My sincerest sympathy is with every family who has lost a loved one to the virus. Who could forget the sense of panic almost, as staff struggled to get access to appropriate PPE? The community rallied round, thankfully, to make and donate PPE.

Care home staff have relayed to us all their stories of heartbreak and pain at the loss of residents whom they looked after and cared for as though they were their own family. All of us have been contacted by families who are at their wits' end because they have been denied the opportunity to visit a loved one in a care home. Some of them have told us of their pain, anguish and heartbreak as their mother or father or relative passed away without the company of a loved one.

The report highlights very clearly the systemic underinvestment in older persons' care, and it shows how unprepared the system was, public and private, for the arrival of such a devastating transmissible virus.

Mr Deputy Speaker (Mr Beggs): I ask the Member to draw his remarks to a close.

Mr McNulty: I welcome the publication of the report and the recommendations therein and support their implementation.

Ms Kimmins: Like everyone, I welcome the report and thank everyone, particularly the Health Committee, the Chair, my colleague Colm Gildernew, and all who contributed and helped to complete the findings and recommendations. The report covers a broad range of areas, and I certainly think that it forms the basis for improving a future response. I hope that the House supports the report.

The impact of COVID-19 on care homes will be felt long into the future. It will be felt by the families and communities who have lost a loved one; it will be felt by the residents, who were unable to see their families and friends in the usual way throughout this time; and it will almost certainly be felt by the thousands of care home staff who were on the front line. I have serious concerns

about the impact of this on their health and well-being in the long term. I declare an interest, having worked as a care assistant in a nursing home in my area for many years and in the social care field. I can safely say that working in a care home is one of the most rewarding jobs that I have done. Care home staff look after not just the physical needs of residents but their emotional and mental well-being. They are a friend, a listening ear and a support for the wider family, and they play a key role in recognising and responding to every resident's needs. To be able to do all that in normal circumstances, let alone under the pressures of a pandemic, is an immense task but one that is a vocation and something that we all enjoyed.

There is an obligation to ensure that social care as a whole, not just care homes, is better prepared going into the future. That includes better support not only for unpaid carers but for day-care and domiciliary care settings. I welcome the recommendations that call for a wider look into all those issues and into how care homes play a key role in the delivery of health and social care services.

As other Members have done, I particularly highlight recommendation 53, which clearly calls for greater visibility and places human rights at the centre of a pandemic response, including visiting arrangements and communication with loved ones. That is crucial, and I, like all Members, have been contacted throughout the pandemic by many families who were unable to see their loved ones or had to make an excruciating decision about which family member could visit their mum and dad. There is an important balance between supporting personal relationships and keeping care home residents safe, but it is imperative that a regional standard is clearly set out to ensure consistency and fairness of approach and to support care home management in making those really difficult decisions.

I thank all the staff who went over and above to care for and support residents and their families through this really challenging time. Without them, we would be in a very different place. I am especially pleased that the report recommends urgent reform in relation to staff terms and conditions. One thing that the pandemic has shown is that it is some of the lowest-paid workers who have stepped up to the mark and played a vital role for the most vulnerable. It is past time that they got the recognition that they deserve.

Mr Dickson: I thank the Committee for bringing the report to the House for debate. It highlights incredibly difficult and systemic issues that we need to start to address immediately in order to improve and, indeed, to save lives. As many Members have done, I put on record my appreciation for those who work in care homes, often in challenging and complex circumstances and, in many cases, without adequate support or appropriate pay. For many, it is a vocation, and their compassion and hard work need to be recognised.

In 2020, 775 care home residents died with COVID-19 — 40% of the deaths in Northern Ireland. Every one of those deaths is an immeasurable loss. For the individuals, their families and care workers, the response was quite simply unacceptable, and we must start to work out what went wrong and make sure that it cannot happen again. How we got into this situation, with such high numbers of deaths in our care homes, is complex. The report outlines many contributing factors, including testing, hospital discharge

policies and structural problems in the sector and in Health and Social Care.

Time is limited, so I will not cover all areas of the report. I will take some time to go over a few of the structural problems highlighted. I fear that our social care system has been run on a shoestring for far too long. The Department has, of course, had to channel additional funds into the sector during the pandemic, but we need to take a serious look at ensuring that it is properly funded going forward to provide the high quality of care that should be expected. The lack of investment in the system has, undoubtedly, exacerbated the issues of staffing levels and poor pay and conditions. Organisations including the Commissioner for Older People, Age NI and Marie Curie have highlighted those issues.

Staffing levels have been a challenge for the care home sector for far too long. The situation has been made more difficult by the pressures of the pandemic, sickness, Brexit, staff movement between homes, self-isolation and systemic issues such as the lack of childcare. It is clear that much work has to be done to recruit staff, and, while I welcome the measures to speed that up, it is vital that the Department and the RQIA monitor this. We need to set out more robust staff-to-resident ratios and ensure that staff movement between homes is low and practical. We must ensure that the qualifications and training of care home staff are improved, which is vital to turning it into a real opportunity for people who want to work in the care sector.

As mentioned, many who work in our care homes are among the worst paid despite the vital service that they deliver. Naturally, that contributes to difficulties in recruitment and, particularly, retention. I strongly support the Committee's recommendation to set minimum standards for sick pay and to tackle issues with low pay and poor terms and conditions of employment. Better staff remuneration and contractual sick pay to reward care home staff properly will encourage skill retention as well as allowing staff to be financially secure and able to self-isolate when ill.

Further to that, it is critical that employers ensure that staff who are at high risk, such as those from the BAME community, are properly protected. I am aware of the wider issues of care home regulation and of what are, I believe, failings of inspection and enforcement. I have had first-hand experience of that in my constituency. I have concerns about the halting of inspections last year. I appreciate some of the reasons behind that, but we need to step up care home inspections.

We need to move back to routine inspections as quickly as possible and with all the necessary mitigations and PPE in place. I strongly agree with the Committee's recommendations on the consequences for the failures of care and how those should be considered in future contracting arrangements, including the capacity to recoup funding where poor service has been provided. I am concerned that the owners of some care homes do not have the appropriate background for providing high-quality and caring services. They simply see their homes as an investment.

Finally, the report highlights communication problems in health and social care.

Mr Deputy Speaker (Mr Beggs): Will the Member bring his remarks to a close?

Mr Dickson: We need to learn from our previous complacency and get it right in the future.

Mr Carroll: I thank the Chair, the Committee and the Committee staff for this important report and inquiry. Before I comment on the inquiry's findings, I offer my sincere sympathies to all families who have lost a loved one during the pandemic. It is always difficult to lose a loved one, and it must have been especially challenging and difficult throughout the last year. I offer my sympathies and solidarity to all residents, families and workers for the challenges that they have faced over the last year. Care workers are among the heroes in the fight to keep people safe during the pandemic, and we must salute their efforts despite the situation that they faced.

The need for the inquiry and its findings are a real indictment of the Executive's care home policies and demonstrate the inability of the private sector to put residents, families and workers before profits. The Executive failed to put a protective ring of steel around our care homes at the onset of the crisis, and that produced tragic consequences for residents and families. We will, no doubt, hear excuse after excuse, but that is a fact.

As the report mentions, families felt that they were outside the decision-making process and that there was a lack of communication as a result of the chaotic failure of regulation. The fault for that lies with the House and the Executive. The system of regulation is designed to fail because the private care model exists on the basis of cutting corners. The report highlights staff shortages, low pay and poor conditions for workers, and, as others have mentioned, that was a fact before the pandemic. Why has it taken a pandemic to bring that to our attention in such a big way?

1.45 pm

The Executive have tolerated and, in fact, promoted a system that treats workers, residents and families unfairly in which they are denied dignity, respect and even a semblance of equality. 'New Decade, New Approach' commits the Executive to extending workers' rights, but we see none of that in how workers in this sector are treated. The vast majority of care homes exist in the private sector, and, as I have said, the regulations are weak and chaotic at best. That is designed deliberately so that employers can pay workers a pittance and fall short in their obligations to residents and families. It is quite concerning that former heads of RQIA have joined the governing body of one care home about which massive concerns have been raised.

How can it be the case that the Government give free PPE to private owners? Obviously, we want all care homes to have the PPE that they need, but why are we spending millions of taxpayers' money when the employers — the big care homes — have millions and, in some cases, tens and hundreds of millions in the bank?

The report refers to sick pay. Again, how can it be that employers in the sector do not provide sick pay for their workers? We are now in a situation where taxpayers essentially foot the bill for sick pay because some big employers with millions in the bank refuse to do it. It is simply disgraceful and unacceptable.

Staff shortages are referred to in the report as well. Health service workers have been sent into care homes to give

assistance. We all know that there are extreme pressures on our health service already. We have had to send health service staff into care homes because care home bosses essentially pay a pittance to the workers already in their care homes. The health service workers are working for those employers free of charge.

The issue of PPE is in the report as well. The Executive have handed millions of pounds to private companies in the forms of PPE, sick pay, training and health service workers. That is called a bailout, and it demonstrates that the for-profit model simply does not work. It has not worked, and we have thrown millions into the bank accounts of private care bosses who have stood in the way of workers trying to join a trade union and treated many families who have raised issues with them as, at best, a nuisance. Some of those employers have had the cheek to threaten libel suits against those who have challenged them on their treatment of residents and workers.

I want several points to ring out clearly from the report. The Stormont Executive and the for-profit model that they tolerate and promote have failed residents, families and workers. All decision-making must directly involve residents and families. All workers have the unobstructed right to trade union representation. We must urgently end the atrocious pay and conditions that these workers endure.

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Carroll: The private, for-profit model should cease. The Executive should act urgently to bring care homes back into the health service, where we can focus on upgrading, accountability, regulation, proper funding that is ring-fenced and bringing pay and conditions to a level that is deserved by residents, families and workers. Anything less would be a failure of everybody in that sector.

Mr Deputy Speaker (Mr Beggs): Members, 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 debate will resume after Question Time, when the next Member to speak will be the Minister of Health responding to the debate. The sitting is, by leave, suspended.

The debate stood suspended.

The sitting was suspended at 1.49 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Finance

Localised Restrictions Support Scheme

1. **Mr Stalford** asked the Minister of Finance to outline his plans to help businesses that are awaiting payment from the localised restrictions support scheme.

(AQO 1468/17-22)

Mr Murphy (The Minister of Finance): The support that the Executive have put in place for businesses required to close here is more generous than that available elsewhere. Our payment levels are between £800 and £1,600 per week, whereas, in England, for example, the support ranges from £333 to £750 per week. Therefore, the best help that we can provide is to process the applications that we have received as quickly as possible.

Some 89.9% of applications to the scheme have been processed by my Department. Staff in LPS are working as quickly as possible to resolve the outstanding cases. A high proportion of applications have been incorrect or ineligible, so it has proven to be necessary to check each one. Outstanding applications from the earlier phases of the restrictions are complicated to resolve, with some requiring up to four hours of work by a member of LPS staff to complete. Top-up payments were issued to businesses at the beginning of January. The complexity of the changes arising from the five phases of the health protection restrictions since the start of October has resulted in 27 possible levels of payment, depending on where a business is located and what kind of business it is. That has required some cases to be held back for additional checks, before the top-ups are issued, to ensure that there are no erroneous payments. Every effort is being made to do that as quickly as possible.

Mr Stalford: I thank the Minister for his response. He is absolutely right about the need to scrutinise and ensure that public money is spent sensibly. One area of the economy that has been devastated by the coronavirus outbreak is that of travel agency. Will the Minister outline what steps he and the Executive will be taking to aid travel agents, who have suffered so much over the past 12 months?

Mr Murphy: The Member is correct in that a number of sectors, or sub-sectors, have yet to be properly reached by way of support. Some time back, I, alongside the First Minister and the deputy First Minister, met with representatives of the travel industry and agreed that they had a compelling case. Some travel agents have their own premises, but a lot of them work from home and do much of their work online, so they do not necessarily fit into the localised restrictions support scheme (LRSS). I have pressed Executive colleagues, particularly the Minister for the Economy, to try to find some way to provide support for the travel industry, and I hope to receive bids for that in the time ahead. I agree with the Member that the sector needs

support, and we have to find some way to try to get that support to it.

Mr Carroll: Several people have contacted me to say that they are still waiting for support from the scheme. They cannot get answers because there is no phone number for them to ring, obviously. What does the Minister advise them to do in order to get support and assistance in the middle of the pandemic?

Mr Murphy: Some people who have been in contact have found that emails that had been sent to them were in their junk folder, so they had not accessed them. Therefore, in the first instance, I advise people to continue to check their emails. A high number of applications have been ineligible. A range of schemes are operating, and some people have applied to the wrong scheme and some have made erroneous applications. You would not believe the number of people who sent the wrong bank account details. That means that, when everything has been processed, we have had to go back to the start. Some people have made multiple applications for the one premises — sometimes, up to 14 or 15 applications for one premises. A lot of those factors will clog up the system. I would advise people to continue to check their emails and wait for a response. If there is a further query, and they have not heard, they should feel free to contact the Department to try to get an answer.

Mr Stewart: I am sure that the Minister is a sports fan, as am I and many others in the House. It beggars belief that the LRSS has continued to exclude sports and social clubs throughout Northern Ireland, regardless of the sector they are from. Those clubs are run by volunteers for profit to invest in the club and community and they have been ruled out of every scheme. The sports sustainability fund will not support some of those clubs, and they will go to the wall. Given the massive underspend in the Budget, will the Minister look at that again so that sports clubs that have been forced to close can avail themselves of the LRSS?

Mr Murphy: The sports sustainability fund is intended to address loss of income, be that lost gate income or lost hospitality income, given that a number of those premises have a bar or perhaps even dining facilities in golf clubs and other such premises. We agreed that those sports facilities would go into the Department for Communities' scheme run by Sport NI to get assistance there. The purpose of that is that quite a lot of them have a much bigger rateable premises that they operate out of. Only a proportion of their facilities is the bar or food facility that might have attracted support from LRSS.

I would be disappointed to find that there are not sufficient funds in that to support them. As far as I am aware, the scheme is not yet fully subscribed, which means that there is funding available in it. I encourage sports clubs to apply. This is only coming in now, and LRSS has been paying out on a regular basis for some time. A lot of people who previously got the £10K or £25K grants believed that they were eligible for this. It was to try to put all the sports into one scheme to make sure that they get support for loss of gate receipts and loss of business and to ensure that they were not being rated for a huge premises when only a proportion of it was dedicated to hospitality or other such income-raising ventures.

Ms Dolan: I start by thanking LPS for stepping up and helping to provide economic support during this very

difficult time. Minister, given that significant COVID support funding is available, is some of that funding available to the Economy Minister for workers and businesses that have been excluded from or are ineligible for existing schemes?

Mr Murphy: I have encouraged all Ministers to try to reach out to anyone in the areas that they have a sectoral responsibility for who has not yet received any funding support. There are still such people out there and some sectors that we have mentioned where individuals have struggled to find the levels of support that they require. I hope that every Department that has responsibility for every particular sector will take up that responsibility and will try to ensure that they reach out to those people and find some way to give them support on time. As you said, that is particularly the case as we have funds available to do that, and, while of course we will look at contingency plans for spending those funds and making sure that they are spent, it is much better to try to get those to people who have not yet received some support.

Mr Speaker: Before I call the next Member, I advise that questions 5 and 7 have been withdrawn.

Changing Places: Mo Mowlam Play Park

2. **Mr G Kelly** asked the Minister of Finance for an update on the Changing Places facility at the Mo Mowlam play park in the Stormont estate. (AQO 1469/17-22)

Mr Murphy: Despite the challenging circumstances, work is progressing well, and we expect the Changing Places facility to be completed in April of this year. Planning approval for the facility was granted in September 2020, with construction work commencing in October.

Mr G Kelly: While it is good to see this estate leading the way in Changing Places facilities and I am glad to hear that update, I am sure that the Minister will agree that these facilities are needed across the North. Will he update us on his plans to bring forward and include requirements for Changing Places facilities in building regulations?

Mr Murphy: The Member is correct. The work on the facility down at the bottom of the estate is being done voluntarily by the Department of Finance ahead of the requirement. We intend to amend the technical guidance to building regulations rather than changing the building regulations. That mirrors an approach in other Administrations. The intention is that, in any new building of a certain type or size, we will make it a requirement to put in Changing Places facilities. Of course, you cannot do that retrospectively, but we will be encouraging people, where they are doing any work to a building, to undertake and recognise that requirement.

I am prepared to consider the establishment of a fund to support or encourage people, particularly those doing retrospective work, to bring this type of facility into place. When you hear the stories from people who have had to struggle with no availability of that type of facility and have to change children, not babies, on the floor of toilets, you can understand the stress and trauma that that would present to any parent who does not have that facility. I hope that the example of the facility that we are creating down at the play park will encourage others. We will be changing the guidance to the regulations to make sure that that becomes a requirement in the future for a whole range of public buildings.

Education: Budget Allocation

3. **Mr Lyttle** asked the Minister of Finance for an update on the draft budget allocation for the Department of Education. (AQO 1470/17-22)

Mr Murphy: On 18 January 2021, I advised the Assembly of the Executive's draft Budget. It has also been published on my Department's website for consultation. The draft Budget recommends an uplift of approximately 1.8% for the Department of Education's resource DEL compared with its present baseline position. That equates to an additional £41.1 million and would bring its opening budget position to £2.3 billion. A capital allocation of £158.3 million has been recommended. That is broadly equivalent to the Department's capital allocation in the last financial year. Unfortunately, the spending review has led to a challenging Budget settlement for all Departments. Consequently, the Education budget could be further increased only by taking money from another Department.

Mr Lyttle: Further to that budget allocation, the Department of Education has projected a funding gap of £300 million for 2021-22, which is profoundly concerning for the education sector in Northern Ireland. The Department of Finance commissioned the Ulster University Economic Policy Centre to produce an audit of the cost of division in Northern Ireland in 2016, which found that the cost of division in education could be upwards of £95 million a year. Has the Department of Finance conducted any work towards addressing that cost of division and redirecting those funds to the education front line?

Mr Murphy: As the Member will know, Departments, from 2017 right through to January 2020, had no Ministers in place to direct any change in public policy. Since we came into post in 2020, we have been dealing with the very immediate effects of the pandemic. I have to say that the Budget settlement this year was hugely disappointing. Something like £1.7 billion of pressures were identified by Departments, which cannot be met as part of the Budget settlement. It is a huge challenge.

The work that the Member talks about is not the sort of work that can be turned around between an announcement of our funding envelope in December and the need to allocate budgets in January and legislate for the Supplementary Estimates by the end of the financial year. I am sure that that work will continue, but there is no doubt that all Departments will be disappointed with their budget allocation, as we are in the Department of Finance.

Mr O'Toole: The draft Budget document that the Minister has just mentioned does not contain the underspend that the Department calculates that it will be able to carry forward, and nor does it include any additional flexibility that the Minister thinks that Treasury would be able to give. What exactly is the status of the conversations that the Minister is having with Treasury? What does he expect to be permitted to carry forward into the next financial year?

Mr Murphy: The short answer is that we do not know, because we have not yet been informed. We expected to hear from Treasury on Friday to get some clarity finally on that carry-over. We have an expectation of what it might be. However, we cannot include it in a document such as the one that the Member referenced unless certainty is attached to it. Therefore, the sooner that we can get certainty on that — my officials continue to engage with

Treasury daily to try to get the certainty that we require — the sooner that the figures can be included in the final Budget document.

Mr Sheehan: How would the Minister respond to a request from the Education Minister for some of the unallocated COVID funding to close the digital divide? The Minister will be aware that, recently, a light has been shone on the fact that some schoolchildren do not have access to adequate IT devices or Wi-Fi.

Mr Murphy: I have invited and encouraged all Executive colleagues to make bids for the unspent COVID money that has been returned by a number of Departments in January. I would certainly be hugely sympathetic to the issue that the Member described. I am aware of one company offering the Department of Education assistance, free of charge, not necessarily for devices but for connectivity and data usage on people's phones, which is being eaten up by trying to download lessons. I am not sure whether the Department took up that offer of support. However, I am happy to consider that and even to encourage the Education Minister to make such bids as the Member suggested.

2.15 pm

Miss Woods: Will the Minister provide an update on the draft Budget's allocation to the Department for Communities, specifically regarding funding for welfare mitigations, current and future, and funding for crucial independent advice agencies?

Mr Murphy: We got such late notice of our funding envelope and the outcome was so disappointing that doing anything substantially different would have required us to engage in a reprioritisation exercise. Some Departments would have gained from that; others would have lost. Given the time frame involved, the Executive agreed to go forward with the same allocations as Departments received in the last financial year, so that information has been put out there.

I continue to talk to the Minister for Communities and other Ministers about the Budget allocations, and we want to try to improve that position going into the final Budget outcome. However, we are waiting for confirmation of a range of issues, including the flexibility that we have for carry-over into next year and other funds that were committed under New Decade, New Approach, the confidence and supply agreement and the Fresh Start Agreement, all of which could improve our Budget outcome. We hope for a better position in the final Budget paper. However, at the moment, we do not have the necessary information. Suffice to say, as I have said many times, getting such short notice and such a poor Budget outcome makes for a very unsatisfactory situation.

Mr Humphrey: The Minister will know that special educational needs are a huge and growing problem in our schools. What more resource can he give to the Education Minister to help with that growing problem?

Mr Murphy: The current financial year's Budget provided for an uplift of £42 million for special educational needs. That is rolled into the Department of Education's baseline for the next financial year. The draft Budget proposes a further £10 million uplift to help to address special educational needs pressures. If that allocation is agreed in the final Budget, it will be for the Education Minister to

determine how best to utilise the funding in the delivery of special educational needs services.

PEACE PLUS: Children and Young People

4. **Ms Mullan** asked the Minister of Finance whether the new PEACE PLUS programme will have a focus on children and young people. (AQO 1471/17-22)

Mr Murphy: Six thematic areas are proposed in the new PEACE PLUS programme. Theme 3, which is "Empowering and Investing in Young People", focuses on children and young people. The theme includes the following interventions: the learning together programme, which will provide direct, sustained contact between school-aged children from all backgrounds through collaboration between schools and youth organisations; the PEACE PLUS youth programme, which will enhance the capacity of children and young people to form positive and effective relationships with others of a different background and make a positive contribution to building a cohesive society; and youth mental health and well-being, which will support cross-community and cross-border activities to lead to an improved understanding of youth mental health issues. It is expected that the PEACE PLUS public consultation will commence in February 2021.

Ms Mullan: I thank the Minister for his answer. I have met groups in Derry, and some currently receive funding from the EU social fund, and others do not. They have expressed concerns to me about the difficulties in accessing PEACE funding. Have those been addressed in PEACE PLUS?

Mr Murphy: We have had a number of conversations about the development of the PEACE PLUS programme with the Special EU Programmes Body (SEUPB). We have also had conversations with Ministers in the Administration in Dublin, who have joint responsibility for that, and, collectively, we expressed the views that had been brought to us when we spoke to people in grassroots community organisations about their experience of accessing PEACE money over the years. The burden of administration and the issue of accessibility came up repeatedly. So, we have asked SEUPB to address that in the current PEACE PLUS proposals. The purpose of PEACE money was to get money directly to communities on the ground that were affected by and still bore the scars of the conflict. We need to ensure that those finances are made as accessible to them as possible. The SEUPB has assured us that that will be the case.

The programme will be consulted on this month, so I advise all community and voluntary groups and people who have an interest in PEACE funding and in ensuring that it gets to the areas that it was intended to target to engage in the consultation and make sure that their voices are heard.

Mr Muir: The Minister will be well aware of the significant shortfalls in the funding designed to replace previous EU funding programmes. What representations is the Minister making, in conjunction with his Scottish and Welsh counterparts, to the Treasury to address the shortfalls that exist despite all the promises that Brexit would be great for Northern Ireland?

Mr Murphy: We have had continued and sustained engagement. Last week, when I met my Scottish and

Welsh counterparts, we discussed the issue of flexibility, which we were just discussing, and the replacement of EU funding. They have the same view that the Department and Executive have, which is that EU funding should be replaced in full, as was promised. It should be given to the devolved Administrations to design their own programmes and to allocate according to their own priorities. As yet, we have absolutely no assurances; the direction of travel that seems to have been confirmed by the Treasury is that it intends to allocate from Whitehall, and it intends to use that as part of the levelling-up agenda. I do not think that that corresponds with any of our priorities here; it is more aimed at the northern cities in England.

We intend to, and have agreed that we will, continue, but it is just very unfortunate that none of us can go to London to meet collectively in the Treasury. We have to make joint virtual representations at the moment to the Treasury, but we will continue to do that. I think that it is a most unsatisfactory approach by the Treasury and the Government in London generally, and it is certainly not what we were promised. There was to have been a pilot programme for next year and, as yet, we do not have any detail on that at all. There is a real concern that, in the transition of that, we are going to lose substantial amounts of money.

Mrs Barton: Thank you for your answers so far, Minister. Can you outline the quantum of PEACE PLUS funding and your expectations for future rounds and allocations?

Mr Murphy: Following discussions between, in particular, us and Dublin, and then with London, we have managed to get an increase, which is a very welcome contribution from Whitehall. That brings the total amount of funding up to about €1 billion, and that will be over six or seven years for the roll-out. The current Peace programme is continuing to roll out until the end of this year, and the new funding will come in then from the next financial year and beyond. It is a substantial amount of money over six or seven years. There will undoubtedly be, as there always is with Peace funding, huge demand on the ground. As you will know, PEACE PLUS is taking in the INTERREG proportion of that, as well as the Peace programme. Nonetheless, I am very pleased that we have managed to bring it up from what was originally sitting at about €650 million to €1 billion. I have no doubt that, if we can get the programme designed correctly and if people engage with this consultation as it comes out this month, then we can get the best possible usage of that on the ground where it is needed.

Mr Stalford: The Minister talked in an earlier answer about areas scarred by the conflict, and he is absolutely right. One of the ways in which that manifests itself is in physical dereliction. Can the Minister outline what percentage of the coming programme is likely to be devoted to capital works? I ask because that is one of the ways in which these programmes can leave a real lasting legacy in local communities: when people see bricks and mortar and physical improvements in the areas in which they live.

Mr Murphy: I absolutely agree with the Member. From one of the discussions that we had with the community and voluntary sector and with people who had a long-running experience of engaging with the Peace programmes over the years, one of the points that they put to us, particularly with regard to areas around peace walls, is that, while there was a strong desire to see the peace walls removed,

there were a lot of things that could be done in the interim for communities who live on either side with regard to improving the areas themselves. That kind of capital investment lifts an area and helps people to have a better quality of life. I have not got the exact figure for the capital part of the programme, but I can get that for the Member. One of the points that I specifically put to the SEUPB is that, for people whose communities had been scarred, not just in the physical sense but in the sense of the built infrastructure around them, there needed to be a look at how we can improve those communities and thereby improve the lives of the people who live in them.

Localised Restrictions Support Scheme

6. **Mr Durkan** asked the Minister of Finance for an update on the volume of unsuccessful applications under the localised restrictions support scheme. (AQO 1473/17-22)

Mr Murphy: To date, 21,619 applications have been received across all phases of the localised restrictions support scheme (LRSS). Some 11,767 applications have been approved, resulting in payments worth £126.85 million. Some 7,225 applications have been rejected for the following reasons: about 31% were duplicate applications, 27% were an ineligible business type, 20% were not occupying the address on the application, 6% were self-declared as not open, and 16% were for various other reasons. Members should be aware that many of those who have had an application rejected may also have had another application approved. This is particularly the case with duplicate applications and applications that were made in respect of the wrong address, which made up half of the rejected cases. I add that the Executive have established other support schemes, and many applicants who have been rejected by the LRSS are eligible for those schemes.

Mr Durkan: Gabhaim buíochas leis an Aire as an fhreagra. Is the Minister able to tell us how many of these have been appealed and how many have been reversed? Does he agree that it is unfair and completely unacceptable that, in some cases, businesses have had to wait almost four months to learn that their application has been rejected and why?

Mr Murphy: As I said, about half of them have been either duplicate applications or an ineligible business type. I accept that the process has taken much longer than we intended. Quite a lot of the data that we expected to get, certainly for close-contact services, did not emerge in a way that was usable. Since the restrictions began again in October, there have been five different levels of restrictions resulting in 27 different levels of payments. That is hugely complex for an organisation to manage. Nonetheless, we wanted it to respond much quicker than it has.

I know of one case in the Member's constituency where there were 14 different applications for one premises, so 13 were recorded as rejections to get to the one that was actually accepted. Where people have provided wrong addresses and corrected the information, those count as rejections as well. There is an appeals process. I do not have the exact figure of how many people have got through the appeals process, but it is ongoing. There are huge complexities in business and a significant amount of error in applications. I know that people have been frustrated waiting on all this. The team working on it has been doing

it as quickly as it possibly can. However, at some stages, these things almost have to be sifted by hand to make sure that the details that have been presented are correct. However, I still encourage people, if they are not satisfied with the outcome, to appeal. Those appeals will be heard.

Mr Middleton: The Minister will be aware that amongst those unsuccessful applications were sporting social clubs. The Minister for Communities indicated that a new scheme would be developed to look at those who were not eligible for the LRSS. Will the Minister confirm whether those conversations are ongoing? If they are not, will he tie in with the Minister for Communities to ensure that that happens?

Mr Murphy: The scheme that they are to apply to is the sports sustainability fund, which takes account of lost income for all sporting organisations. It was organised in conjunction with the overarching sporting bodies. Those conversations have taken place, and it was agreed that that scheme is the place for those people to go.

As for trying to fit them into the LRSS, you will find that the rateable premises that provide the hospitality in a sports club are a small portion of it. The sports club would be rated as a huge premises, yet it is only a smaller proportion that is involved in that business side of things.

It was agreed between us and Communities that the scheme for them is the sustainability fund, which can look at lost income from gate receipts, from sponsorship or whatever else, plus from hospitality taking into account what the facilities were earning from food and drink. That, therefore, can be measured more accurately per sports club. That is the scheme that was devised for them. Applications to it have opened. I am told that it is not fully subscribed yet, so I encourage clubs to ensure that they follow that through.

Ms Anderson: Minister, many businesses in the transport sector have received insufficient COVID support or none at all. How many bids have you received from the Infrastructure Minister about those businesses that have been excluded? I am particularly mindful of taxi operators and taxi drivers, who have received insufficient funds during the COVID pandemic.

Mr Murphy: The Minister received funding for a bid that she made earlier in the year. Obviously, the Department for Infrastructure is responsible for the operation of and the payout from that scheme. I know that there have been further bids to support those sectors, and I am very happy to recommend those to the Executive. There was some discussion about whether taxi operators fitted into a scheme that the Department for the Economy was running or into the taxi drivers scheme. I am not sure how that was resolved between the Ministers involved. However, as I said, in general terms, I have encouraged people to make an effort to reach out in the short time ahead to any sectors that feel that they were left out or not fully supported and to ensure that they have bids in so that we can try to get as much support to them as we can.

Mr Speaker: That ends the period for listed questions. We will move now to 15 minutes of topical questions.

2.30 pm

Localised Restrictions Support Scheme: Payments

T1. Mr Chambers asked the Minister of Finance whether he plans to continue to make payments to successful applicants to the localised restrictions support scheme. (AQT 921/17-22)

Mr Murphy: Yes, for as long as the restrictions apply. We have told LPS and we have advised the Executive. Indeed, we bid for an additional £100 million of the COVID funding that was available to continue that scheme. When we get to the end of March, where we are with that is a different story because the COVID funding that is available next year is about £500 million. Health will take up a significant proportion of that. That compares with the £3 billion COVID funding that we had this year. Until at least the end of March, we will continue to pay out to businesses that are prevented from opening.

Mr Chambers: I thank the Minister for his reassuring answer. Are there any cases where payments will not have continued without any correspondence from your Department to explain why that happened?

Mr Murphy: I hope not. I cannot be absolutely certain about every piece of correspondence that goes out or does not go out from the Department, but that should be the function of LPS. Bear in mind that LPS was a rates collection agency. It repurposed itself and gained extra powers to become a payments agency. It has operated in very challenging circumstances, at times to the frustration of those on the receiving end of payments. Nonetheless, it has, over the course of the pandemic, paid out a huge amount of money to support businesses. If people have not been corresponded with properly, I invite the Member to contact me and the Department to ensure that that is rectified.

COVID Funding

T2. Mr Robinson asked the Minister of Finance whether he is confident that he will not need to return any COVID money to Her Majesty's Treasury. (AQT 922/17-22)

Mr Murphy: Our priority is to try to get flexibility to carry over money to the next financial year. As I outlined in response to an earlier question, we have a very challenging Budget situation next year for all Departments, and the more carry-over that we have, the more that we can try to meet the pressures that Departments might face next year.

I encourage all Ministers and Departments to look closely at the sectors that they should be offering support to, to see whether they can continue that support, rerun schemes or reach out to sectors that have not received sufficient support or any support at all. I have developed contingency plans to make sure that we spend all the money that we have, but I would prefer to see as many sectors as possible getting support in the remaining weeks of this financial year.

Mr Robinson: Does the Minister agree that he held on to too much money for too long, which made it difficult for Departments to spend that much-needed money? In some

cases, dry-cleaners, sewing businesses and others could go to the wall.

Mr Murphy: When we had the significant injection of the COVID allocation prior to Christmas, we allocated all of it apart from, I think, £26 million. The money that we are now attempting to allocate is money that has come back from Departments. It was not a question of sitting on money at all; we allocated all the money. We kept only a relatively small proportion of it for after Christmas. In some senses, we were concerned that we would leave ourselves short.

Health returned about £90 million; the Department for the Economy returned something similar. There were also significant returns from other Departments. Of course, we want to get those spent. We want to reach out to small businesses that are struggling and see support being provided to them. That is why I have encouraged all Departments that have responsibility for all the different sectors to try to ensure that they respond to the needs of those sectors and make bids accordingly. I will be more than happy to recommend those bids if they come in.

Centenary: Funding Bids

T3. **Mr Beattie** asked the Minister of Finance, in light of the letter that he placed in the Library today, in answer to Mr Allister's question about the centenary, in which he said that the British Government have created a fund, which they have and which amounts to £3 million, whether his Department has received any bids for funding for the centenary. (AQT 923/17-22)

Mr Murphy: I made that comment because TEO was responsible for the decade of centenaries, and I, wrongly, assumed that that responsibility was with it. I have not received any bids, but I would have to check. As the Member will understand, we rolled over the Budget, so it was simply the same allocations as last year. There were some £1.7 billion of unmet pressures from all Departments. I need to check whether TEO identified that as a pressure that it wanted to meet. I am not aware at the moment of any bids that have been made by any Department in that regard, but I am happy to check and come back to the Member.

Mr Beattie: Minister, thank you for that. My follow-up question is very obvious. Would your Department be receptive to any bids from, say, the Department for the Economy to celebrate our economic power over the last 100 years; from the Department of Health to celebrate our NHS; or, indeed, from the Department of Agriculture to celebrate our farming during the centenary? Are you open to receiving those bids?

Mr Murphy: I am always open to receiving bids. It is not my responsibility to make a political judgement on the bids. We can have an argument about what an economic powerhouse we are or how successful our agriculture has been, in being dependent on Europe for support. We hope that that support might be continued by the British Government, but there is certainly no guarantee of that. We will see where our agriculture is on the other side of that. Nonetheless, it is not up to me to make a judgement. I am happy to receive bids, and we judge them according to the value-for-money aspect and the proposition that has been put together. My Department makes a judgement, I make a recommendation or a proposition to the Executive, and they decide. I do not decide on the merit. Ultimately,

the Executive decide on the merit of any bid and any funding allocations.

Labour Market Intervention Schemes

T4. **Mr Newton** asked the Minister of Finance why he has not made provision for labour market intervention schemes in his draft Budget. (AQT 924/17-22)

Mr Murphy: As I said, there is something like £1.7 billion in unmet pressures. The Executive agreed that, given the Budget outcome and the time frame available in which to try to consult and get the necessary legislation done, there was no time for a significant reprioritisation exercise, so, essentially, the money that Departments had from last year was rolled over. It will be up to the Ministers in those Departments to make calls on their priorities. That will be challenging, and that is why, alongside that, I am pushing to carry over to next year as much flexibility as possible to try to meet pressures that are arising in all Departments. Ultimately, it will be for Ministers in those Departments, who have the same level of funding that they had last year, to make calls on their priorities, and I am sure that the issues that the Member has outlined, which cross the Department for Communities and the Department for the Economy, will be considered by those Ministers.

Mr Newton: The Minister will be aware that Westminster announced a programme called Kickstart, and that programme was introduced in September last year. The Minister for Communities wanted to do a bespoke scheme in Northern Ireland and indicated that it would be titled Job Start. According to her, the Department was unable to launch the scheme on 14 December as planned, as there was no funding available for labour market interventions, and, therefore, that scheme is now dormant at the very least.

Mr Murphy: Yes, it would have been at that stage that the Department had the good intent to launch additional schemes, particularly recognising the economic impact that the pandemic has had. I have no doubt that it was well intentioned in wanting to launch the scheme. We only learnt on 25 November what our funding envelope was for the Budget, and that was only confirmed on 10 December. The Department then realised that it simply would have the allocation that it had last year, with no scope for additional programmes. That is the draft Budget proposition. It goes through a process of consultation and engagement with all Ministers and other areas that we are looking to in terms of funding possibilities, and then we reach the final Budget proposition stage. If the position does not improve for Departments, they will have to consider whether certain schemes are a priority and, if so, decide what other schemes they might have to drop to meet that priority.

Budget Consultation

T5. **Mr Beggs** asked the Minister of Finance whether, given that in answer to an earlier question he said that because of the relatively short notice of the final Budget allocation, he did not have adequate time to consult, he accepts that other devolved regions such as Scotland commenced consultation well in advance of the final allocation and were, therefore, in a much better place to prioritise and decide where they should spend their money. (AQT 925/17-22)

Mr Murphy: Scotland might have been consulting early, but they did not know the amount of funding that they would have, and neither did Wales. I had a conversation with both Finance Ministers last week, and Scotland only launched its Budget last Thursday, I think. The Administration may have been having a broad consultation on what priorities people would like to see. Of course, there are about £1.7 billion of pressures that our Departments would have liked to spend money on but cannot now meet. It is a question of judgement. People can go out and consult if they wish, but, if they do not know the funding envelope that they are operating from, arguably the consultation is rendered null and void. Certainly in relation to the last question, a Department, with all good intent, wanted to do a scheme and then found out very abruptly at the end of November/start of December that the funding was not available for that unless it reprioritised within the Department and decided to take funding from somewhere else.

Mr Beggs: I fully accept that no one can make final decisions until the final amount is revealed, but would the Minister still not accept that, if consultation had happened, you would be in a much better place to react? Indeed, will you be falling in line with the previous recommendations on how to modernise our Budget process so that we have a meaningful consultation with the public, our stakeholders and, indeed, Committees?

Mr Murphy: If an earlier consultation process, without any sense of the funding amount, had thrown up priorities that the Executive agreed with, in order to react, as he said, to meet those, the Executive would, once we learned the outcome of the Budget, have had to go into a reprioritisation exercise whereby some Departments would have lost money in order to meet some of the priorities from other Departments. In the time frame available to us, that was going to be very difficult, if not impossible.

I do agree with him about making the Budget process more transparent and accessible. We have been working on that and will continue to work on that. He reminded me that, when we were on the Finance Committee together many years back, we pushed that idea, and I am still wedded to the idea of a simpler, more transparent and more accessible Budget process. Of course, the spending review that gave us our funding envelope was to have taken place over last summer. It was pushed back into the autumn. We did not get the final amount until 25 November, and it was not confirmed until 10 December. All the good intentions of this institution are dependent on what processes run through over in Whitehall, and if they stall or delay, it can throw our best intentions awry. Nonetheless, we do need to continue that work to simplify, streamline and make more accessible the Budget process.

Students: Department for the Economy Bids

T6. **Mr O'Dowd** asked the Minister of Finance for the latest status report on bids received from the Department for the Economy and progress that has been made, given that he will be aware that many students and their hard-pressed families are waiting on an announcement about financial support from that Department. (AQT 926/17-22)

Mr Murphy: The Member made that point last week, I think, when I was in the Chamber making a statement. I absolutely accept that there is a significant level of

hardship and stress among students, who have been paying for courses and accommodation and not being able to access either in a satisfactory manner.

I noticed in some party political campaigns around these issues that they are identifying me as the problem. I would never be identified when the solution is found; I never get the credit for it, but there you go, that is politics for you. Of course, it is the Economy Minister who has responsibility for students. She has made a bid for a significant amount of money for support, and she advises me that she intends to make a further bid for a significant amount, so I am looking forward to that. I hope that it meets the needs of students in the ways that have been identified. I also hope that, perhaps when that funding is allocated, maybe some of the other political parties will credit both of us for the success of that outcome — or perhaps not.

Mr O'Dowd: The Minister will be aware that failure is an orphan and success has many guardians. With regard to another group that has been left behind in terms of support, have any bids been received to reopen the microbusiness fund?

Mr Murphy: Not as yet. A number of very small sectors still struggle to get support or have not got sufficient support, and I have encouraged the Economy Minister that that fund might be a means of addressing that, so I wait to see whether a bid comes forward for that. However, I am keen to make sure that we get support to sectors and individuals who have not been able to access it to date, and that fund would be one way of addressing that.

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

2.45 pm

Health

Legal Proceedings

1. **Mr Allister** asked the Minister of Health are there any departmental restraints on a departmental employee issuing legal proceedings that, if successful, would prevent any investigation of alleged wrongdoing. (AQO 1482/17-22)

Mr Swann (The Minister of Health): A Department has no power to prevent any citizen, including a civil servant, from bringing legal proceedings in his or her own name. As the Member will be especially aware, the outcome will then be a matter for the courts.

Mr Speaker: Before I invite Mr Allister to ask his supplementary question, Members will be aware of reports that judicial review proceedings are ongoing, and I advise Members of the need to take care when asking supplementary questions. The onus is on Members to exercise caution in any supplementary questions that they might ask to ensure that they do not refer to the substance of those proceedings and that those proceedings are not prejudiced.

Mr Allister: Thank you, Mr Speaker. I take cognisance of your direction.

The Minister will be aware that this touches on a matter that is very close to the heart of the still-grieving parents of Claire Roberts, who will be listening and watching. Does

the Department fully accept the findings of the O'Hara inquiry into hyponatraemia, which includes a finding that Professor Ian Young, who reviewed the case of Claire Roberts, identified failings in Claire's fluid management but failed to inform the family and the coroner of that fact? Instead, he provided misleading information that was intended to protect the hospital and the doctors. With that finding, how is it tenable for that person to continue to hold a key public-facing role as the voice of the Department on matters of great public health importance?

Mr Swann: Considering what the Speaker has said, the Member will be aware that my Department and I have accepted all 96 recommendations of the O'Hara report. In the introduction to the report, Mr Justice O'Hara recorded important caveats about individuals who were criticised by his report. He stated:

"The Public Inquiry process is investigative and inquisitorial and seeks to determine what has happened in order to better identify what may be learned. Accordingly"

— this is his quote —

"I have found myself in a very different position to a judge sitting in a court of law. In identifying what has gone wrong I have inevitably criticised some individuals and organisations, but my findings are not binding and are not determinative of liability."

He further makes clear:

"I am conscious that the individuals who are criticised were not able to defend themselves as they might in adversarial proceedings and were circumscribed in their right to make representations. I am also aware that individuals who are criticised may attract adverse publicity affecting both reputation and career. Therefore where critical comment is made of an individual, it must be assessed in the context of the limitations of the process."

Ms Flynn: Does the Minister have any update on the hyponatraemia work streams, and when does he expect them to be completed?

Mr Swann: I thank the Member for her supplementary. As she knows, nine work streams and seven subgroups were established in an overarching project to lead the work required to implement the recommendations of the inquiry into the hyponatraemia-related deaths. The work streams and subgroups are a duty of candour; death certification; a duty of quality; paediatric-clinical collaboration; serious adverse incident training; user experience and advocacy; workforce and professional regulation and assurance. I want the recommendations implemented fully but without unintended consequences. To do that, I have gathered over 200 people from different backgrounds to work through how best to implement the recommendations. They include service users and carers; the voluntary and community sector; and people from Health and Social Care organisations. That co-production approach will help to ensure that the changes that we make work in practice.

Mr Speaker: I call Ms Kellie Armstrong.

Ms Armstrong: Question 4.

Mr Speaker: Sorry. Just bear with me for a second. We thought that you had stood up for a supplementary.

COVID-19 Vaccinations

2. **Mr M Bradley** asked the Minister of Health what actions are being taken to ensure that people not automatically called for their COVID-19 vaccinations by their GP surgeries do not miss out on a vaccination. (AQO 1483/17-22)

7. **Ms Bunting** asked the Minister of Health how many COVID-19 vaccines have been disposed of since the start of the vaccination roll-out. (AQO 1488/17-22)

10. **Ms S Bradley** asked the Minister of Health whether he envisages any problems with the supply chain and the delivery of COVID-19 vaccines to Northern Ireland. (AQO 1491/17-22)

14. **Ms McLaughlin** asked the Minister of Health what percentage of the population is being vaccinated each week. (AQO 1495/17-22)

Mr Swann: Mr Speaker, with your permission, I will group questions 2, 7, 10 and 14. With your indulgence, I would like some latitude to provide a more thorough answer.

The plan for deploying the vaccines is well under way and has been designed to be pragmatic, agile and flexible. The programme started on 8 December, and, by close of play yesterday, 246,421 vaccines had been administered: 221,809 first doses and 24,612 second doses. The deployment plan involves a mixture of delivery models. Most people aged 80 and over should now have been invited to receive their first dose or been advised that they can expect to receive the vaccine. Housebound patients on the GP register who are over 80 will be vaccinated by GPs working in conjunction with their district nursing colleagues. In addition, care home residents not vaccinated by mobile teams will receive the vaccine from a district nurse working with their GP practice. GPs will regularly check their records to ensure that none of their patients in the eligible cohorts has missed out on an offer of vaccination.

The vaccination of priority groups 1 and 2 has largely been completed, and the GP programme is working through the vaccination of priority groups 3 and 4: those aged 70 to 79, as well as those deemed clinically extremely vulnerable. GPs will be in touch to invite individuals in groups 3 and 4 to come to receive the vaccine, and, for the vast majority of individuals, no further action is required. However, I suggest that anyone in group 1 or 2 who has not been contacted by their GP contact their practice to check the position.

Vaccination wastage has been incredibly small, which is due entirely to the professionalism and dedication of the pharmacy staff, vaccinators and GP staff who have managed to keep it so low. It is currently estimated at less than 0.5%. That is much lower than a normal vaccination programme and ensures that the vast majority of that precious resource is being given to those who need it most.

The roll-out of the vaccination programme is dependent on a steady supply of vaccine. We are part of the UK-wide procurement process, which should ensure that the UK has access to up to 367 million doses. Northern Ireland will receive 2.85% of all the available COVID vaccines in the UK. As Members will be aware, the UK was the

first country in the world to authorise the deployment of a COVID-19 vaccine.

The Joint Committee on Vaccination and Immunisation (JCVI) has identified the best option for preventing mortality and morbidity as being, initially, to protect those most at risk, namely persons falling within groups 1 to 9. The vaccination plan has therefore been targeted at the specific age cohorts of the population most at risk and does not measure deployment against overall population numbers. However, vaccination deployment is an ongoing programme, and it is subject primarily to the availability of the vaccine, which means that the average weekly rate is likely to change and increase as larger cohorts of the population come forward to be vaccinated.

Mr M Bradley: Thank you, Minister, for your detailed answers. I refer to an 87-year-old constituent who was invited to attend a vaccination session at the Joey Dunlop centre in Ballymoney. My constituent is housebound and self-isolating, as is his daughter, and neither have any means to get to Ballymoney. That man and many like him are in need of a home visit. They have contacted their local health centre but have not heard any further word on a schedule for vaccination. Minister, it is for people like that, who may be falling through the net, that we need to have clear advice and guidance to ensure that everyone who is called for vaccination is dealt with in a timely fashion.

Mr Swann: I thank the Member for his question. As I said, the housebound patients on the GP register who are over 80 will be vaccinated by GPs working in conjunction with their district nursing colleagues. The Member's constituent will be got to in a timely manner. If the Member wants to forward details of the practice or the constituent involved, I will happily follow that up.

Ms Bunting: I thank the Minister for his answer. What consideration has the Minister given to establishing a standby list whereby carers, special educational needs (SEN) teachers, PSNI officers and anybody who is in front-line contact with the most at-risk groups can come in at short notice to fill any gaps?

Mr Swann: I thank the Member for her question. As she knows, we have moved to using our regional centres for the 65-to-69 cohort, who are being brought forward on an appointment basis. I assure you that there are very few people missing out on those appointments, so it is not necessary to have that standby list. Should we have any vaccine that is coming to the end of its usability or shelf life, we are calling forward a small cohort of Health and Social Care workers to receive their second dose so that we can move on with that programme.

Ms S Bradley: I thank the Minister for his answer. Following on from the previous question — I appreciate that the Minister has been thorough — thankfully, waste has been low, due to the fact that the reserve or standby list has comprised staff who were readily available to turn up on site. Has the Minister any plans to make sure that there is a consistent approach across GP practices to ensure that the reserve lists are built up in a similar fashion and are accessed in a speedy way by those who need them?

Mr Swann: I thank the Member for her question. We are working with somewhere in the region of 321 GP practices, which are rolling out the vaccination programme to the elderly cohorts and those who are clinically extremely

vulnerable. They are calling forward patients to fill specific time slots, so it is not done on a first come, first served basis. Most of the slots are being taken up by people who are called forward, rather than there being any surplus at the end of the day.

Ms Dillon: Minister, we have been contacted by GP surgeries in the Northern and Southern Trusts — particularly the Northern Trust — that are saying that they are not receiving sufficient numbers of the vaccine to vaccinate the over-70s, the over-80s and the over-90s. Whilst, obviously, we have the programme for those aged 65 to 69, which is very welcome, we have that very vulnerable group who feel that they are not being prioritised. Can you let us know what you will do to address that?

Mr Swann: To clarify, although people talk about our vaccination programme, we are running a twin-track programme because of the peculiarities of both vaccines. The Pfizer vaccine has to be stored at between -70° and -80°, which is why it is being used specifically in our regional centres. As Mr Bradley highlighted, we are using the younger cohort — those who are 65 to 69 — who are more mobile and more agile and can go to the regional centres. The GP practices are picking up the other cohorts.

With regard to the supply of the AstraZeneca vaccine, as soon as we get a delivery, it is put out to the GPs; it does not sit in our central stores for any period of time. There will be instances where GP practices receive a batch that is not enough to complete a full cohort of a specific age group, but to them I say, "Make a start. You don't have to wait until you have enough vaccine to do the entirety of the cohort".

If the Member wants to give me details of GP practices, I can get back to her with how much they have received and when they received it. We are keeping a tight eye on the amount of vaccine that each of them receives and the returns that they put in regarding the number of patients whom they vaccinate, to make sure that we get maximum use out of the vaccine that we are distributing.

Mr Chambers: Does the Minister agree that the European Commission, in apparent desperation to cover up its vaccine procurement failings, should never have brought potential supplies of this life-saving vaccine into the realms of the contentious political debate over the flawed protocol arrangements?

3.00 pm

Mr Swann: I thank the Member for that point. There has been much discussion of the issue since the EU triggered article 16 on Friday. That had potentially very real implications for us because we had vaccine in transit. Had article 16 been enforced, we may have seen difficulties with the arrival of a supply of vaccine in Northern Ireland. I pay tribute to those officials in my Department who were working vigorously behind the scenes while the noise was being made on Friday evening to make sure that that dispatch of vaccines arrived here on Friday night and was fit to be distributed through our practices and vaccination centres. Vaccines should not become political. We have been very clear over the last year that fighting COVID-19 is not about politics but about saving lives.

Ms Bradshaw: As the Minister knows, carers have been living through the most anxious times over the last year. Many of them are contacting their GP surgery to find out when they will be called for their vaccine, but they are told that they are still not in a priority group. Two weeks ago, I asked Patricia Donnelly whether she could produce a leaflet specifically for our carers so that they do not have to go to GP practices. Will you issue a statement to give them clarity on when they will be called forward?

Mr Swann: I thank the Member. To be clear, it is not that carers are not a priority; they are, and they are in the priority matrix that was established by JCVI. We are working our way through that in order of risk according to the criteria that were set out by the JCVI. We will get to carers, and I know that Patricia took on board your ask from the Health Committee and is working on it so that we can reassure carers that we will get to them.

We need to be clear that we are still in the early days of the vaccine programme. We are dependent on the supplies of the two currently approved vaccines that we have in stock. As more vaccines come on line and more get approval, we will be able to accelerate even further the vaccinations for those priority groups. We will certainly put out the information and clarification that the Member asked for.

Nursing Vacancies

3. **Mr Harvey** asked the Minister of Health, given that a shortage of nursing staff has contributed to the reduction of elective services, how his Department intends to promote nursing vacancies. (AQO 1484/17-22)

Mr Swann: I thank the Member for his question. As he knows, the unfortunate reality is that Northern Ireland's health service was already struggling to meet demand for elective services well before the pandemic. We simply did not have the workforce, particularly the nursing workforce, to be able to provide sufficient elective and unscheduled care at times of pressure. As a result of the prevailing COVID situation, an even greater number of staff have been absent or have had to be redeployed in order to meet the urgent and immediate needs of extremely ill patients who require urgent treatment.

The Chief Nursing Officer (CNO) has requested that the Northern Ireland Practice and Education Council for Nursing and Midwifery undertake a project on perioperative nursing careers in response to the recognised number of nursing vacancies in that particular area of practice. The purpose of the project is to promote perioperative nursing and to support and develop career pathways for registered and non-registered nursing staff. The Member will also be aware that we reopened the workforce appeal in an effort to build capacity, with a particular focus on certain roles and positions across hospitals and community care. That is a short-term fix that will deliver only a temporary solution. We need to fix the problem on a permanent basis, with newly trained and qualified people being appointed to permanent positions.

The record number of preregistration nursing and midwifery training places that were commissioned this year includes the additional 300 places that were indicated in 'New Decade, New Approach'. It will take three years of training before those students can be registered to practise, and the additional nurses will require an investment of some £38 million over six or seven years.

Tackling our unacceptable waiting lists will not be possible without sustained and substantial investment and additional staffing. I have made it clear that that must be a major Executive priority in 2021 and beyond.

Mr Harvey: I thank the Minister for his answer. I publicly thank all key workers, especially the healthcare workers who are on the front line. Last week's announcement of a recognition payment to health workers was very welcome. Will he clarify whether that will include all agency and zero-hour contract staff? Will the Minister provide a time frame for the payment?

Mr Swann: I thank the Member for his acknowledgement of the further support that has been given and is being offered. We are still working with our trade union colleagues and other stakeholders to get clarity and detail on the specifics of that cohort in order to show that they are a valued part of our workforce. That is a bit of the ongoing work in relation to that support and that acknowledgement, and it is only a small acknowledgement. The moneys for our permanent HSC workforce are there. I have that in my budget, and the Finance Minister gave credence to the ministerial direction that I issued. That should be working its way through our payments and processes very shortly.

Ms Kimmins: I thank the Minister for his answers so far. Minister, as you will know, retaining our skilled nurses and other healthcare professionals is just as important as recruiting and training more. What new initiatives has your Department undertaken to support staff to stay in post, including, for example, a regional menopause policy?

Mr Swann: I thank the Member for her question. To be quite honest, that last point has not been brought to my attention or come across my desk. I assure the Member that, now that she has raised it, I will raise it with our workforce directorate and the Chief Nursing Officer. Contributions that are made in this House do help to shape the way that we go forward and the way that my Department takes its overall policy.

I want to highlight the fact that, at the end of September 2020, the overall vacancy rate for registered nursing and midwifery staff was 7.4%. That is unacceptably high and is equivalent to the level of March 2017, but it is a major improvement from the peak vacancy rate of 13.1% recorded in June of last year. Work on recruitment and retention is ongoing. The additional supports that we have put in have been more focused on recruitment during the pandemic, rather than specifically on retention. I will certainly raise the issue that the Member raised in the Department, and I thank her for that.

Mr Beattie: Minister, I welcome your remarks about our nursing workforce, who do need to be valued and recognised. Will you agree that we must not forget about our non-clinical staff, the cleaners, the porters, the chefs and the laundry workers? Without them, our NHS could not do what it is doing.

Mr Swann: I thank the Member for his point. One of the things that I have done since becoming Minister is to make sure that we value and recognise all our workforce in the health and social care system. Unfortunate language has been used, even a couple of weeks ago, about the differential between front line and back room, and I think that that was disappointing and derogatory to many. Without those back-room staff, as they were termed, the

front line could not work. To me, as Minister, each is a vital cog in our overall health service in supporting patients on their clinical pathway to get the medical supports that they need. Without the individuals that the Member recognised, nothing in our health service could work. I value them all equally and appreciate the work that they do, often unrecognised, because they are in the background, making the entirety of the machine work.

Mrs Cameron: I thank the Minister for his answers thus far. Illness and self-isolation are also a problem for staff, and we are hearing more and more about the increase in new variants of COVID-19 in Northern Ireland. Given that door-to-door testing for the South African variant has started in England, are you looking to do similar in Northern Ireland?

Mr Swann: I thank the Member. To be quite honest, before coming into the Chamber, I had not heard of door-to-door testing for the variant. Her party colleague Robin Newton raised it as soon as he and I sat down, because he had his ear to the ground. We will follow up on the utilisation of our testing centres when considering how we best position them. If door-to-door testing is being used in a region, I would be concerned that that is because there has been a breakout or a hotspot of the variant in that area. Fortunately, we have yet to see that in Northern Ireland.

COVID-19: Care Homes

4. **Ms Armstrong** asked the Minister of Health for his assessment of how the updated COVID-19: regional principles for visiting in care settings in Northern Ireland guidance is being implemented by care homes. (AQO 1485/17-22)

Mr Swann: I thank the Member for her question. It remains the position of my Department that care home visits can be safely facilitated through compliance with the regional principles for visiting in care settings that are clearly set out in the existing guidance. We encourage all involved to work together to ensure that care home residents can avail themselves of visits from their friends and families while maintaining a safe environment. The decision to permit visitors into a care home and how that is organised remains the responsibility of the care home manager. The discussions should be based on a dynamic risk assessment that takes into account the particular circumstances of the individual care home to ensure the safety of all residents and visitors.

Health and social care trusts have been asked to work with care homes to provide the support they may require to move forward with risk assessments that facilitate safe, managed and meaningful visiting arrangements and the implementation of the care partner concept. In addition, the Public Health Agency is working with relevant stakeholders to continue to support the processes for implementing meaningful visiting and the care partner concept.

I fully understand why some care homes remain cautious about implementing both visiting arrangements and the care partner concept because of their experience of managing the transmission and impact of COVID-19. Nevertheless, there is an appreciation of the right to a family life for those living in care home settings and, in particular, an acknowledgement of the critical importance of sustaining relationships between residents and their

families and friends at this time of the year. It is clear that a significant number of families feel that they have not been able to visit their relatives or set up care partner arrangements in line with regional guidance.

Some of the stories that families have told are deeply concerning. We know that the stories do not reflect the sector as a whole. I appreciate how hard many homes are working to facilitate both the care partner concept and safe visiting arrangements between residents and their friends or families.

Ms Armstrong: Thank you very much, Minister. I thank you and all of your colleagues in the health service for taking that forward. Thank you very much for the risk assessments, as we know that will be key. Can you outline how you have sought to communicate and promote that to potential care partners to ensure they are all following guidelines, are all aware of them and can let people know so that visiting can happen safely?

Mr Swann: I thank the Member for that critical point. We have been doing a piece of work that has been led by the Patient Client Council (PCC). It is about supporting families who have experienced difficulties in accessing homes that use the Department's guidance and have been implementing the care partner arrangements. We have asked the Patient Client Council to lead that work as an independent body interacting between the Department and the families who have been affected. There are some very harrowing stories, and I am sure that most Members have heard about that through their constituency offices.

However, there are many examples of good practice from good homes as well. I want to put on record my thanks to those homes that are doing extra work to make sure visiting can proceed safely and with less risk — it will never be risk-free — than in some of the homes. The Chief Nursing Officer and the Chief Social Work Officer met the Patient Client Council and a number of families' representatives in the last couple of weeks about that ongoing work and engagement. They discussed some of the particular difficulties in certain homes and regions and the way in which the offer of support and encouragement from my Department to facilitate visiting for families and residents is taken up.

Ms Rogan: The limitations on visiting arrangements have been a constant source of worry and emotional turmoil for staff, patients and relatives. Can the Minister outline whether the current restrictions on visiting, for example, in maternity wards is likely to change?

Mr Swann: I thank the Member for her question. I also welcome her to the Health Committee and look forward to working with her.

The updated visiting guidance that came into effect from 15 January outlines that the specific restrictions for each care setting are aligned to the pandemic surge levels and the R value. The R value represents the risk of the virus spreading from one infected person to another on average. The guidance is based on the best scientific advice available at any given time. Northern Ireland is currently in surge level 5, the guidance for which states that:

"Birth partner will be facilitated to accompany the pregnant woman to dating scan, early pregnancy clinic, anomaly scan, Fetal Medicine Department,

when admitted to individual room for active labour (to be determined by midwife) and birth.”

The decision to admit visitors to a facility on a day-to-day basis will still lie with the nurse in charge and be based on a risk assessment and the ability to ensure social distancing and the safety of patients and visitors.

3.15 pm

This is not the experience that I would have hoped for for expectant mothers, and I recognise that it is an anxious time for all families. Many difficult requests have been made, and will continue to be made, of the public in all aspects of health service provision, in order to reduce the spread of infection and to protect expectant mothers, their families and the staff providing the care.

Mr Durkan: The Minister has quite rightly identified the challenges in care homes as regards visits. It puts an extra burden on staff who are, in many cases, almost substitute families for the people under their care. Given that so many of our care homes are independently owned, can the Minister give an assurance to those hard-working and heroic staff in our care homes that they will also be eligible for the very welcome recognition payment that he announced last week?

Mr Swann: I thank the Member for his question. There is work going on with regard to stakeholders in the independent sector, as to how we carry forward that recognition payment so that it can be properly utilised and get to the people who are the most deserving.

Mr Speaker: That ends the period for listed questions. We now move to 15 minutes of topical questions.

Vaccination Programme

T1. **Ms Flynn** asked the Minister of Health, with MLAs dealing with queries from people who feel that they are falling through the gaps in the vaccination programme — those who are housebound were mentioned, as well as people who are in community hospitals and people who are not registered with a GP — whether he can reassure those people that they will not miss out. (AQT 931/17-22)

Mr Swann: I encourage anyone who is not registered with a GP to make themselves known to their local GP or to get in touch with the Health and Social Care Board. There is no danger or harm in being registered with your local GP, outwith the provision of the vaccine. People who are in hospital will not fall through the cracks, because GPs, working with the hospital clinicians, will make sure that they are put onto the vaccination list and are covered.

Ms Flynn: I will follow on from that. Paula made the point about carers and prioritisation within the vaccination programme. We have also been lobbied, as you know, by teachers in special school settings. The JCVI has stated that decisions on prioritisation are policy decisions. Can you outline, Minister, the role that you will play in designing prioritisation in our vaccination programme?

Mr Swann: I thank the Member for raising that topic. One of the clear directions from the JCVI is the direction of travel and the priority risks especially to those higher groups. That is why we have been strict and stringent as to the phases that we have taken — phase 1 and phase 2 — in our vaccination programme. The Member has seen that;

it has been widely publicised and has been brought to light and communicated through the Health Committee.

With regard to accessing different priority groups as they come, the JCVI is currently working on that. We are led to believe that it is looking at the risk base of certain professions for once we get through those age groups and the clinically extremely vulnerable.

The Member mentioned special school staff. Conversations have been ongoing between my Department and the Department of Education with regard to staff working in special schools who fit or may fit the criteria that align with the caring roles of domiciliary care and hospital workers. If their role closely aligns to that recommended by the JCVI, we will move in that direction.

HSC Staff and Students: Recognition Payment

T2. **Mr Allen** asked the Minister of Health, in light of his very much welcomed announcement last week of a £500 payment to staff and a £2,000 one-off payment to students, as recognition of their sterling work throughout the pandemic, whether he can advise how many staff and students will receive those payments. (AQT 932/17-22)

Mr Swann: I thank the Member for his question. It is a valid one, considering the extent of our health and social care family across Northern Ireland. At this stage, I am looking at approximately 3,850 students, almost 75,000 directly employed Health and Social Care staff, 33,500 independent sector care workers and about 20,000 others, including those in primary care and community pharmacy.

Mr Allen: I thank the Minister for his answer. Minister, as I highlighted, I very much welcome the payment, and I have been contacted by many in the sector who also welcome it. More importantly, Minister, are you aware of any steps that the Finance Minister is taking, in consultation with Treasury and the Communities Minister, in respect of income tax and social security payments to ensure that the maximum amount of money remains in the pockets of those who deserve and are entitled to that payment? Furthermore, will you indicate the overall cost of the scheme?

Mr Swann: I will start with the Member's second point. The student recognition payment will cost in the region of £7.5 million. The £500 payment for directly employed Health and Social Care staff will cost roughly £44 million. We have set aside £10 million for primary care and approximately £15 million for the independent care sector. However, as I said in earlier answers, the latter, especially, is subject to change, given the breadth of work and partners involved and the engagements that we are having with stakeholders.

As regards communication, I have been in contact with the Finance Minister and the Communities Minister, and both have responded positively to say that they will engage with their Westminster counterparts to see what can be done. As the Member will know, due to the working arrangements of this place and our Executive, I cannot directly contact Finance, Treasury or the Department for Work and Pensions. It has to go through the relevant departmental officials and the relevant Ministers. I am aware that the Communities Minister and the Finance Minister are supportive of making those approaches to

make sure that as much of that money as possible reaches the pockets of those for whom it is intended.

COVID-19: South African Variant

T3. **Mr O'Dowd** asked the Minister of Health whether the Department of Health in England has notified his Department that it has concerns at such a serious level that it is considering taking extraordinary measures, given that, in an earlier response to Pam Cameron, he said that he was not aware of the proposed door-to-door testing in England for the South African variant. (AQT 933/17-22)

Mr Swann: As I said earlier — the Member picked up on this — I have not heard the conversation and nor do I know what the announcement is about door-to-door testing for that variant. We have good communication among all the Departments across these islands about what is happening and specifically about the different variants as they present themselves. As I said to the Member who asked earlier, I will check up on that as soon as Question Time and the debate that follows it are finished.

Mr O'Dowd: I thank the Minister for his answer. On the issue of travel restrictions across the island, which has been rehearsed many times, and the specific issue of hotel quarantine for incoming passengers, when that, hopefully, arises, does the Minister agree that that should be coordinated on an all-island basis as part of the two-island approach to tackling COVID-19?

Mr Swann: I am certainly supportive of the two-island approach to hotel quarantine, specifically working on a five-nations basis to progress that. There will be a quad meeting this afternoon between us, the Secretary of State and Ministers from the Republic of Ireland, at which, I am sure, that issue will be raised. The Member will be aware that there were concerns about the sharing of data and information on passenger locator forms. That work is still ongoing. We hope that there will be a resolution as to how that data can be shared. The Member knows that, if we do not get that information from people landing at Dublin Airport, there is a weakness in the steps that we take in Northern Ireland, so we need a two-island approach, as he rightly acknowledged in his question.

Care Homes: Public Ownership

T4. **Mr Carroll** asked the Minister of Health for an update on any recent work or consideration by his Department to bring care homes into public ownership in order that they are not for profit but are under the guise of the NHS via the Department or the trusts. (AQT 934/17-22)

Mr Swann: I thank the Member for his question. He raised that point in his contribution to the debate earlier today. Due to the associated costs, we have not actively looked at that. Even with our political differences, the Member knows how much I support the people working in those homes. I have often said that care homes are the Cinderella service of our healthcare service and that they need more recognition. My senior social worker is leading a significant piece of work on some of the recommendations in the Committee's report. I asked for that ongoing work to be brought forward to make sure that people working in care homes are valued, appreciated and recognised.

Mr Carroll: I thank the Minister for his answer. I would appreciate the Minister sharing the costs that he referred

to with the House. Does the Minister accept that the current model, which prioritises profit at all costs, is not only unsustainable and unfair but has the potential to put residents, workers and the public at risk?

Mr Swann: The Member raised this in his contribution to the debate earlier. He challenged me on how much free PPE we gave to care home providers that make extensive profits, even during the pandemic. I would rather supply them than see the workers and residents go short of the PPE that they need. The Member has heard me say that there is a piece of work on the regulation and conduct of some of those care home providers. It looks at how they support residents and staff; how they support the families of the residents to access their loved ones; and how to ensure consistency of approach to and support for all residents, no matter what home it is or who owns it.

RQIA Officials: Subsequent Employment

T5. **Mr Blair** asked the Minister of Health to comment on the issue of recently resigned RQIA officials who have taken up posts with private care home providers, some of which have recorded high numbers of COVID incidents and deaths and on which those same officials may have written reports. (AQT 935/17-22)

Mr Swann: I am unwilling to comment on any specific individual who sought employment after leaving the employment of the RQIA. It is not an area that I want to get into in the Chamber.

Mr Blair: I thank the Minister for the answer. More broadly, then, does the Minister agree that there should be strict governance structures, perhaps even a stipulated time lapse between a public servant leaving the role of inspector and moving to a related business area in the private sector?

Mr Swann: Again, I have not previously considered that. It has not been in my train of thought or come across my desk. We are looking into how care homes and what they provide are being regulated. If it comes up in the discussions or is brought forward in the review of regulations or the decision-making process, I will certainly take cognisance of it. I am not currently working on that.

Teachers: Priority Vaccination

T7. **Mr Newton** asked the Minister of Health whether he will join with the Minister of Education in his call for teachers, particularly special educational needs teachers, to receive the vaccine. (AQT 937/17-22)

Mr Swann: As I indicated in an earlier answer, my Department, the Department of Education, the Education Minister and I spoke about this at 10.00 pm last night. There is ongoing engagement on the support that we can provide in the vaccination programme, keeping within the confines of the Joint Committee on Vaccination and Immunisation recommendation and vaccinating some special school staff. I will leave it at that. That ongoing work should lead to a joint announcement sometime today, if not tomorrow, on how that work has progressed.

Mr Newton: The Minister has answered my second question. It would be encouraging for those staff, particularly those working with special needs children, to receive that news as quickly as possible, through whatever channel the Minister decides.

Mr Swann: Those staff members are the responsibility of the Education Minister, so I will leave it to him to make that announcement.

One thing that the Minister of Education has never done is push his way into my Department or any of my announcements, so I will do likewise. However, I will say that an intense piece of work has been done on the issue, even over the weekend. I commend officials from both Departments who have been working on this to bring a resolution regarding what staff within special schools could receive a vaccination.

3.30 pm

Mr Speaker: I call Liz Kimmins. You may get time for only a question.

Unpaid Carers: Recognition Payment

T8. **Ms Kimmins** asked the Minister of Health when unpaid carers can expect to receive the payment that was announced last week in recognition of their contribution throughout the pandemic. (AQT 938/17-22)

Mr Swann: I want to be clear to the Member: this is one of the payments that have proven the most difficult for us to progress due to how we might establish the definition. I have a meeting tomorrow afternoon with a number of carers' organisations on how we define that role, where we take the register from and how we progress the payment. It is something that I will have to get back to Members on. I will also go to the Member's party colleague the Minister for Communities to see whether there may be something that we should do jointly so that we recognise those who provide unpaid care and make sure that we get that recognition to them.

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

Committee Business

'Inquiry Report on the Impact of COVID-19 in Care Homes'

Debate resumed on motion:

That this Assembly approves the Committee for Health's 'Inquiry Report on the Impact of COVID-19 in Care Homes' [NIA 59/17-22]; and calls on the Minister of Health to implement the recommendations contained in the report as part of the ongoing response to protect care home residents during future surges of the pandemic. — [Mr Gildernew (The Chairperson of the Committee for Health).]

Mr Swann (The Minister of Health): I will begin by passing on my sympathies to all those who have lost a loved one during the pandemic. I also welcome the publication of the Health Committee's 'Inquiry Report on the Impact of COVID-19 in Care'.

Care homes illustrate more than anything else the tightrope that we have to walk in order to balance quality of life with protecting life. We want to do everything that we can to keep safe those who are the most vulnerable. From the beginning of the pandemic, I have been clear that supporting the work of the care home sector has been an absolute priority for the health and social care system. We have done that through the provision of guidance, dedicated support teams, huge quantities of free PPE, additional funding and income support, testing for residents and staff and the deployment of health and social care staff into care homes. There are undoubtedly lessons to be learned and improvements to be made, and I thank the Committee for producing the report and for providing my Department and the wider health and social care sector with opportunities to learn and improve.

I reiterate my appreciation of those in the care home workforce throughout Northern Ireland for the dedication and professionalism that they have demonstrated during the pandemic. Care home staff play an essential role in looking after some of the most vulnerable people. I fully recognise the resilience of staff working across the care sector right from the start of the pandemic through to now during these continuing challenging times.

Key learning from the first surge of the pandemic was the requirement to work together in partnership across the independent and statutory sectors in order to seek solutions to the pandemic response. COVID-19 did not respect any boundaries between those sectors.

As I am sure the Committee will appreciate, the level of detail in the report and the number of recommendations are substantial, and my Department will require time to fully consider each finding and how we can best address them. A report of this nature deserves such a considered response. However, today I can provide the Committee with an assurance that I will consider each of the areas that are discussed in the report, with a view to taking forward, as appropriate, relevant measures that are suggested.

The report provides suggested recommendations for improvement in a number of areas. I do not propose at this point to go into detail on each of the recommendations, but I would like to provide you with some of the key

actions, either planned or ongoing, to assure you of my commitment to support the care home sector, its staff and its residents.

First, I acknowledge the detrimental impact that COVID-19 has on residents and their loved ones. Care home residents rightly view care homes as their home, where they maintain connections to families and communities. Probably more than in any other area, trying to find the balance between protecting life through reducing the transmission of the virus and ensuring good quality of life has been most difficult. I note that the Committee states in its report that that was "perhaps the most emotive issue" that it dealt with and that there are "no easy answers". I very much sympathise and empathise personally with that position. I also note how hard many care home staff have worked in order to protect residents whilst maintaining their quality of life.

We want to continue doing everything that we can to keep those who are most vulnerable safe, but we also know that keeping older and more vulnerable people away from contact with their loved ones is hugely detrimental to their physical and mental health and, indeed, to their human rights. Like the Committee, I believe that, as a health and social care system, we must continue to facilitate and find creative ways of supporting people to have contact with family and friends. That includes the use of virtual visiting and other innovative ways to maintain contact. Those should supplement traditional visits, and we recommend that they happen weekly and more often in end-of-life and palliative care circumstances.

We continue to work with the care home sector and families on the implementation of the care partners initiative. Most other parts of the United Kingdom have recognised the need for schemes of that kind and have followed our lead. Officials are continuing to look closely at the implementation of visiting and care partners in care homes. We have been clear that that is an area that the RQIA will consider when assessing homes. It is also an area where we have made significant additional funding available, with £9 million allocated on top of previous packages.

Whilst recognising that the risk of transmission will be increased with any rise in footfall in care homes, we have sought to put in place a risk-based, sustainable approach to supporting residents and loved ones to have meaningful connections, in particular where isolation is detrimental to a resident's physical and mental health. That will be an area on which we continue to focus, giving careful consideration to the Committee's recommendations.

Regular testing in care homes has, undoubtedly, reduced the impact of COVID-19 during the second wave of the pandemic. The requirement to vary the frequency of testing undertaken is kept under active review and is informed by emerging scientific evidence and other factors, such as local community transmission rates. My Department remains fully committed to supporting and taking all necessary measures to ensure that care home residents and staff are protected. In that context, officials will continue to carefully consider how new and emerging testing technologies can be implemented and extended more widely across a range of care settings in the future.

In January 2021, the Department further extended its COVID-19 testing policy to make provision for testing to be

accessible to designated care partners. Consequently, if a care home advises that there is a requirement for a care partner to be tested for COVID-19, that will be undertaken through the regular care home testing programme. We are progressing work on a number of new testing interventions (NTI), including a care home NTI, which has recently commenced using lateral flow devices to support the visiting policy in care home settings. I am also pleased to say that all Northern Ireland's 483 care homes have been visited by our vaccination teams, and, by the close of play on Saturday evening, 410 had received their second visit. Care homes are the number-one priority in the Northern Ireland vaccination programme.

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

Discharge policy is an area that we continue to keep under active consideration. We want to protect care homes from any risk of infection and ensure that residents are not held in hospital, with the risk that that creates for them, any longer than they need to be. The Assembly will be aware that it remains the case that individuals who are discharged from a hospital to a care home should be tested for COVID-19, ideally 48 hours before discharge, and be subject to 14 days' isolation on arrival. I hope that the research undertaken by Dr Niall Herity and published by my Department has helped to ensure that there is informed debate in that area. The survey that was undertaken by the Committee as part of its work is a further addition to that.

We took an early decision in March 2020 that trusts should make PPE available to care homes without charge. Other nations have now followed that approach. We continue to provide millions of items of PPE to care homes without charge. Cumulatively, up to the weekend of 22 January, 85 million items have been provided to care homes in the independent care sector, with an estimated value of approximately £26 million. Funding has also been made available to support care homes where they have continued to purchase their own PPE. Trusts will continue to work with nursing and residential homes on the provision of appropriate PPE without charge where they are unable to source their own supplies.

I fully support the Committee's view that training remains critical and all staff should be able to access regular and prompt updates as new knowledge and innovations emerge. My Department has made available videos and training through both the Clinical Education Centre (CEC) and the Northern Ireland Social Care Council (NISCC), for instance, which focuses on infection prevention and control (IPC) and PPE. In addition, there are programmes from the CEC aimed at those staff who do not regularly look after respiratory patients and/or have limited or community-based experience, alongside a number of clinical skills-type programmes to support staff who deal with respiratory patients. CEC programmes relating specifically to COVID-19 are open, free of charge, to all sectors.

Funding support for care homes was another area where we took early action. We guaranteed a level of income for care homes at an early point to minimise the impact of vacant beds and to provide certainty. As far as I am aware, Northern Ireland is the only part of the UK to have guaranteed income in that way. Additional funding has been made available to address the additional costs faced by

homes. In April, I announced an additional £6.5 million. That was followed by further packages, including an additional £27.3 million in October. Officials and health and social care staff have continued to work closely with care home sector representatives on the process for claiming funding.

3.45 pm

As the Committee recognises in its recommendation, we need to balance administrative overheads with requirements for appropriate audit and verification. I remain concerned that, in some important areas, such as enhanced sick pay, care home providers choose not to utilise the funding that is available. Our trade union colleagues have raised their deep dissatisfaction on that point, and I share their dismay. Care home providers may wish to explain why some of them provide enhanced sick pay while others do not: I cannot explain it.

I was pleased to see the Committee acknowledge the skill and value of the work in care homes and the personal qualities shared by many for whom it is a vocation rather than a job and the need to look at recognition, reward and retention in what is a challenging environment: I could not agree more. The Assembly will be well aware of my commitment to improving pay and terms and conditions for the social care workforce. I have asked my officials to develop a business case with options for improving low pay for social care workers who are employed by independent sector providers. That, along with improvement in training and career pathways, is in line with the key objectives for that reform, as was proposed in the expert panel's report, 'Power to People: proposals to reboot adult care and support in NI', which was published by my Department in 2017. It is clear that that will require a significant, recurrent financial commitment, and I will seek the support of colleagues across the Executive and the approval of funding from the Department of Finance. I also look forward to the support of the Members who made similar calls during the debate. Ensuring that colleagues in care homes receive the recognition payments that I recently announced is another part of ensuring that we recognise the contribution that the sector makes. I will, of course, carefully consider the Committee's recommendation that financial support for care homes is linked to improvements in terms and conditions for their workers.

Mr Carroll: I thank the Minister for giving way. He said that care homes and staff needed to be protected, and, obviously, PPE is part of that. Does he have any concern that assistance is going to care homes, some of which have very large profit margins? The likes of Runwood Homes has taken in £140 million in years gone by. Does he have any concern about that kind of care home?

Mr Swann: I said to the Member in response to questions earlier that I would rather have provided that financial support to enable visiting and make sure that staff had the provision of PPE rather than waiting for some of those companies looking to their reserves or dividends to pay for that. That is ongoing work. Many of those care home providers — I will not name any — need to look to their conscience and their board of directors as to where they see the value. Is it simply in the return to their shareholders or in the protection of their staff and residents in that sector?

As well as the ongoing measures regarding pay and conditions for our social care staff, I have asked officials to

develop proposals relating to the development of improved career opportunities for the social care workforce. The reform work being undertaken by the Department has now created a new opportunity for social care workers to gain a social work degree, and that has been successfully implemented in conjunction with the Open University. That goes some way towards dealing with some of the issues raised in Mr Stewart Dickson's contribution.

A workforce strategy for social care is also being developed, and I will look at issues including training, continuing professional development (CPD) and career pathways for the workforce. In addition, a media awareness campaign to promote the value of social care and to support recruitment has been commissioned and will be delivered by the Northern Ireland Social Care Council (NISCC).

Work has commenced on the Chief Nursing Officer's Delivering Care programme to review staffing levels across care homes. I fully agree that efforts must continue to be made to minimise staff movement between homes and note that the Public Health Agency (PHA) has provided clear guidance for bank and agency staff on that issue. However, we must not forget to acknowledge and commend what was working and continued in the midst of an ongoing pandemic, for example, acute care at home teams. However, it became clear that we needed to harness that good practice and work towards reducing variance across the region. I expect to see the benefits for residents as a result of the review of the regional acute care at home models and how they provide support to care home residents. I confirm that a programme of work led by the Chief Nursing Officer is under way to address the recommendation, and the enhanced clinical care framework will embed the standards being developed for a regionalised model of acute care at home service. GP participation is inherent throughout the development of the model and in the delivery of its aims. I acknowledge that there are potential resource costs with regard to staff funding, and that will be considered in due course.

I have noted the report's contents in relation to advance care planning (ACP), and I appreciate that it is an issue that has been raised over the pandemic period. I recognise that ACP is voluntary and empowers a person to talk about what matters to them in their living and for when the time comes that they are dying. ACP decisions will be activated whenever the person cannot be directly involved in decision-making about their treatment and care because of a lack of mental capacity or where they are unable to communicate what their wishes are. Advance care planning is an important part of palliative care. It has been and continues to be a key priority for the Palliative Care in Partnership programme. As the Committee is aware, I have commissioned the development of an advance care planning policy for adults in Northern Ireland.

With regard to regulation, it has been an extremely challenging period for everyone across the Health and Social Care system. All decisions concerning the role of RQIA in the Health and Social Care response to the COVID-19 pandemic have been made with the safety of services at their heart. RQIA continues to provide support and advice to care homes, and I appreciate the Committee's recognition of the difficult decisions in this area. It is important that RQIA focuses its activity where it is most needed. Following an assessment of all the risks,

I am confident that RQIA will continue to take a pragmatic and flexible approach to how and when inspections are made.

The Committee has made recommendations in relation to pandemic preparedness, and I will consider carefully all the issues that have been raised. My Department has established an adult social care governance surge planning group, which is co-chaired by the Chief Nursing Officer and the Chief Social Worker.

In conclusion, I express my sincere gratitude to all care home staff, working at every level, for their dedication and the professionalism that they have demonstrated during the pandemic. I also reiterate my thanks to the Health Committee for the report. There is much learning to be done and many improvements to be made to allow us to fully support this vital sector. I remain fully committed to supporting the sector, and I believe that there is a general acceptance that care homes and the wider social care sector have not been afforded the priority that they merit. That has been the case in jurisdictions across these islands for years, if not decades. The pandemic has shone a harsh light on the importance and vulnerability of the social care sector. We have to start making things better through reform and investment. That is a challenge for us all in the House, as it is an issue that transcends party politics.

Mrs Cameron (The Deputy Chairperson of the Committee for Health): On behalf of the Committee, I thank all the Members for their contributions and thank the Minister for his initial response to the debate. I look forward to continued engagement with the Minister and the Department on taking forward and implementing the many important recommendations that the Committee's report makes.

We are all too aware of the statistics behind the pandemic. They have become daily reading for people across the country who are looking for a glimmer of hope and willing to see an improvement. However, for far too many families, it is not just a statistic; instead, it is about a mother, a father, a grandmother, a grandfather, a loved one. As the Chair stated, it is over 775 of our care home residents. I thank the many individuals and families who engaged with the Committee during the inquiry process. It is important that the voices of residents and their families are heard and that they stay central to how the Minister responds over the coming weeks and months.

On behalf of the Committee, I pay tribute to the staff who have been working in care homes over the last year in extremely difficult circumstances. They put themselves at risk to ensure that our loved ones are looked after. We have seen the difficulties, stresses and strains. The staff have worked through that, and we thank them for that.

We hope that the recommendations will make improvements to processes and procedures to support them in their important role in those care settings and allow a better approach to future pandemic planning.

I will now move on to Members' contributions. Jonathan Buckley said that the report is a "conversation starter" with the Minister, and he outlined the difficulties that families and residents face when visiting. He also welcomed the roll-out of the vaccination programme in care homes, as we all do. Cara Hunter said that the report paints a picture of the experiences of residents, families and staff during the pandemic. She said that it was regrettable that the testing regime was not in place in care homes early on

but welcomed the improvements over recent months. Alan Chambers talked about the staff shortages facing care homes during the pandemic and the need for adequate staffing levels and improvements in pay levels for care home workers.

Paula Bradshaw outlined the real impact that the pandemic has had on the health and well-being of residents and the need for regular, quality contact between residents and families to improve the health and well-being of residents and their families. Trevor Clarke stated that too many people have died without their family around them and outlined the importance of putting plans in place based on lessons learned. Emma Rogan highlighted the importance of regular contact with the older generation and in keeping families connected. Sinéad Ennis stated that the sector was struggling before the pandemic and that a review is required of adult social care and appropriate funding levels to deliver care. Sinéad also outlined the problems in procuring PPE.

Justin McNulty, along with all Members who spoke, commended the great work of all staff in care homes and how care staff see residents as their second family. We are all thankful for the emotional support that carers give to residents. He also rightly said that the pandemic has pushed the system to the brink. Liz Kimmins stated that the report forms the basis of a response to future health crises and that there is a need to put human rights at the centre of this and any future response. Stewart Dickson said that we need to ensure that the scale of deaths and what we have seen in care homes does not happen again. He also said that there is a need for care homes to be properly resourced and that that will require additional investment in the sector. Gerry Carroll outlined that one of the issues that causes delay in response is regulation and that the pandemic has brought that issue to the fore. He also outlined the staffing shortages in care homes and the need to involve families in decision-making.

I turn now to the Minister's comments. Rather than recite his whole speech, I will refer to some issues that he mentioned. He rightly talked about the tightrope of balancing quality of life and keeping the vulnerable safe. It is really important to keep that uppermost in our minds. He talked about the guidance, staff support, huge quantities of PPE and other support that we are giving to care homes. He fully recognises the resilience of staff members in the sector and said that he would take time to consider his response to the report. Key actions are planned and ongoing. He talked about the hugely detrimental impact of keeping residents away from others and the effect on the overall health of residents. He said that visitation is being looked at closely.

The Minister talked about testing and said that the Department is fully committed to taking measures to support staff and residents in continuing the testing process. He also touched on the care partner issue and said that testing will be taken in the care home setting if that is requested. It is important to remember, as the Minister mentioned, that all 483 care homes have seen the vaccinators and that 410 have had their second vaccination visit; that is very welcome news. Testing on discharge from hospital settings to home, which is to be done 48 hours in advance, is well documented. He touched on the fact that millions of items of PPE continue to be provided free of charge to these healthcare settings; that is also important.

He talked about the funding that will be provided to minimise the impact of vacant beds. He agreed that training was critical. He touched on the trade unions and shared the concern about the provision of sick pay. He talked about seeking the support of the Executive for giving additional financial support.

4.00 pm

The Minister also referred to the workforce strategy for social care and said that it was being looked at. He talked about the importance of advance care planning and how decisions would be acted on at the appropriate time. He also referred to advance care planning development. He touched on the RQIA's role in the inspection and support of care home settings, and he thanked the Health Committee for its support.

Before I start my remarks as a DUP MLA, I thank the Committee staff for the vast amount of work that they did to support the Committee, particularly through the inquiry and all the additional meetings that we have had in recent days. I express my deepest sympathies to those who have lost loved ones and friends in care homes throughout the pandemic. I am conscious that many living in care homes will be missing friends and will have borne an incredible emotional burden over the past year. That should not be underestimated. The anxiety and worry of contracting the virus, coupled with the sense of loneliness and separation from loved ones, is hard for us to comprehend and fully appreciate.

Furthermore, we owe an incredible debt of gratitude to the staff in our care homes. The physical and emotional strain that staff have faced is unprecedented. It will not have been easy to adhere to infection control and cleanliness requirements while meeting the physical and emotional needs of residents and dealing with their own grief. Society owes a great debt of gratitude to every one of those dedicated members of staff.

We, as a party, welcome the publication of the report. It and its 54 detailed recommendations come after extensive and very meaningful engagement. We thank all stakeholders who provided evidence to the inquiry in what remain very challenging times. The roll-out of the vaccine will dramatically change the nature of the public health response, but that does not mean that we should not reflect seriously on the deficiencies of steps taken in the first wave and use that learning to adopt more effective measures in any future crisis scenario.

I will focus my remarks on a small number of the recommendations, starting with recommendation 1, which is:

“safe and meaningful visiting be facilitated and resourced through the identification, development and implementation of innovative measures.”

It is fair to say that there has been a deep sense of frustration among families at what, at times, has appeared to be the lack of prioritisation of accommodating visits to loved ones. I have spoken with families who have watched loved ones become emotionally detached throughout this period. Indeed, particularly for those living with conditions such as dementia, not understanding why visitation has ceased or become so distant has caused untold damage to their overall health. Those close-contact visits are vital to so many residents. The report highlights the

need for a more innovative approach to finding solutions to the loss of contact. We strongly support that. It also prioritises the need for the input of residents and families to visiting arrangements to establish a more consistent and streamlined approach between care homes, regardless of whether they are independently or publicly owned.

The mental health impact on residents of reduced visiting has not yet been quantified. It is important that we do not neglect the significant work that will be needed to meet the demand for services in the medium to long term. I trust that the Minister will implement recommendation 2 and discuss the issues with those most affected.

The COVID-19 pandemic has accelerated the case for the reform of social care. It is vital that the needs of care homes are at the heart of a longer-term vision to improve the standard of care and reward those working in the sector. One of the strengths of the report is that it looks beyond the current crisis to the reforms needed to transform and revitalise the care home sector in the future. The pandemic has laid bare the weaknesses in relationships between the Department, trusts and care homes while also highlighting the great void between staff terms and conditions in the public and private sectors. We want to see cooperation overhauled in these areas. The proof of the pudding is in the eating, and we will look forward to seeing the outcome of the Health Minister's stated plans to bring staff terms into line with those in the public sector.

We strongly support the recommendation to introduce in care homes an enhanced framework based on the principles of acute care at home. It would be wrong and inconceivable for residents in care homes to have poorer access to a range of health services than someone living in their own home. This includes contact with their regular GP, and we need to ensure that the standard of care is high, remains high and is also equitable across the board for future crises.

This inquiry gives much more direction to the Minister in terms of the course of action required, and I will be keen to hear from the Minister how the implementation of these recommendations will be monitored. There is much to learn, and I hope that the Department does learn and adapts its policies accordingly, whether that be in relation to visiting, budget flexibility, GP access or many of the other areas highlighted in the report. In the immediate future, we would like to see the Minister take forward the recommendations on enhancing visiting arrangements, ramping up asymptomatic testing and expanding mental health support for residents and staff.

I will end there. I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the Committee for Health's 'Inquiry Report on the Impact of COVID-19 in Care Homes' [NIA 59/17-22]; and calls on the Minister of Health to implement the recommendations contained in the report as part of the ongoing response to protect care home residents during future surges of the pandemic.

Mr Deputy Speaker (Mr McGlone): Members should take their ease until we move to the next item of business.

Standing Order 110

Mr Deputy Speaker (Mr McGlone): We are just checking that we are quorate. The next item on the Order Paper is a motion from the Committee on Procedures to amend Standing Orders.

Ms Ní Chuilín (The Chairperson of the Committee on Procedures): I beg to move

After Standing Order 110 insert:

“110A: Hybrid Proceedings

(1) Hybrid proceedings are proceedings of the Assembly in which one or more members of the Assembly are present remotely by a video-link hosted on such platform as may be provided by the Assembly Commission.

(2) The Speaker may make provision for hybrid proceedings of the Assembly.

(3) The provision which may be made under paragraph (2) includes—

a. provision for remote participation in debates and in the passage of legislation;

b. provision for remote questions to Ministers and the Assembly Commission;

c. provision for remote statements by Ministers;

d. provision for matters under standing orders 22 and 24;

e. provision for the purposes of preserving order and preventing conduct which could constitute a contempt of court.

(4) Subject to paragraph (5), references in standing orders to “proceedings”, “meetings”, “sittings”, “speaking”, “rising to speak”, “the chamber”, “present in the chamber”, and like terms, shall be construed so as to give effect to any provision made by the Speaker under paragraph (2).

(5) Members participating remotely—

a. are not present for the purposes of standing order 9 (quorum); and

b. may not vote remotely, but may vote by proxy (see standing order 112).

(6) In this standing order, “proceedings” do not include committee proceedings.

(7) Save as provided by or under this standing order, hybrid proceedings shall be governed by the practice and standing orders of the Assembly.”

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.

Ms Ní Chuilín: On behalf of the Committee on Procedures, I am pleased to bring the motion to the House, which proposes to amend Standing Order 110 regarding the introduction of hybrid proceedings in the Chamber.

Standing Order 110 is part of the temporary proceedings that were previously agreed by the House in order for Assembly, and, indeed, Committee, business to function while we navigate through the pandemic. As

part of its continual review of the temporary provisions in Standing Orders 110 to 116, which include provisions for Committees to facilitate their business using teleconferencing and videoconferencing, the Committee sought views to consider potential further amendments to Standing Orders 110 to 116.

A number of responses included requests to consider amending Standing Orders in order to allow for remote attendance at plenary proceedings via video link. In addition, during October 2020, a number of Members, and, indeed, Ministers, had to self-isolate for 14 days or received a positive test for coronavirus. Given the impact that that had on Assembly business, including the loss of a period of questions for oral answer, the Committee agreed at its meeting on 4 November 2020 that it would consider amending Standing Orders in order to allow for hybrid proceedings in the Chamber.

The former Chairperson wrote to the Speaker on 6 November 2020 outlining that decision and requesting an informal meeting with Assembly officials to discuss the practical and procedural implications of remote access to the Chamber for plenary sittings. Following that informal meeting, the Committee decided at its meeting on 16 December 2020 to add hybrid plenary proceedings as a substantive item on its forward work programme and arranged a briefing from Assembly officials on the practical and procedural issues of that.

Since its meeting on 16 September 2020 and prior to its scheduled meeting on 20 January 2021, the Committee received a number of items of correspondence that made it clear that introducing hybrid proceedings had become a much more pressing matter.

On 12 January 2021, the Chief Whip of the Alliance Party wrote to the Committee requesting that it amend Standing Orders as a matter of urgency in order to enable remote access to plenary proceedings. On 13 January, the First Minister and deputy First Minister copied the Committee into a letter to the Speaker regarding the arrangements that the Assembly may put in place in order to allow for the virtual participation of Ministers in certain types of plenary business.

The Speaker wrote to the Committee on 15 January confirming that discussions on remote access to plenary sittings took place at a meeting of the Business Committee on Tuesday 12 January 2021. The Speaker confirmed that there was agreement to facilitate remote participation in plenary sittings. In light of that, the Speaker obtained agreement from the Commission to procure the necessary equipment for the Chamber.

The recent emergence of a new and potentially more virulent variant of COVID-19 has contributed to the Executive introducing a period of tighter restrictions, including the need for people to stay at home where possible, including for work purposes. Extended travel is also discouraged. In addition, the Executive have sought to limit the number of occasions when groups of people can meet indoors in any setting.

Given the recent tightening in regulations and guidance, at its meeting on 20 January 2021 the Committee considered hybrid proceedings as a matter of priority. As part of its consideration, the Committee received briefings from Assembly officials on the potential procedural and practical issues of implementing hybrid proceedings in

the Chamber, which the Committee found to be very informative.

The Committee gave consideration to a number of important issues, which I will cover briefly. However, I wrote to all Members last week providing more details on the Committee's deliberations.

During its discussions, the Committee gave consideration to the purpose of introducing hybrid proceedings and whether there should be limitations on who could join a sitting remotely. The Committee agreed that hybrid proceedings should be implemented to accommodate not only Members who cannot come to the Chamber because they are self-isolating but to reduce the number of Members who need to travel to Parliament Buildings.

Therefore, the Committee concluded that any Member should be able to avail themselves of hybrid proceedings.

4.15 pm

The Committee also considered how hybrid proceedings should be provided for in Standing Orders. The Committee was cognisant of the time that it might take to identify each of the plenary proceedings during which, it considers, remote participation could occur and then draft new Standing Orders to make specific provisions. Therefore, the Committee agreed to bring forward a Standing Order that allows for the general principle of remote participation in plenary meetings but is subject to the discretion and guidance of the Speaker. That approach will provide the Assembly with greater flexibility in managing and facilitating its business. Members will note that the proposed Standing Order confers a general power on the Speaker to make provision for hybrid proceedings that may include but is not limited to the specific items of Assembly business that are listed.

As proxy voting already provides for a form of remote participation by Members, the Committee concluded that the current system of proxy voting should be maintained at this time. However, as part of its ongoing review of Standing Orders, the Committee may return to the issue of voting.

Regarding quorum, the Committee noted that, when the current restrictions on the number of Members who can be present in the Chamber to maintain social distancing were put in place, no alteration was made to the number of Members required to achieve quorum. However, if Members participating remotely were to count towards quorum, that approach could present significant practical and procedural difficulties. Therefore, the Committee decided that no alterations should be made to the number of Members required to achieve quorum and that only Members present in the Chamber and not participating remotely would count for those purposes.

The Committee acknowledged that, in introducing hybrid proceedings, there would be associated risks and certain limitations on how Members can engage when participating remotely. For example, no matter how robust the Assembly's arrangements and infrastructure, there may be occasions when a Member's remote connection is interrupted or even fails completely. Should a Member's connection fail, the Speaker can move on and invite the next Member to ask his or her question or make their contribution to a debate. However, if a Minister's connection failed, it would be difficult for that item of

business to proceed. By agreeing the proposed Standing Order, which provides for the Speaker to have some flexibility, the Committee is content that this approach will not only mitigate the risk of items of business being interrupted but allow for a period of bedding-in for remote participation. It is therefore the Committee's view that the right approach is for the Speaker to facilitate a gradual introduction and that all plenary items should move to virtual proceedings from the outset. The Committee also noted that certain procedural limitations come hand in hand with remote participation. For example, it would not be possible for a Member to raise a point of order or to make or, indeed, accept an intervention when participating remotely.

In summary, the proposed Standing Order defines hybrid proceedings and empowers the Ceann Comhairle — the Speaker — to provide for hybrid proceedings and allows him to issue administrative guidance about how Members, including Members who are Ministers, can participate in hybrid proceedings. It makes it clear that Members participating by video link are not to be counted for the purpose of establishing a quorum. It sets out that provisions for hybrid proceedings do not include Committee proceedings, as those are already provided for. It also makes it clear that the usual practices, rulings and conventions governing plenary business will continue to apply.

Normally, such a significant change to Standing Orders and the work undertaken to draft a proposed Standing Order would take weeks, if not months. Therefore, I thank all those involved for their swift work. However, should the Assembly agree to the proposed Standing Order, the Committee will keep it under review and seek to amend it if required to do so. On behalf of the Committee on Procedures, I commend the motion to the House.

Mr Middleton: I thank the Chair for her remarks. She has summed up everything that needed to be said.

From a party perspective, we support the amendment to the Standing Order. From the start of the pandemic, the Assembly and its Members have tried their best to bring in measures to keep not only Members but the staff who work in the Building safe. Those measures include the likes of proxy voting and social distancing in the Chamber, but there was a recognition that hybrid proceedings would help with the operation of business as we go forward. For that reason, these discussions have taken place.

It is important that Ministers and Members are not disadvantaged. We do not want anyone to have to self-isolate or to be diagnosed with COVID, but, if they are unfortunate enough to be in that position, at least they can attend proceedings remotely, as can other Members, should they wish to do so. My personal preference is to be in the Building, and I feel that this is my place of work. That having been said, we all cannot be in the Building, so there is a recognition that people can take part remotely as well.

I put on record our thanks to the IT staff who briefed the Committee and assured us that they would do everything possible to respect the Chamber itself but would get the facility up and running. I also thank the Clerk and the staff of the Procedures Committee. It was not an easy process. We were trying to get a collection of views, and there was an ongoing debate to try to get a way that would work. This really sets that out quite well.

Ms S Bradley: I thank the Chair of the Procedures Committee, as did the previous Member, for putting on record a clear and concise depiction of what happened in the weeks leading to this point. The Member was right when he said that every party expressed the view that our preference is to be here. Unfortunately, we are not living through times where we get that preference. We owe it to one another. The Assembly is sending out a clear message to the public on the standard that we expect to be met, and hybrid proceedings will allow us to live by the same standards.

It came up during debate that we recognise that this is far from a perfect system. I do not envy you, Mr Deputy Speaker, and your colleagues being in the Chair when we go through the initial teething problems that we will inevitably face. Hopefully, they will be chaired in the best humour that we can face through these challenging times. It does not, however, allow for the natural debate that happens, be it interventions or the dramatic refusal of interventions that some Members are known for. It is that type of communication that happens in the House. It will be limited, no doubt, through hybrid proceedings, but it is there for a reason.

I thank the Committee staff, Clerks and IT staff who are in the process of making this happen. They have been stepping up as quickly as possible, trying to work through the StarLeaf process, which has not been without its problems but has served its function. Whilst we encourage every Member to participate, every party will have to look at the Order Paper for the day and decide who genuinely needs to be in the Building at any one time. It is a matter of respecting each other in that regard.

We asked technical questions about being able to hear. Sometimes the acoustics in the Chamber can be challenging because of the high ceilings. We have been assured that those things have been sounded out and that the sound should come through the speakers here. No doubt, we will work our way through it together. I do not imagine that it will work smoothly on the first day, but I could be wrong. I touch wood that I am wrong and hope that it will work.

When Members are working remotely and from home, there is an expectation on us to keep briefed on what is happening in and outside of the room.

It can prove to be a challenge to know exactly what is happening in different Committees at different stages.

I thank the members of the Procedures Committee. We are all walking through this together, and, as we experience the difficulties, we are trying to iron them out. I thank Members for their patience. This has been a very safe place to come and express our working patterns and the working difficulties that have been thrown up.

We, too, support the motion, and I urge the Speaker, in the discretion that has been afforded to him, and the Speaker's Office to not just encourage Members but to give them the same message that we have given to the public: please use it.

Mrs Barton: Thank you for the opportunity to participate in this debate on the amendment of Standing Order 110 to permit hybrid proceedings in the Chamber.

The so-called hybrid proceedings could be defined as being when a quorum of Assembly Members attend in

person and one or more Members attend and participate in a plenary sitting of the Assembly via video link. Obviously, with the COVID pandemic, the more virulent variant strain of COVID and the current restrictions, it is a priority that everyone works in a safe environment.

Recently, the Assembly Chamber has had very limited opportunities for full participation in plenary sittings due to the number of people permitted in the Chamber being limited. There is also the issue of Members having to swap and sanitise seats on occasion, particularly during Question Time and ministerial statements. Frequently, greater numbers want to participate than is possible with adherence to social distancing. As technology is present in the Building for Committee meetings, it is the opportune time to explore extending that facility to the Chamber.

Hybrid proceedings have been implemented in the House of Lords and the House of Commons, where there are temporary orders for Members to participate. In the Scottish and Welsh Parliaments, Members can contribute to debates and Question Time remotely. Obviously, with the new hybrid system, Standing Orders will have to be amended accordingly so that the discharge of business by Ministers and Members continues without impediment.

Given that agreement has been obtained at the Business Committee to facilitate remote participation in plenary sittings and that agreement has also been gained from the Commission to procure and install the necessary equipment immediately, further consideration is necessary regarding participants. For example, decisions are required on the number of participants, how voting will be carried out, whether the present proxy system will continue and whether it is possible to develop a remote voting app. The necessary support will have to be available in the event of teething problems with the technology.

The Ulster Unionist Party supports this alternative in this Building for the duration of the COVID regulations.

Ms Armstrong: This debate has given me heart. When you write to a Committee, it is not often that it responds to your letter and makes changes as drastic as those that are required during this terrible pandemic. I absolutely, on behalf of the Alliance Party, welcome the proposed amendments to Standing Order 110. Virtual attendance in the Chamber will not only protect MLAs and enable us to carry out our democratic duties if we have to self-isolate, it will help to protect the staff who work in this place.

I really hope that people out there understand that, when we are self-isolating or working from home, we are working. As many in this Building can confirm, our job is not a nine-to-five one; it is probably closer to 14 to 15 hours a day. People will be able to see that we are at home and concentrating. The new Standing Orders that will be tabled by the Committee are very welcome. I appreciate that it will be no easy job to try to deal with interventions and points of order, so I welcome the Committee's thoughts on that. We can, of course, review the process as time goes on and we see how it works.

I appreciate that the role of the Speaker and Deputy Speakers will be made even more difficult as a result of watching people who are in the Chamber as part of the quorum and watching a display screen. My thoughts are with the Speaker and all the Deputy Speakers on that, and I hope that we will all work together to ensure that that job is not made too onerous for you.

4.30 pm

A lot of money will be spent to make this happen, and I am grateful to the Assembly Commission for enabling it, but it is not lost work. The reason that I am absolutely delighted — to be honest, I am quite emotional about it — is because the modernisation of our communications system is an absolute step forward. Very soon, the Disability Discrimination Act will require communications to provide subtitles, and, in addition to that, we have a commitment in this place to allow people to use Irish as their spoken language in the Chamber. This may be a testing point when we can at last, perhaps, add on subtitles to allow people, whatever language they choose to use here, to do that.

I thank the Committee on Procedures, the Speaker's Office and all the staff who have been involved. I ask us all to give this a go. I got my second screen today, which is huge, but it means that I can see your faces up close and can lip-read you much better. I thank you from the bottom of my heart for making my ability to perform my democratic duties easier and safer for the rest of the pandemic.

Ms Dillon: I intend to keep my remarks very short because everybody has said where we are with the matter at hand. We have a job to show leadership on the issue, which is about not only protecting ourselves and the staff in the Building but protecting the wider public. Many people are travelling quite long distances to come to the Building at a time when we are asking people not to travel. It is extremely important that we show leadership. As others have done, I thank the Chair of the Committee on Procedures, the Committee staff, the Commission staff and, of course, the Speaker's Office. Your job will not be an easy one, Mr Deputy Speaker, but we will certainly do everything that we can to make it easier.

Ms Brogan: The current message from the Executive and the Assembly is to stay at home, reduce contacts and work from home where possible. It is important, therefore, that we, as Members, provide leadership on the matter. The amendment to Standing Orders will allow Members to participate in Assembly proceedings remotely via video link, thus reducing the need for them to travel and allowing them to participate when they are self-isolating. The additional safety measures should further protect all Assembly staff and Members and, in turn, the wider community. For that reason, I urge all Members to support the motion.

Mr Carroll: I will be brief as well. This is a welcome proposal, but, to be honest — it is no reflection on the Chair because she was in a different position as a stand-in Minister — it should have been brought in a long time ago. Kellie Armstrong has been raising the issue, and I raised it last year when the Chair was standing in as a Minister. A number of Ministers were self-isolating, and, to be frank, it was bizarre that we did not have the system in place then or even prior to that. The House has been too slow to implement mask wearing, and we have not implemented temperature testing. That has been a theme in the House throughout the pandemic.

Nevertheless, the changes are welcome now, but there is something else — I and others have raised it in Committee — that needs to be teased out: the proxy voting system is too rigid. There is flexibility in light of the pandemic, which is welcome, but politics is not just about what happens

in the Building; it is about what happens in communities. It does not affect me as a Belfast MLA, but, quite often, MLAs have to travel when that may not be conducive to their or their constituents' time. We need to look at and address proxy voting in the long term. Currently, proxy voting may not suit everybody. I am a single MLA, and there are other single MLAs and parties, and others who are independents, such as Claire Sugden and Trevor Lunn. They have said that they may not want to lend their vote, so to speak, to other parties because they want to be independent or separate. That needs to be looked at in the long term.

It is important that we have remote voting, and we talked about that in Committee. The ability of Members to participate from home is a welcome development, but they cannot vote at home when there are Divisions, so we need to work towards putting that in place. I am generally supportive of the amendment, but the Committee needs to do extra work, and I will do what I can to support that.

Mr Deputy Speaker (Mr McGlone): I call Mr Tom Buchanan to conclude and wind on the debate. Mr Buchanan, you have up to 10 minutes.

Mr T Buchanan (The Deputy Chairperson of the Committee on Procedures): I will be brief, too, Mr Deputy Speaker. I welcome the opportunity to conclude on today's debate on the motion to amend Standing Orders. First, I thank the Committee Chairperson for opening the debate, and I thank the Members who contributed.

As outlined by the Chairperson, this motion comes to the House following the Committee's decision to consider hybrid proceedings as a matter of priority. The decision was made following a number of items of correspondence received from the Speaker's Office, from the Executive Office and, of course, from the Alliance Party. The Committee also reacted to the Executive's introduction of tighter restrictions in Northern Ireland, including the need for people to stay at home wherever possible, including for work purposes. The Executive have also sought to discourage extended travel and to limit the occasions on which groups of people meet indoors in any setting.

As responsibility for amending Standing Orders lies with the Committee on Procedures, the Committee agreed to consider all of these matters. The Chairperson has covered the Committee's deliberations on hybrid proceedings and the provisions contained in the proposed Standing Order. MLAs received correspondence from the Chairperson providing a detailed update on the Committee's deliberations, so I have no intention of rehearsing all of those. Members are well aware of all of the issues surrounding this amendment.

I will take the opportunity to inform the House that, if we were in normal times and in normal circumstances, the Committee would have carried out a full review of the introduction of hybrid proceedings. This would have included taking formal evidence from legislatures that have already gone down the route of introducing remote proceedings. Much more time would have been spent on the Committee's consideration, and a report would have been brought to the House for debate and consideration. However, I am sure that each one of us will agree that the times and the circumstances that we find ourselves in are not normal, and the Committee and officials have reacted remarkably quickly to the request to consider hybrid

proceedings. We have heard that echoed around the Chamber by all who spoke in the debate.

I will pick up on some of what was said. My colleague Gary Middleton mentioned the importance of Ministers and Members not being disadvantaged in their Assembly work, and, of course, one of the reasons for this motion is that Ministers and Members will not be disadvantaged if they have to self-isolate or whatever. Therefore, I think that that is one of the important factors in having hybrid proceedings.

Sinéad Bradley spoke of her preference for all parties to be present in the Assembly. That is absolutely correct because, as Assembly Members, we must always remember that our place of work is here in the Assembly. However, as we saw last year, at times, that was not possible because of the pandemic. She said that, with the introduction of hybrid proceedings, we are sending out a clear message to the public in these challenging times, and that is absolutely correct.

Rosemary Barton spoke about the priority that everyone works in a safe environment, and, of course, the Assembly has been putting out that message. She said that the facilities that the Committees have offer a unique opportunity to introduce those same facilities in the Chamber.

Kellie Armstrong said that the debate gives her heart. She said that she does not often write to a Committee and find that it acts in such a swift and positive manner. Well done to all Committee members. Obviously, you have excelled, given that this has come forward in such a swift manner and given heart to Members of the Assembly and, hopefully, to members of the public.

Linda Dillon and Nicola Brogan both said that it is the job of the Assembly to show leadership, and of course it is. When we put out the message, we need to show leadership and put that into action ourselves. It is not just about these amendments and regulations that have been brought forward; it is about all the regulations that the House has put out from the very start of the pandemic in March last year. We are bound to adhere to all those regulations and amendments — to the letter of the law — that the House has put out for everyone to adhere to. If we are going to give genuine leadership, we need to adhere to all the regulations that the House puts out, and that message needs to go to each and every Assembly Member.

Gerry Carroll said that this should have been done a long time ago. He made reference to the difficulties posed last year when Ministers and Members had to self-isolate. Hopefully, this will help to overcome the problems that we saw back then.

The proposed amendments bring fundamental changes, albeit temporary, to plenary and Assembly business. Given the current circumstances, it is essential that we, as an Assembly, do all we can to protect each other and adhere to the regulations and public health guidance. As Members have already mentioned, when such fundamental changes are introduced there will be teething problems, and we must expect that. We cannot expect the whole thing to be set up in one day, and, the next day, to be up and running with no problems. We must accept that there will be certain limitations to how Members can engage when participating remotely. However, should the Assembly agree to the

proposals, the Committee will continue to carry out its role and keep the Standing Orders under review, as it does with all of our Standing Orders. As part of its review, the Committee welcomes feedback on any issue that relates to the provisions in the Standing Order. The Committee will act on that, should it be required.

In conclusion, I echo the Chairperson's thanks to the Committee members and Assembly officials who have been involved. They have made great efforts to bring the proposals to the House today, and I sincerely thank them for that. Mr Deputy Speaker, I commend the motion to the House.

Mr Deputy Speaker (Mr McGlone): 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):

After Standing Order 110 insert:

"110A: Hybrid Proceedings

(1) Hybrid proceedings are proceedings of the Assembly in which one or more members of the Assembly are present remotely by a video-link hosted on such platform as may be provided by the Assembly Commission.

(2) The Speaker may make provision for hybrid proceedings of the Assembly.

(3) The provision which may be made under paragraph (2) includes—

a. provision for remote participation in debates and in the passage of legislation;

b. provision for remote questions to Ministers and the Assembly Commission;

c. provision for remote statements by Ministers;

d. provision for matters under standing orders 22 and 24;

e. provision for the purposes of preserving order and preventing conduct which could constitute a contempt of court.

(4) Subject to paragraph (5), references in standing orders to "proceedings", "meetings", "sittings", "speaking", "rising to speak", "the chamber", "present in the chamber", and like terms, shall be construed so as to give effect to any provision made by the Speaker under paragraph (2).

(5) Members participating remotely—

a. are not present for the purposes of standing order 9 (quorum); and

b. may not vote remotely, but may vote by proxy (see standing order 112).

(6) In this standing order, "proceedings" do not include committee proceedings.

(7) Save as provided by or under this standing order, hybrid proceedings shall be governed by the practice and standing orders of the Assembly."

Adjourned at 4.43 pm.

Northern Ireland Assembly

Tuesday 2 February 2021

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Ministerial Resignations and Appointments

Mr Speaker: I have received notification from the First Minister and deputy First Minister that, at midnight on 1 February, Mr Edwin Poots resigned the office of Minister of Agriculture, Environment and Rural Affairs and Mr Gordon Lyons resigned the office of junior Minister. I have also been informed by the nominating officer for the Democratic Unionist Party that Mr Gordon Lyons has been nominated as Minister of Agriculture, Environment and Rural Affairs. Mr Lyons accepted the nomination and affirmed the Pledge of Office in my presence and that of the Clerk/Chief Executive this morning, Tuesday 2 February 2021. I also received correspondence from the First Minister and deputy First Minister that Mr Gary Middleton has been appointed to the office of junior Minister. Mr Middleton accepted the nomination and affirmed the Pledge of Office in my presence and that of the Clerk/Chief Executive today, Tuesday 2 February 2021.

I am satisfied, therefore, that the requirements of Standing Orders have been met.

I take this opportunity to wish our colleague Edwin Poots a very speedy recovery. Our thoughts and prayers are with Edwin and his family at this time.

Committee Business

Committee Deputy Chairperson Appointment

Mr Speaker: I have been notified that Ms Karen Mullan has resigned as Deputy Chairperson of the Committee for Education with immediate effect. At the same time, I received notification from the nominating officer for Sinn Féin that Mr Pat Sheehan has been nominated to fill the vacancy of Deputy Chairperson of the Committee for Education, also with immediate effect. I am satisfied that the requirements of Standing Orders have been met.

Matter of the Day

Condemnation of Threats to Workers at Border Control Posts

Mr Speaker: Mr Stewart Dickson has been given leave to make a statement to condemn threats to workers at border control posts, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called to speak, they should rise in their places and continue to do so.

All Members 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 the item of business has finished.

Mr Dickson: Thank you very much, Mr Speaker, for the opportunity to speak this morning. Before I commence on the Matter of the Day, I want to add to your words about former Minister Poots and to wish him well on the difficult health journey ahead of him, some of the aspects of which I am personally all too aware of.

We will all be aware of the news today and, indeed, over the last week about the unacceptable threats made against staff at the port of Larne. The matter escalated yesterday, when Mid and East Antrim Borough Council, together with the Department, had to take action to withdraw environmental health and DAERA staff from the port of Larne and the port of Belfast. First and foremost, my concern is for the staff, who have been placed under that totally and utterly unacceptable threat. What we need to do today is ensure that a calm atmosphere is created so that the council, DAERA, the PSNI and all those involved in the safety and security of the staff can work together on the issues around the threats to provide an opportunity for a proper and safe return to work for the employees. Sadly, I know all too well what happens when there is unrest in somewhere such as East Antrim. I have received personal threats, and my office, as Members will be aware, was attacked on previous occasions. I sincerely hope that we are not heading back into that situation.

I, for one, want to work hard to ensure that we have calm, cool, collected thoughts on the issue. That is my appeal and my pledge today. Over the last number of weeks, on public media and social media, we have seen a situation that could perhaps be described as being “heated up”. Today, I want to hear the Assembly cooling all the rhetoric to ensure that people can go about their daily duties in delivering for us in Northern Ireland. The last thing that we want to do in the Brexit debate is add further barriers. My appeal today is that we have a calm and rationale discussion and work to ensure that all those employees can return to work as soon as possible.

Mr Irwin: First, I offer my best wishes and prayerful support to my good friend and colleague Edwin Poots, as he takes what, I hope and trust, will be a short break from ministerial duties to undergo emergency surgery. I also pass on the good wishes of many of my constituents who have enquired about his health in recent weeks.

On the Matter of the Day, the threats to staff at Larne port must be condemned. I ask those behind that sinister activity to desist immediately. People going about their daily work should not have to face such sinister attention. I support the council decision to remove staff from those positions, given the real and obvious safety concerns. I

understand that it was a unanimous decision taken by the entire council. I was contacted on Saturday by the PSNI on the back of social media misinformation and a veiled threat against me. That, too, is unacceptable and amounts to an attack on the democratic process and politics.

All that being said, there is also an important and very real issue in the unionist community at this time, and that is the absolute rejection of the Northern Ireland protocol. The protocol is viewed in the unionist community as completely negative and distasteful. Sadly, as we know from many years of troubled history in Northern Ireland, there are those at the fringes of the community who will use those opportunities to flex their muscles. That is the sad reality of these circumstances. I urge unionism to unite and deal with the protocol in an exclusively peaceful and democratic fashion and focus on the source of the problem. That is the only available path to removing what has been foisted on us. East-west trade and the movement of goods must be restored immediately, but it must be achieved peacefully and democratically.

Ms Dillon: My thoughts are with the members of staff who have been threatened and with Stephen Farry, whose constituency office was attacked and daubed with the words “RIP Good Friday Agreement”. We all know that that is not the case. That is why we are here. I want to be clear that the source of the problem is Brexit. The Brexit that you argued for, the Brexit that you wanted, the Brexit that you paid millions of pounds to campaign for in the North and that lost the vote in the North. Let us be very clear. The source of the problem today — a real and live threat around getting food into this place — is the threat, not the protocol.

I thank Mr Dickson for bringing this to the Floor of the House today. As he said, we need to have cool heads, we need to temper our language and we need to know that the tone that we set in this place is what will happen outside. For us to not take full responsibility for that is disingenuous. What we say and do in here will have a massive impact on what happens out there. If people in the unionist and loyalist community do not feel that you are representing their views in this place, you need to speak to them, meet them, talk to them, listen to them and represent their views properly, in the proper fashion in the House and in a democratic manner. You should not allow threats to be made against staff or allow attacks on Stephen Farry’s, Stewart Dickson’s or anyone else’s constituency office. It is not acceptable, and we all have to be careful. That includes social media. If people do not have cool heads, they should keep their hands off their phones. That is my advice to everybody. Be careful, be temperate, watch your tone and keep cool heads because we have big responsibilities to look after people here.

I sincerely hope that any threats made against any member of staff, at the ports or anywhere else, will be withdrawn immediately. We all have to accept responsibility for our tone and those whom we may influence outside this place. That includes me and everybody in the House, including the Members opposite. I ask you to seriously think before you speak.

Mr McGlone: Like others, I condemn the threats against staff at Larne port. I just heard William Irwin mention a threat against him: William, that is reprehensible as well and is to be roundly condemned, as is the attack on Stephen Farry’s office that we have just heard about. This

behaviour is despicable; it is disgraceful. We all have a duty to calm things down. Today is not particularly a day for politics. The type of politics that today is about is paving the way ahead.

We know what the problems are. The problems are there, and they will be there for the foreseeable future if we continue to crank it up. The politics that we are about today and should be about is calming down the atmosphere, looking at the individual problems and seeing how we can resolve them one by one. We need to go about the business that we are elected to do: to be there for the betterment of society and the community.

With specific regard to the threat at Larne, those young women — they mostly are young women — have been left there in that dilemma. I have been contacted by some of the families, and it is despicable and disgraceful. The council has a duty of care to its employees, along with the PSNI and us, as elected Members, to work collectively to bring calm to the situation and address those issues. If people are engaging in illegal behaviour by collecting car registration numbers, spraying threatening graffiti and that type of stuff, they have to be identified and brought before the courts. The duty of all of us is to bring it down, calm the situation, identify the issues and address them collectively and calmly, to pave the way forward for the society that we are here to represent and to bring about a spirit of accommodation and reconciliation, not a spirit of division.

To conclude, I will use the occasion to send my best wishes to a good friend of many years, Edwin Poots. I wish him well in his post-operative recovery. I hope that it will not be too long before he is back holding the reins at the Department.

10.45 am

Mr Beggs: I, too, send my best wishes to Edwin Poots. Hopefully, he will have a speedy recovery.

I unreservedly condemn the threats against all border control staff at Larne and, indeed, Belfast harbours. Let us be clear: there should be no place for violence or the threat of violence, but, for that to happen, we all need to look carefully at what we do and at what we have advocated. The British Government have reached an agreement with Europe and set themselves in terms of the Northern Ireland protocol. However, those protocols are not set in stone. Already, we have seen adjustment. There needs to be a clear reflection on those protocols, and we need to make sure that they are proportionate and reasonable. What has been introduced, however, is not proportionate or reasonable. There is growing discontent within the unionist community, and I can see that only growing as more and more people recognise that they have difficulty buying seeds and plants and in being able to get a small parcel or goods delivered to them. Therefore, there needs to be adjustment and reflection. I plead to all parties that may have fought hard against a hard Brexit: we have what we have. I ask all those who then pressed for a hard, full introduction and implementation of the Northern Ireland protocol to think carefully about what they have done. They are causing discontent and instability. I urge a rethink. There are the interests of the EU, of the Republic of Ireland and of everyone who lives in Northern Ireland to be reasonably accommodated.

The Ulster Unionist Party has always advocated freedom of movement, North/South and east-west. A hard border in the Irish Sea is causing significant problems, and the protocol needs to be changed. Again, I say that all of us need to reflect on what we have advocated. We need something that the entire community can buy into.

The Belfast Agreement indicated that Northern Ireland's position would change only with the agreement of the people of Northern Ireland. The hard border down the Irish Sea has changed that and has the potential to create economic and political instability. We all have an interest in avoiding that, so I ask everyone in the Chamber to reflect on where we go from here and to urge for changes in the disproportionate, hard Northern Ireland protocol.

Mr Speaker: The Member's time is up.

Mr Allister: I join in the best wishes to Edwin Poots at this difficult time for him and his family.

Violence is wrong and always was wrong; threats of violence are wrong and continue to be wrong. I have been very clear that, even though this is an iniquitous, damaging, hateful protocol that is unstitching the union between Great Britain and Northern Ireland, it needs to and must be fought politically. It is the failure of effective political action that opens the door to have other miscreants with wrongful motives fill a resulting vacuum.

Last night, DAERA withdrew staff from the ports. If it had done that, not in face of threats, but as a bold political move, saying, "We're not going to enforce the partition of the United Kingdom", there would have been less scope for anyone to issue threats and make trouble to staff. That is a lesson in itself. It is political action that is seen to be effective and determined that is the best antidote to threats of this nature.

Before people get too sanctimonious, let me say to the House that the border between the EU and the United Kingdom is in the Irish Sea because of threats of violence if it had been put in the place where it should be. It was the implicit — nay, sometimes explicit — threats that violence would return to the island of Ireland if ever there were a border, such as it even would be, on the island of Ireland because of Brexit. Let people remember that some were happy to ride in the shadow of that threat to force the border to the Irish Sea.

As for Sinn Féin, I will take no lectures from a party that, to this very day, justifies the most heinous violence of the IRA's terrorist campaign. Let us be clear: violence can only sully a just cause. Violence, or the threat of violence, has no contribution to make, and —

Mr Speaker: The Member's time is up.

Mr Allister: — it must be given no place but —

Mr Speaker: The Member's time is up.

Mr Allister: — instead be faced with active political activity.

Mr McGuigan: I thank Stewart Dickson for bringing the Matter of the Day to the Chamber. I also send my best wishes to Edwin Poots and his family through this difficult time. As Deputy Chair of the AERA Committee, I look forward to working with Gordon Lyons in what, hopefully, will be a short time frame.

I condemn the threats against workers at Larne and Belfast ports. There can be no place for threats such as these, from wherever they emanate. They need to be lifted immediately. Everyone should be able to go to their work free from fear and intimidation. I spoke to the police this morning and requested further meetings. The PSNI needs to identify and establish quickly who is responsible for the threats and to take action against those responsible. The workers from Mid and East Antrim Borough Council and DAERA need to be back at work as quickly as possible to carry out the necessary checks so that further frustration is not caused at our ports.

My colleague Declan McAleer, the Chair of the AERA Committee, has also requested meetings with DAERA so that we can establish the facts and get the issues resolved as soon as possible.

Politicians in the Chamber must use language responsibly and draw the heat out of the situation. I am curious about what Mr Allister said. He seemed, on the one hand, to be condemning those who were issuing threats, but, on the other hand, asking the AERA Minister and officials to break international treaties and the law in some way. The Member needs to clarify that.

Brexit is a reality and so is the protocol. Threats at Larne and Belfast ports, or against elected representatives and others, will not change any of that. In the Chamber, we need to use our time wisely and calmly to resolve any issues that we can in the Irish protocol to allow freer trade east-west and along this island. We need to stand collectively against these threats and deal with the issues at hand through the mechanism of politics and nothing else.

Ms Bailey: I also wish Edwin Poots well. I am pretty confident of his speedy recovery.

I thank Stewart Dickson for bringing this Matter of the Day. It is 2021, and it is absolutely shameful that, in Northern Ireland, people are being stopped from going to their work. No one should be put in that position. We will, of course, await the PSNI's assessment of the situation.

It is equally shameful that elected reps are being targeted. All this is being done in the name of the protocol, but nobody likes the protocol. The House voted against the protocol and the withdrawal Act. Brexit is absolutely the problem. Brexit split the regions of the UK, and Brexit remains the problem. There is no good Brexit for Northern Ireland; there was never going to be a good Brexit for Northern Ireland. Those calling for the removal of the protocol need to come forward with credible solutions before whipping up tensions and marching people to the top of the hill and leaving them there all by themselves.

We almost look back to the halcyon days of Theresa May's withdrawal agreement and the deal that she was able to propose as a solution. When people in the House speak of breaking delph, nooses tightening and acts of aggression, we become part of the problem, rather than giving solutions. Let us look at where we are and at creating solutions in the best interests of all the people in Northern Ireland, not just at some people's interests and at maintaining divisions.

Mr O'Toole: First, I send my best wishes to the Agriculture Minister, Edwin Poots, as others have done. I hope that he is back at his job soon. I also stand in solidarity with any

workers who have been affected by what has happened at Larne, and with Stephen Farry, on whose constituency office graffiti has been daubed.

As others said, it is extremely important that we approach the issue with extreme sensitivity of language. I have always endeavoured to do so. It is important that we understand what is happening here. Yes, it is important that, first, we acknowledge that Brexit is the root of the issues that we face, but I do not want to completely rehash all the debates around Brexit. It is important that we focus on the situation in relation to the Northern Ireland protocol.

First, many of the checks that are being carried out at Larne and Belfast are a continuation of some that were happening long before Brexit, and, indeed, long before the Good Friday Agreement, as plant and animal products entered the island of Ireland. The fact that the UK has left the EU sanitary and phytosanitary area means that, unfortunately, there have to be certain controls on plant and animal products. Do we want to see easements, greater information and the protocol being made to work? Absolutely. I agree with a lot of what others have said about that. However, let us be clear about what that means: this is a continuation of checks that, in many ways, have already happened. That is not to say that Brexit and the protocol have not brought real changes; they have.

Secondly, it is also worth saying, as people talk about the political context, that the withdrawal agreement renegotiated by Boris Johnson — it is not, I have to say, to my or my party's liking — includes a consent mechanism. Therefore, the people who talk about the lack of consent in relation to the Northern Ireland protocol should reflect on the fact that there is a consent mechanism. People who are feeding into the idea that this is somehow happening in an anti-democratic way or in a way that is without people's consent should reflect on the fact that a consent mechanism is built in.

Finally, I go back to what others have said, which is that this is a unique society. It is important that we all speak carefully and in even tones about the challenges that we face — and we do face challenges. We are in no doubt about that. We want to make it work. Furthermore, the rule of law is completely sacrosanct. None of us can talk out of both sides of our mouth when it comes to the rule of law, saying that it should be upheld but then saying x, y and z. The law is the law is the law.

Mr Speaker: The Member's time is up.

Dr Aiken: I thank Mr Dickson for bringing the matter to the House. I join others in sending my best wishes to Edwin Poots. Having been in a similar situation to his and Mr Dickson's in the past, I know that he has a long journey ahead. I also send my best wishes to Gordon Lyons and Gary Middleton as they assume their duties.

As leader of the Ulster Unionist Party, I condemn wholeheartedly the graffiti daubed on Stephen Farry's office and, indeed, I understand, on the office of Kellie Armstrong, and the threat against William Irwin. There is no rule anywhere in Northern Ireland that says that politicians should be threatened in any way. It undermines the democratic process. One of the reasons why we believe strongly in being British and in being in the Union is that we abide by the rule of law and, indeed, we ensure that we do not accept threats, no matter where they happen to be. The Ulster Unionist Party completely

condemns any attacks on workers. Any attempt to stop people going to their work is unacceptable.

11.00 am

However, there is an issue here, and you are quite right, Mr Speaker, that we need to be very careful with the language that we use. The issue here is with the Northern Ireland protocol. Yesterday, the Ulster Unionist Party put forward very sensible solutions to try to deal with the situation in order to reduce tensions so that we do not have these issues of rising anger from people across Northern Ireland on everything from seeds to the movement of armed forces. Somewhere in the region of 2,500 pieces of legislation will be imposed upon us in this Assembly that we will have absolutely no say in whatsoever.

I understand that the vice president of the European Union and Michael Gove will this week be meeting the First Minister and deputy First Minister to talk about derogations, and the EU Commission has recognised that there are some significant issues. It talks about a reset. We have put down a framework for that reset, and the way to do that is to make sure that the protocol does not completely undermine and trash the Northern Ireland economy, which, quite frankly, it is beginning to do. We need to do something about that, and the easiest way to do that is to invoke article 16 and look carefully at annex 7. Then we can spend the next two to three months renegotiating, with the people of Northern Ireland at the table and the elected representatives from our Executive being full and equal partners in those discussions to make sure that we get those derogations across the line because, no matter what we say, we have to move on from this issue.

Mr Blair: Before I say anything about the Matter of the Day, I add my support to that expressed for Edwin Poots and send him every good wish for a full recovery.

I echo the words of others who have said that all threats to staff are serious. That includes threats to Members of this House and their staff. I want to make it clear that I stand with Kellie Armstrong, Stephen Farry and their staff in that regard. The safety of those working in Northern Ireland ports is also a matter of absolute priority as we navigate a resolution to current issues. Everyone has a right to go to work without fear, and I condemn intimidation or threats made to staff carrying out their important work at our ports. In my capacity as a member of the Policing Board and as a member of the AERA Committee, I support the staff of both organisations and will work with political colleagues to reduce tensions.

As we discuss the implications of actions today, we must be aware that any disruption caused to our supply chains, with physical inspections of products of animal origin being temporarily suspended, will impact everyone in our society. Senior Ulster Farmers' Union officials have already expressed their concern today that the supply of food may be affected by the suspension of checks. Supply chains were already strained with increasing pressures as a result of the health pandemic and Brexit complications, but trade must continue to flow. Further delays will have associated complications and increased costs. I am aware that preparations are being made for the AERA Committee to be updated fully at the earliest opportunity on those matters, and I put on record my thanks for the

swift response by the Committee Chair and officials to my request late last night in that regard.

Speaking as a member of the Policing Board, I fully expect that members there will be briefed as soon as possible, and, hopefully, members of that body will resolve to offer full support to the police as they brief on and handle these issues, police the pandemic and police the community, all against the backdrop of dissident terrorist threats. In closing, with growing tensions reported in the community, I appeal to everyone to remain calm, dial down the rhetoric and follow police advice.

Mr Speaker: Members, time is up. I thank all the Members who have contributed to this Matter of the Day in relation to threats. I thank them for their contributions, for the moderation in their remarks, and for their condemnation of the threats to workers in the Larne port area and in the offices of a number of Members of this House.

Assembly Business

Public Petition: Ballycastle to Ballymoney Greenway

Mr Speaker: Mr Philip McGuigan has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak. For the avoidance of doubt, that means up to three minutes.

Mr McGuigan: I am presenting this online petition, which was created by a group of concerned citizens who title themselves the Ballycastle to Ballymoney Greenway Supporters' Club.

As I said, the petition is online and contains 1,123 signatures. I am submitting it today for the attention of the Infrastructure Minister, but it will also go to Causeway Coast and Glens Borough Council, as both have a part to play in shaping funding and realising the project.

The petition states:

"We are signing this petition as a demonstration of our full support for the development of a Greenway linking Ballycastle and Ballymoney.

We believe that development of a Greenway ... will result in a range of economic, social and environmental benefits.

A Greenway ... will produce economic benefits for both, resulting from the increased footfall the Greenway will stimulate from local residents, domestic visitors and international tourists.

Furthermore, with a creative design, the Greenway could include a variety of entry and exit points to include the tourist popular Dark Hedges and linkages to rural villages including"

Dervock as well as:

"Armoys and Stranocum. This would catalyse additional economic opportunities. Benefits will include new employment opportunities such as cafés and refreshment breaks at entry and exit points, walking and cycling tour guides and the maintenance of the Greenway."

A further benefit would be bicycle hire shops.

The people who are responsible for organising the petition understand that the greenway project is about much more than creating a 30-kilometre route along the old Moyle railway line. The 1,123 people who signed the petition know the potential value of the greenway to them, the community in North Antrim and the current and future businesses in the towns and villages on its route. They know the potential for children and families, who will have a safe, clean and green place to exercise their physical and mental health. It is because they know all that that they want to translate that potential into action. They want the Department for Infrastructure to work closely with the council in order to make the greenway a reality and to do so without delay.

We in the Chamber often talk about active travel and our commitments to it but, in reality, not enough happens beyond that. When we see the other side of the COVID

pandemic, we will still need to do more to tackle our health and to implement the practices that we talk about in the Chamber in order to create a healthier population and relieve pressure from our hospitals and NHS staff.

We also agreed in the Chamber that we are in a climate crisis, but we still prioritise infrastructure for cars over walking and cycling. If we are to match our ambitions, we need action, serious intervention and serious funding to do so. In the South, greenway projects received over €100 million in 2018, and, a week ago, the Government announced funding for 248 new jobs to create walking and cycling facilities.

Mr Speaker: Will the Member bring his remarks to a close, please?

Mr McGuigan: How about we match that ambition and funding?

Mr Speaker: The Member's time is up.

Mr McGuigan: OK.

Mr Speaker: As the Member knows, I would normally invite him to bring his petition to the Table and present it. However, in light of social distancing, I ask the Member to remain in his place, and I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister for Infrastructure and send a copy to the Committee.

I ask Members to take their ease for a moment or two before we move on to the next item of business.

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

Ministerial Statement

Alternative Awarding Arrangements for CCEA Qualifications in Summer 2021

Mr Deputy Speaker (Mr McGlone): I have received notice from the Minister of Education 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 the 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 so by rising in their place; just give us a wee bit of notice before doing so.

I remind Members to be concise in asking their question. This is not an opportunity for debate, and long introductions will not be allowed. I also remind Members that, in accordance with long-established procedures, points of order are not normally taken during a statement or the question period after it.

Mr Weir (The Minister of Education): With your permission, Mr Deputy Speaker, I wish to make a statement outlining to the House arrangements for awarding Council for the Curriculum, Examinations and Assessment (CCEA) qualifications this summer in the absence of examinations. I will set out the arrangements for GCSE, AS, A-level, occupational studies and CCEA entry level and vocationally related qualifications.

As Members will be aware, it was my intention that exams should go ahead this year if at all possible. I previously announced a range of adaptations to the planned examinations to ease the assessment burden on students and take account of the disruption that they have experienced. There is no doubt that examinations are the fairest and most robust method for awarding qualifications. It was, therefore, my hope and expectation that we would be able to deliver these. However, I had to announce, on 6 January, that it was no longer possible for exams to proceed as planned due to the worsening public health situation.

I am very aware that our young people have been affected by the situation and that many are anxious about their future. My priority, therefore, is to ensure that those taking qualifications in 2021 will not be disadvantaged by the COVID-19 outbreak. I hope that the details that I lay out today will ease some of those anxieties and provide the clarity needed so that students can move forward.

However, there is a careful balance to be struck between facilitating progression and ensuring that learners are fully prepared for the next stage of their lives, be that in education, training or employment. Of equal importance to the awarding of grades is that we find a way to maximise the remaining time in the school year for learning and teaching and that we support young people to acquire the knowledge of content, skills and understanding that they need to advance to their chosen next stage. It is, therefore, vital that schools continue, as far as possible, to teach the content essential for progression. I encourage every young person to remain engaged in their education, whether face

to face in the classroom or through remote learning, right up to the end of the academic year.

Earlier in the academic year, my officials instructed CCEA to prepare contingency arrangements that would be deployed should exams be cancelled. Since 6 January, my officials have been working closely with CCEA to refine those proposals for alternative awarding arrangements. In doing so, they have engaged with the Education and Training Inspectorate (ETI), as well as a wide range of stakeholders, including school leaders, trade unions, managing authorities, parents and, very importantly, young people.

While I had hoped that we would not be in this situation this year, it should be recognised that we are in a far better position than we were last March. We have the experience of last year to draw on, and lessons have been learned.

As Members will be aware, I proactively commissioned an independent review of the 2020 awarding arrangements, which was recently completed by Deloitte and which I published on 8 January. The lessons learned in this report have been taken into account in finalising arrangements for 2021. They include more weight being given to the professional judgement of teachers. This year, there will be no statistical standardisation using an algorithm. There will be a direct link between the grade awarded and the actual work completed by the learner. There remains alignment with the approaches across the other UK jurisdictions. Equity and fairness are at the core of the approach that has been developed. There will also be moderation of centre assessments in and across centres.

In refining arrangements, my officials and CCEA have been working to a set of underlying assumptions. All students, including private candidates, who are in their final year of study and due to progress to the next stage of learning or work will receive a grade. Focus will be on the establishment and implementation of robust processes so that students can receive a fair and accurate grade to allow them to make the right choices in relation to progression.

Additional training and support will be provided to teachers, heads of departments and heads of centres to assist them in undertaking the assignment of grades. That will also assist with the internal and external quality assurance processes, with the aim of having more consistency in approach across centres. Finally, no student should be penalised for being unable to complete any part of the course, including a non-examination assessment, during a period of school closure or self-isolation.

11.15 am

CCEA will not set a statistical ceiling on grades. Each school and college will determine outcomes for its students based on the evidenced standard at which the student is performing. It is likely, however, that, across our system, overall grade outcomes in 2021 will be broadly similar to those awarded by centres in 2020. Last year, we asked schools and colleges to make a judgement as to the grade that they expected their students most likely to have achieved in their examinations had they gone ahead. At that time, learners had almost completed their courses of study and were well advanced in their preparation for timetabled examinations. It has to be acknowledged that the cohort this year has experienced significant disruption to their education across two academic years. It would,

therefore, be unreasonable to ask teachers to make a judgement about a learner's grade had an examination taken place. Centres will, therefore, be asked to use a range of evidence to arrive at a judgement of the standard at which each learner is performing in the context of the specification being studied.

CCEA will provide guidance, support and training to help teachers to make holistic judgements to deliver centre-determined grades. We are asking teachers to use the full breadth of experience that is available in the context of the specification to arrive at a judgement about what each learner knows, understands and can do. Due to the different degrees of disruption experienced by individuals and across different schools, it will be important that teachers have the flexibility to draw on a wide range of experience to inform their judgement. They will, therefore, be able to draw on evidence generated that relates to any part of the specification. To assist teachers in that process, CCEA will also make available to all schools and colleges assessment resources that may be used as part of the broad portfolio of evidence. Those resources will be repurposed papers, which will provide unseen questions and an associated mark scheme.

I stress that the use of those resources will be optional for schools. They can be used to support their judgements. They are not exams and should not be treated as such. The assessment resources can be used alongside a range of evidence. The emphasis should be on a broad portfolio of evidence, not a single source. If a learner indicates that they want to take an assessment in circumstances in which the school is not providing that generally, it is recommended that the school facilitates that request, provided that the school feels that the subject content has been covered in a way that enables the learner to complete all or part of the assessment resource. Although assessments using those resources should not be the sole evidence used to support a judgement, there may be exceptional circumstances in which it is the only evidence available, such as, for example, in the case of a private candidate. Examination centres should ensure that private candidates can be facilitated to take any necessary arrangements to ensure that there is sufficient evidence on which to award a grade.

There will be five stages to awarding GCSEs, AS and A levels. In stage 1, training, support and guidance will be provided by CCEA to schools. Guidance will be provided on how to arrive at holistic judgements and the evidence that may be used. Schools will develop internal moderation processes, and CCEA will provide schools with best-practice exemplars. Before moving on to the next stage, the processes that schools intend to deploy this year will be reviewed. CCEA will issue guidance to heads of centres throughout February, with training commencing during the same period. Schools and colleges have already begun to enrol for that training.

Stage 2 is the provision of assessment resources and the evidence-gathering process. In that period, schools will wish to give further opportunities to candidates to demonstrate what they know, understand and can do. Schools can use evidence of students' performance against the specification. In order to promote ongoing engagement by candidates in teaching and learning during the coming months, schools can utilise evidence from the current period of remote learning, as well as

when candidates return to school. In April, to support the evidence-gathering process, CCEA will provide schools with assessment resources digitally for all students. That will enable schools to begin the process of gathering evidence, including making use of the assessment resource as necessary.

Stage 3 is the process of determining grades and internal moderation of those grades. During the month of May, schools will complete the process of determining grades and undertaking internal moderation in line with the plan set out at stage 1 and the guidance provided by CCEA. There is no prescribed weighting for any piece of evidence. Rather, the centre-determined grade is the holistic judgement of the standard at which the candidate is performing in the context of the specification that is being studied. Centre-determined grades must be submitted to CCEA towards the end of May. Those are not the candidates' final grades, and centres will be subject to an external quality review.

The fourth stage is the external review of evidence. We want young people, parents, universities and employers to have confidence that grades awarded by different schools and colleges are of the right and consistent standard. In order to ensure fairness and consistency across centres, CCEA will undertake a process to review the process used by centres to determine grades. Throughout June 2021, CCEA will carry out an external quality assurance process to look at the grades submitted by all schools and colleges and will review samples of candidates' work to make sure that the grades submitted accurately reflect the outcomes provided. Work from every school and college across Northern Ireland will be reviewed. Where there are any concerns that the evidence does not support the grades submitted, CCEA will undertake a more extensive review of the centre's evidence, engage in professional dialogue with the centre and, in some cases, may require the centre to rerun its grading process.

The final stage, stage 5, is the distribution of grades and post-award review. As previously announced, the date for results to issue remains 24 August for AS and A levels and 27 August for GCSEs. However, it is important that results are issued to students in Northern Ireland on the same date as candidates in other jurisdictions that share the GCSE and A-level brand, especially in relation to A-level results that are needed for university admissions. The Office of Qualifications and Examinations Regulation (Ofqual) has been consulting on bringing forward the date for issuing results to early July. We have made it clear with colleagues in the Department for Education in England that that will not suit Northern Ireland schools, and we have urged them to take that into account. CCEA is working closely with awarding organisations and qualification regulators in England and Wales to agree a date and, as soon as it is agreed, will let centres and students know.

Finally, there will be a post-award review service to enable any candidate who is dissatisfied with their grade to appeal the outcome. Candidates will have a right of appeal to their school or college around the centre-determined grade. Challenges to the processes and whether they were followed or implemented correctly or consistently and in line with guidance will be processed by CCEA. CCEA will be working with other examination boards over the coming months to make sure that a similar appeals process is put

in place across all examination boards, and further details will be provided in due course. However, I can confirm that I will put in place the same indemnity arrangements as last year to protect schools should they face legal challenges in relation to their role in the alternative awarding process.

All those planning to complete and cash in their qualifications this summer will be awarded a grade. That includes those completing their A-level and GCSE qualifications — mainly year 12 and year 14 learners and those in further education and training — as well as those taking AS qualifications. Grades will not be awarded for individual GCSE units or modules. I have decided that, in years 11 and below, those who may have been planning to cash in GCSE qualifications this summer may not be entered or awarded GCSE qualifications in 2021. There are two exceptions to that, where awarding the grade early may facilitate access to extended learning in the same area. First, those taking GCSE maths who plan to progress to GCSE further maths in year 12 will be awarded grades, and, secondly, grades will be awarded to GCSE Irish students who may progress to GCSE Gaeilge or require it for progression to other courses delivered in Irish. That decision is in line with the statutory duty to encourage and facilitate Irish-medium education.

Candidates in years 11 and 13 will wish to have more information on the arrangements for qualifications in 2022. Therefore, CCEA has been asked to look specifically at the arrangements for years 11 and 13 and the implications for awarding in 2022. As I mentioned earlier, GCSE units or modules will not be awarded grades this summer, and work is ongoing to consider whether AS grades might be carried forward to the A-level award in 2022. That is quite a complex matter, and I am not in a position to confirm arrangements on those specific issues today. However, CCEA is continuing to explore all options, and I hope to be able to provide clarity by the end of March, or as soon as practical thereafter, concerning the arrangements for awarding GCSEs and A levels in 2022.

I am conscious that these learners have also experienced significant disruption this year, so I will be looking to take steps to reduce the assessment burden in 2022, similar to the adaptations that I have announced for the 2021 examinations.

Alongside the qualifications that I have mentioned, CCEA offers six pathways through occupational studies levels 1 and 2, 14 entry-level qualifications and 26 vocationally related qualifications. Those qualifications have no examinations and are, therefore, not affected by the cancellation of the GCSE and GCE summer examinations timetable. However, the award is based on internal written assessments and practical assessments, which are subject to an external moderation process.

While some public health adaptations were put in place already, with the ongoing disruption, completing the full quota of practical components and other formal internal assessments for those qualifications will be challenging. Therefore, for CCEA's occupational studies, entry-level and vocationally related qualifications, there will be no formal assessment in 2021. Instead, teachers will be asked to use their professional judgement and the evidence available to them in order to reach a centre-determined grade. A moderation process, similar to that for GCSEs, will also be incorporated. I have listened to feedback from teachers and further education colleges and can provide

assurances that CCEA will provide detailed guidance and support to help teachers to make those judgements.

I recognise that some learners may be working towards other entry-level or vocational qualifications provided by an awarding organisation other than CCEA. Those qualifications fall under the remit of the Department for the Economy. The Minister for the Economy recently announced the cancellation of all external vocational examinations for the remainder of the year, including essential skills. Adaptations to assessments will also be required, where possible, for the wide range of vocational qualifications relating to occupational competence, such as a licence to practise. I understand that the Minister has instructed CCEA Regulation to ensure that awarding organisations put in place suitable alternative awarding arrangements that are reflective of this year's particular circumstances and will ensure that those learners receive fair and timely results.

I understand that Minister Dodds expects clarity on the alternative arrangements for the majority of vocational qualifications to be provided by awarding organisations as early as possible in March 2021. In relation to essential skills and other Northern Ireland-only qualifications, the Minister expects clarity on the alternative arrangements to be available by the end of February 2021.

I thank the House for the opportunity to address Members on these important issues. Fairness to pupils is my priority, and that will continue to be at the forefront of every decision I take. In these exceptional circumstances, I have taken exceptional and unprecedented steps to ensure that our young people are supported to progress in education, training or employment.

Again, I commend the work of all our school leaders and teachers for their efforts in these difficult times.

Mr Lyttle (The Chairperson of the Committee for Education): The consequences of last year's algorithm-based grading fiasco continue to be felt across Northern Ireland. I know of at least one pupil who, shockingly, remains engaged in the appeals process for 2021 even at this stage.

What is the Minister's assessment of the impact of 100 days of out-of-school learning on pupils? How will he mitigate that impact in advance of assessments? Has he given any consideration or scoping to the viability of a return to this school year in September 2021 for any pupils?

Mr Weir: Just to clarify, I assume that the Member's last question refers, effectively, to repeating the year. I am just checking. I will deal with that. There is provision, I think, in current guidance that is given to schools and, indeed, to boards of governors, where, for a small number of pupils, the year will be repeated. That was already in place, and there is the opportunity to use that. Doing an overall repeat of the year across the sector would simply not be practicable from a logistical or financial point of view. It would also mean that levels of education would be held back. There is a strong need, and the Member rightly mentions the days of disruption that have taken place.

It is important to note that there is greater readiness and ability during this phase to provide remote learning. However, it undoubtedly creates disruption for pupils. I am sure that the Member and, indeed, the whole House,

would agree that face-to-face teaching is the best possible means of teaching compared with remote learning.

To that extent, when I put to the Executive the paper dealing with the situation between now and March, one of the elements of that was to look at a catch-up scheme, similar to the Engage programme, which would take place in 2021-22 and be funded via COVID money. I will bring the details of those proposals to the Executive, but I have received their agreement in principle for that scheme.

11.30 am

On the broader levels of mitigation within the results side, because we are asking schools to make assessments of the learning profile of our students, it is not a question of making second guesses about what they would have done in examinations, because different pupils will have had different levels of disruption. As such, schools are in a holistic position to mirror out what they believe the abilities of their pupils to be. Consequently, undoubtedly, not only will different schools be in different places but we know that individuals will be in different places. Some, particularly during the first period, will have missed a relatively small amount of time; others will have missed a more extensive amount. The more holistic opportunities are ones that will be able to take account of that and be able to tailor those needs to individual pupils.

Mr Newton: I thank the Minister for coming to the Chamber. He is probably in the Chamber more often than any other Minister.

Minister, I note that your statement indicates that there will be training, support and guidance for schools. The conclusion to your statement outlines:

“Fairness to pupils is my priority, and will continue to be at the forefront of every decision I take.”

I do not think that anybody would disagree with that.

What assurances are there that the higher education sector will accept the process of awarding grades that you have outlined?

Mr Weir: I thank the Member for his question. It is important that we ensure that, from that perspective, there is fairness across the system, particularly when it comes to the higher education system, where there is competition between pupils for university places, for instance. It is important that they can compete on a level playing field with others, not just throughout the UK but in the Republic of Ireland and other places. As such, if the slope — if I may put it this way — were to be made steeper for our pupils, making it more difficult to achieve the same grades, it would disadvantage them. Similarly, perhaps the less-considered position is this: if circumstances were such that pupils received grades that were perceived to be an awful lot easier to achieve than in other jurisdictions, it would create a level of suspicion. It is also the case that a number of our pupils, particularly at A level, take exams with examination boards outside Northern Ireland.

The level of demand means that higher education providers will see these as valid qualifications. Work has been ongoing between CCEA, as the regulator, and higher education providers. The providers recognise that this is an extraordinary context in which qualifications have been put in place. As such, there is recognition from universities

that we have a system here that is within the ballpark of what the other jurisdictions will do. That is the case for UK higher education. Similarly, for those who will seek to continue their studies in the Republic, the Irish Universities Association has been apprised of the Northern Ireland approach and confirmed that it will accept UK results by the exam boards. The regulator has also confirmed that. Hopefully, none of our students should be in any way disadvantaged.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis anseo ar maidin. I thank the Minister for his statement here this morning. I welcome the statement from the Minister, particularly the fact that he has abandoned the failed algorithm and is prepared to put more faith in the judgement — the professional judgement — of our teachers. However, the devil is in the detail, particularly with the assessment models and how moderation will take place.

It is fair to say that the Minister's tenure has been characterised by dithering and delay. Last year's failed assessment process and the transfer test fiasco are just a couple of —.

Mr Deputy Speaker (Mr McGlone): Gabh mo leithscéal, an bhfuil ceist ag an Chomhalta Tionóil?

Mr Sheehan: Tá, tá mé ag teacht chuig an cheist anois.

Like the football manager who has lost the changing room, the Minister has lost the confidence of teachers, parents and children, and, according to the most recent opinion poll, there is also a lack of public confidence —.

Mr Deputy Speaker (Mr McGlone): Gabh mo leithscéal; I have given you a fair bit of latitude already, a Phádraig, but we need a question.

Mr Sheehan: Given all those issues, will the Minister tell us what steps he is taking to address the poor communication and complete lack of transparency that were highlighted by Deloitte in relation to last year's assessment fiasco?

Mr Weir: I was going to welcome the Member to his new role. He has come to the Education Committee via the January transfer window.

Mr O'Dowd: It was a free transfer.

Mr Weir: I do not know what the transfer fee was for the Member.

In terms of the broader issues, we have taken, across the board, in relation to this —. Indeed, I suppose that these announcements, in terms of details, because there is still consultation happening elsewhere, probably predate other groups within that. The Member talks about coming to a conclusion on some of the issues, and he is right about the detail being there. Moderation itself will essentially be internal to the school. There is then, as I outlined in the statement, a level of external assessment on the basis of an iterative process between the schools and CCEA. I gave an assurance that algorithms would not be used. Last year, to be fair, algorithms were used initially in every jurisdiction. It is like seeing the internal workings of a clock; algorithms would normally be used for standardisation every year, but the circumstances of last year made them a concern.

On the broad issue of communications, detailed work will go on between CCEA and the schools. I hope to issue detailed information directly to schools later today. As part of that, over the next few days, the Department's website will have a "frequently asked questions" section that people can delve into. We will also, hopefully tomorrow, issue a version of that information directly to parents so that they can avail themselves of it. The Deloitte report highlighted the issues with communications quite late on in the day, rather than what was being done in March and April on the policy side. Every effort will be made to explain as much as possible and communicate as clearly as possible.

Mr McCrossan: I thank the Minister for his statement, which will bring some relief to teachers, young people and parents and will finally help to curb much of the lingering uncertainty that he has continually presided over. I am glad that he has finally put the dodgy algorithm tool in the bin, where it should have been last year. Last year, he did not trust teachers' judgement and he ignored all the warning signs. Will he now admit that he and CCEA got it very badly wrong and that he added to the hurt, stress and anxiety of our young people and their parents and teachers? He left tears in the eyes of a lot of young people last year because of his failure to listen and act. Will he now, given that he has admitted in the statement that it was wrong, apologise to those young people so that we can move on and learn from those lessons?

Mr Weir: I am not going to simply play to the gallery on what is quite a serious issue. Some of the Member's remarks are made for a certain level of effect rather than reality. The Deloitte report deals with the full detail of the situation. It is clear that circumstances were such that a lot of problems were created for our young people. The indication from that, with regard to the role of the Department and of myself, was that the policy decisions that were taken last year — this is highlighted by the Deloitte report — were got right. Indeed, on that basis, the situation was around some of the implementation issues.

The Member mentioned the algorithm. As I said, algorithms have been used in normal years. I indicated previously that the arrangements that, potentially, were being put in place for examinations would not have used algorithms. That was adopted not just today but quite a period of time ago. I believe that we have as sound a basis as possible.

You mentioned judgements. I have made this clear, and I think that it will be shared by many: if there were normal circumstances and we were in a position to simply go ahead with examinations, we would do so. Examinations represent the most objective way to assess an individual, and I think that everyone accepts that. I think that we have found a route that, again, is consistent with what is going to happen elsewhere. We have that judgement, and it is one that will be put in a robust context to make sure that there can be fairness across the board and that external users, be they employers, universities or others, can be provided with a high level of trust in the qualifications that will emerge.

Mr Butler: I welcome the paper, albeit that we will have to look at the detail behind it, Minister. I am sure that it is a relief for you to be able to bring what may be some good news for teachers and students across Northern Ireland today. I have three points that I would like to draw out very

briefly. First is the indemnity arrangements for schools; the second is on the centres being asked to use a range of evidence; and the third is on moderation between centre assessments in and across centres.

Minister, there are 16,000 P7 pupils who are in a similar position to A-level and GCSE students, and I believe that today's announcement on the process for the allocation of places in schools is deeply unfair to those 16,000 pupils. I hope that that is taken on board and that there will be a contingency and a better plan for next year's P7 group. Those three things could have been used for those P7s this year.

Of last year's GCSE and A-level pupils, I think that there were —

Mr Deputy Speaker (Mr McGlone): Does the Member have a question, please?

Mr Butler: Yes, I am coming to it now, Mr Deputy Speaker. Last year, I think that 240 GCSE and A-level pupils were awarded a U grade. Minister, there are a few comments in your paper today that I hope will give some comfort to anyone who is engaged in any course this year, whether at GCSE or A level, that no U grades will be handed out this year. You said that no student should be penalised —

Mr Deputy Speaker (Mr McGlone): Can I ask the Member for a question?

Mr Butler: — for being unable to complete a course. Thank you.

Mr Weir: That was a bit like one of those examination questions where they add the word "discuss" to the end.

Every student will be treated fairly. They will not be unfairly penalised because of levels of disruption, but, as with any grading, there is always the possibility. Indeed, last year, I think that a total of eight people got a U grade at A level, which was massively down from normal years. Given that the grades will range down to U grades, the U grade cannot be taken off the table. Whether in a school context or as a private candidate, for someone who, for example, has not engaged whatsoever there remains the possibility of a U grade, but they will be fairly judged. I indicated that I believe that the standards will be largely on the same basis as the end results in 2020. Therefore, I anticipate that there will be a very small number of U grades, but, if we were simply to rule out a particular grade, that would indicate that the system is not a proper one. U grades will be few and far between.

The Member is wrong in that you are not comparing like with like when you are comparing P7 students with students in years 12, 13 and 14. As part of this, we are able to have, for instance, assessment resources. Pupils are not competing against each other, so it is about how people are comparing within schools. A small number of schools, for instance, will use some form of academic tool in their post-primary transfer as some degree of gateway mechanism, but a lot of schools will have received advice that suggests that that is not necessarily the most robust system. It is up to each individual school. The difference is that transfer is legally and directly the responsibility of the boards of governors of the authorities of each school. To change that would require a change in legislation. I have looked —

Mr Butler: You could give indemnity to the school.

Mr Weir: Indemnity does take place at times with post-primary transfer.

We give a range of criteria for indemnification. However, by its nature, it does not remove the legal responsibility and authority of boards of governors to make that choice, although it may incentivise particular routes. Legally, whether it is via previous legislation, such as the Coronavirus Act, the Department does not have the power to impose, and that has been looked at in great detail.

Essentially, one of the differences is that a private organisation runs transfer testing but public examinations fall squarely under the remit of the Department of Education. CCEA has direct control of public examinations for Northern Ireland students, but that does not cover every student, as some use examination boards based outside Northern Ireland. From a legal point of view, from the point of view of public examinations and from the point of view of the quality of information, there is a clear distinction between this and what will happen to P7 pupils. I am sure that is a debate we will come back to, but today is about the public qualifications that happen towards the latter stages of students' academic careers.

11.45 am

Mr M Bradley: I thank the Minister for his statement. Mr Speaker, you will be delighted to know that I have a question. Can practical examinations, controlled assessments and completed coursework form part of the consideration of a student's qualification results?

Mr Weir: Yes. As I indicated, practical circumstances will mean that some of that will be more challenging. However, it will depend on the subject matter. For example, certain elements of practical coursework will be particularly relevant to certain courses. The idea is that CCEA will give guidance and training on awarding, but there is no barrier to the level of evidence that can be produced. Consequently, assessment can take place on a practical basis. In many instances, schools will have already banked that knowledge, particularly from the first term. As we move forward, I hope that there will be other opportunities to bank that as well. There is the flexibility for a holistic judgement to be made rather than it being based specifically on one test, so those things will be able to be taken into account.

Ms Mullan: Minister, I also welcome the statement and the alternative arrangements presented today. Following on from the Chair of the Education Committee, I ask for further clarity on the details of COVID-specific allowances for young people, specifically those whose education was disrupted from September to December. My daughter missed seven weeks of school when remote learning was not in place. I also want to ask you to detail the allowances that will be made for those who are still without an IT device, data or broadband connection.

Mr Weir: Schools will have the opportunity to make allowances. I appreciate that the Member makes cogent points about where we are with the COVID allowances. When we were looking specifically at a COVID allowance, we were looking at something that would embed a mathematical formula into this. Previously, when we looked at basing it on reduced course content and an examination, you would have had a mark that was then adjusted. That will not be the case with this. Schools will

be able to draw on their own experience, not what, they believe, students would achieve if they were suddenly flung into an examination room but where, they believe on a wide range of evidence, the balance of a pupil's abilities in a subject would be. I think that schools will be able to do that. For example, if it is something that has happened not across the school but only to particular individuals, that can be taken into account when arriving at a holistic judgement. The assessment that the school will produce for a child who has been massively disrupted by COVID may be on a different scale. However, because it is holistic in nature it will not be a formulaic process that says that a certain period of time off means that you will achieve a certain mark. The school will be in a good position to make judgements, and that will be taken into account in any assessment.

When CCEA does external assessment, it will not be on the basis of whether an individual student's result is right; it will be about whether the school's broad range has been pitched it at the right level. CCEA will be able to take into account the very specific circumstances facing individuals.

Mr Humphrey: I thank the Minister for his statement to the House this morning. Minister, like others in the Chamber, I welcome the jettisoning of the algorithms, which caused great concern to parents, teachers and, in particular, to pupils. I welcome and congratulate you on that announcement.

Can the Minister assure the House that students from Northern Ireland will not be negatively affected in their exams and qualifications as compared with their counterparts on the mainland?

Mr Weir: Yes. The issue has indicated that, arguably, there are three levels of fairness that we need to ensure. The first is fairness between centres, so that, regardless of which school a student goes to, they will be treated fairly and on an equal basis with one another; that is with regard to Northern Ireland examinations in particular. Secondly, there should be a level of fairness between students from Northern Ireland and students from other jurisdictions, particularly those who will use their qualifications to compete for a place in further or higher education or employment. Thirdly, there needs to be a level of equity between Northern Ireland students who are doing different courses.

Work has been ongoing with CCEA and Ofqual, and what is being announced today will mean that England, Wales and Northern Ireland should be on a level playing field. It may be that the details of arrangements are not exactly the same, but we believe that there can be a direct comparability and portability. Students will want to be in a position that, either immediately or later in life, whatever destination they take to get what they want to achieve, there will be no barriers. Similarly — this is one of the areas in which there is further work to be done — that is why the Joint Council for Qualifications (JCQ) is looking to make sure that any mechanisms that are put in place across the jurisdictions and between boards for appeals are of a roughly similar nature.

As I said, there are two dangers. It is not simply the danger of making things more difficult for our pupils by having a higher tariff to gain grades; if the CCEA results were seen as some level of easy route or soft touch, that would create a danger for our pupils as well. It would mean that, in some

circumstances, universities and others may take a view that our qualification is not worth as much as one from another jurisdiction. This is about trying to maintain, as much as possible, a level of fairness across the board so that there is no disadvantage to our pupils.

Mr O'Dowd: Minister, COVID-19 has accelerated and will accelerate many changes in our society. We now enter the second year without high-stakes examinations in education. Perhaps it will accelerate the debate about the purpose of high-risk examinations in education, but I do not want to test the patience of the Leas-Cheann Comhairle at this moment.

What consultation have the Minister, his Department and CCEA had with the teaching unions in regard to the changes that he is announcing today?

Mr Weir: We have gone through this. In one sense, part of the reason was to try to front-load consultation, rather than back-load it, in order to give people certainty. There would have been the option of simply doing some form of entirely internal process, coming up with a set of proposals and then putting them out to wider consultation for a period of time. However, that only creates a level of uncertainty, so we have been working with a stakeholder group of post-primary principals drawn from all sections: non-academic selective; academic selective; and different sectors. We have also consulted the teaching unions directly on their position on it. We have had the opportunity to have a level of road testing on this, just as we did with announcements on examinations, with groups of students. That has been done by officials with the idea that, whilst there is no perfect solution, broadly speaking, this is a route that people are content with. One of the obstacles to this is that a couple of aspects require further work. The issue is to get, if you like, the 90% announcement out at this stage, while working on the final details, rather than wait until the end of February or March before we make a picture that covers everything.

Yes, consultation has taken place and will be ongoing as we move towards implementation. The next stage is that guidance will be issued and training will be done in February. It is a cooperative process between schools and CCEA.

Indemnification will not provide a level of protection not only directly for schools, which is needed, but for teachers so that they can exercise their professional judgement without the fear of a looming court case hanging over them. That is the right way to do it.

Mr McNulty: Minister, I am concerned about the omission of the oral element from the languages assessment, especially for Gaeilge, our land's native tongue. I am also concerned about some students who take subjects modularly and may be disadvantaged and feel a little bit dizzy and overwhelmed by the proposed measures, complex and all as they are. Some solutions may have been provided, but I am worried about teachers and teaching staff, who are already overwhelmed, and how they and their unions have been consulted.

Fundamentally, Minister, we are talking about examinations when we should be focusing elsewhere. We should be focusing on a recharge. In Children's Mental Health Week, what measures are you taking to help children to prepare for the exams? What are you doing to recharge their mental health? What are you doing to recharge

them emotionally? What are you doing to recharge them physically? What are you doing to recharge them in terms of their socialisation? What are you doing to recharge them academically?

Mr Deputy Speaker (Mr McGlone): There are a number of questions there, Minister, so it is your choice.

Mr Weir: A paper would need to be produced in relation to that. The best cure for dizziness is to sit down after a while. I admire the ingenuity of the Member in bringing the discussion back to a range of issues, and I share his concerns.

I have indicated, particularly on the academic side — there is an opportunity for further bids to be made for next year's COVID funding — that, when the proposals were made and the Executive looked at the situation in one of their more recent meetings, we tried to give certainty to students, teachers, parents and beyond for the period after half-term and there was an extension to 5 March. Without breaking any Executive confidentiality, I can say that there was a paper that scoped out the options, made a recommendation and looked beyond that. As part of that, a recommendation was also made that, in 2021-22, a level of support would be required for pupils, particularly on the academic side. That is why we got a commitment directly from the Executive about bringing forward papers in relation to that.

The point about mental health is well made, and COVID recovery money was made available this year for well-being. Again, I would look to the Executive for an extension of that. Even prior to COVID, there was money secured this year in the budget to expand the support that was available for well-being and mental health issues. Mental health will be a growing issue, and a lot of it will not be immediately apparent on day one.

The Member mentioned the oral element specifically, and, as part of that, when working with CCEA and public health, there are particular issues with levels of assessment. There will be classroom evidence that has been banked and can be used, but a formal oral test was felt, from a public health point of view, to be one of the components of an examination that would leave things at most risk in terms of the spread of COVID. It was about trying to balance that out as well.

As I announced, there will be a broader holistic element, so for languages, for example, schools will be able to use whatever evidence they have gathered on, for instance, an oral basis, and feed that into their assessment of the centre-determined grade. There is no barrier to that.

Mr McHugh: Minister, you alluded to this in two previous answers, but we all know that equality of opportunity is uppermost when it comes to applications for further and higher education. What conversations have taken place — particularly with Dublin, given that it has alternative procedures in place for the leaving cert, but also with Scotland, England and Wales — to ensure that not only will students travelling to the North of Ireland have equality of opportunity but that students from the North of Ireland going to the Republic or the other jurisdictions will have that equality of opportunity?

12.00 noon

Mr Weir: The Member makes a valid point. With regard to examinations and qualifications, Scotland tends to be in a slightly different place to the rest of us; it has always had very different education and qualifications systems. We have conversations with Scotland, but it is probably on a slightly different plane to other UK jurisdictions.

We try to maintain the system of three-nation comparability, so that we are on a similar plane with England and Wales on those issues. That is not simply comparing students in Belfast with those in Birmingham or wherever. It is also the case that, roughly speaking, 20% of our qualifications come from examination boards based outside Northern Ireland. There has to be fairness. As I indicated, there have been discussions with the higher education authorities. They are content, provided there is a broad similarity among jurisdictions.

As I mentioned, there have been direct conversations between CCEA and the Irish university authorities. As a former Minister, Mr O'Dowd can testify that, in the past, there has been friction, North/South, over recognition of qualifications. However, we are assured that the Irish university authorities will recognise our qualifications.

I suspect that there has not been much broad international discussion beyond that, because relatively few of our students seek a university place outside Great Britain and the Republic of Ireland. Broadly speaking, universities across the world will recognise the unique circumstances that we have been in with COVID. They will make allowances for that.

Mr Deputy Speaker (Mr McGlone): Before I call Kellie Armstrong, let me express the condemnation of the entire House at the graffiti attack on your premises, Kellie. We stand in solidarity with you.

Ms Armstrong: Thank you very much, Deputy Speaker. DUP members experienced similar attacks last night — namely, Mr Weir and Jim Shannon MP. It is sad to see, but, hopefully, we will share the paint thinner, Peter, and get it cleaned off quickly.

I declare an interest as the mother of an A-level student who hopes to get grades this summer. They will be good grades, I hope. I am a governor of a post-primary school.

Minister, you stated:

“That is quite a complex matter, and I am not in a position to confirm arrangements ... today.”

I absolutely understand, and I would not expect you to do so. However, a key principle of grading is understandability. Can you help us, and the learners, to understand exactly how internal and external moderation will work this year and whether it will be included in the documents that are to be released to them? For example, will it be confirmed in those documents how long a COVID-related absence needs to be in order to get grade allowances, and what the marks could be?

Will you give assurance to those learners who are sitting Welsh board exams that this does not interfere with them? I know that there is a ban on that. We are not clear why that ban is there. However, will you assure those who are due to take such exams this year that they also will get results?

Mr Weir: There are a couple of issues there. Everyone will get a result, whatever the examination board. However, to give you more detail, there are concerns over the direction of travel of WJEC as regards its qualifications. It is also the case that WJEC uses Eduqas as an awarding body. That is largely designed for the external market to Wales, and no restriction has been placed on that. That will be an issue across the Welsh boards and it will be kept under review. That issue does not impact on any current learner, and any action that is being considered will impact only on those seeking to do a course from September 2022 onwards. Anyone currently looking at AS or A levels will be given grades. The maximum amount of detailed information will be given to schools and frequently asked questions will be answered for parents, because I understand that there are concerns.

As I outlined, the process of grading will start with initial assessment in school, and then there will be internal moderation in school. There will always be concern among students as to, “Does my teacher rate me? Do they like me?”. We want to make sure that there is no favouritism. A high level of professional judgement will be used, but internal moderation will also happen in schools. The next stage is that the provisional positions will be given to CCEA, and it will do sampling across every school. To provide reassurance, that will be on the basis of, largely speaking, one unit per school. If CCEA finds a sample that is beyond the levels of tolerance, it will do deeper sampling. The next stage is to engage with the school directly. There will be a professional discussion, and it may well be the case that CCEA says, “Look at your processes. If there are problems with your processes, you may need to rerun them”. It is about a professional conversation taking place, and we are happy to spell out that level of detail in any correspondence or communication that is put in place.

Mr Boylan: I welcome the Minister's statement. Under stage 5, the distribution of grades and post-award review, why would issuing results earlier here not suit schools in the North?

Mr Weir: The issue is the practicalities involved. If the initial work is done towards the end of May and a process of external assessment then needs to take place, the issue is, largely speaking, the practicalities of trying to make sure that all of that can be processed in a practical manner. Also, the longer that you have to assess things and ensure that they have been got right, the more you reduce the risk of any errors occurring. To that extent, the key driver is to make sure that the results of external public examinations are allocated by boards according to the same timescale. That is the issue. It is about trying to ensure that, across jurisdictions and across different boards, all results are issued at the same time. We do not want a situation where, for example, somebody who was studying for a CCEA exam is given their award long before or long after somebody in the same class who did a different subject gets their grade from a different board. It is about trying to ensure that it is the same across the boards. That is why, to a large extent, we try to ensure that, although Scotland has a slightly different time frame from everywhere else, GCSE awards and A-level awards are provided at the same time every year. That is the reason for that.

Mr Catney: Thank you, Minister, for coming here today and presenting your statement, which I welcome. Given that CCEA prioritised the algorithm over the well-being of our children and young people, will you today promise the House a full, independent review of CCEA, its processes and its leadership team? Our young people should not pay the price for CCEA's mistakes.

Mr Weir: Deloitte has published the report of its independent review of what happened last year, and the full details are there. To be fair, while mistakes were clearly made on the implementation side, I do not want to characterise the professional judgement of CCEA on the basis of, "We don't care about pupils' welfare. We support the algorithm, no matter what". We have to be fair to people about the assessment that they made, particularly in what were quite tight time frames.

I will make three other points. First, no algorithm is being used this year. Generally, algorithms are used every year. A particular problem arose because the algorithm results were not backed up by the examination results. Standardisation happens every year, although that is not necessarily realised or known. Although there were issues with the algorithm, such issues happened in pretty much every jurisdiction. We found that in different jurisdictions. A good deal later, there were issues with, for example, the leaving cert in the Republic of Ireland, the results of which were issued a month or two after the UK jurisdictions issued theirs. Clearly, we have tried to ensure that lessons have been learned, and there has been a full examination of what went on last year. Let us not fall into the trap of scapegoating people who tried to use professional judgement and tried to get what appeared to be the best possible outcome. People deserve fair judgement, and the Deloitte report covers that in a fair amount of detail.

Miss Woods: I thank the Minister for his statement. I join in the condemnation of the graffiti attacks on Kellie Armstrong and all other political representatives and their offices.

The Minister mentioned evidence a number of times and said:

"Centres will, therefore, be asked to use a range of evidence to arrive at a judgement of the standard at which each learner is performing in the context of the specification being studied. CCEA will provide guidance, support and training to help teachers to make holistic judgements to deliver centre-determined grades."

When exactly will teaching staff be provided with the necessary guidance and support as to what evidence can be used? When will they get this clarity and will it ensure consistency?

Mr Weir: The idea will be to drive as much consistency as possible. There is always going to be a certain element of subjective judgement. Can you have absolute, pure consistency? We will strive to have it as much as possible. Both the guidance from CCEA and the training will take place during February. At the moment, and for the rest of February, good work is ongoing in schools with remote learning. There will be a level of flexibility because there will be that opportunity for the training. We want to make sure that that is done as quickly as possible but also in a thorough manner.

Mr Deputy Speaker (Mr McGlone): Before we conclude, Minister, I was unaware of any attacks on your party offices but, likewise, I condemn those. I am sure that I reflect the view of the entire House in that condemnation. I ask you to also convey my best wishes to Jim Shannon.

That concludes the questions on the statement. Members, please take your ease while we move to the next item of business.

Executive Committee Business

The Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020

Mr Deputy Speaker (Mr McGlone): Members, please resume your seats.

Ms Mallon (The Minister for Infrastructure): I beg to move

That the Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate.

Ms Mallon: This statutory rule will increase the number of penalty points for the offence of using a handheld mobile phone while driving. As it stands, the offence attracts a £60 fine and three penalty points. This has remained unchanged for over 13 years. I am proposing to increase the fine to £200 and the number of penalty points to six. This is in line with the penalty in Britain, in place since March 2017, for the same offence. Implementation of these changes will require the making of two statutory rules, one to increase the fine and the other to increase the penalty points. The increase in penalty points is subject to affirmative resolution and is the focus of our debate today.

12.15 pm

It is fair to say that most people accept that use of handheld mobile phones while driving is distracting and dangerous. Glancing at your phone for just two seconds doubles your risk of crashing. However, for too many drivers, the desire to stay connected at all times seems to override that knowledge. Drivers know that they are breaking the law, yet they continue to do so. In order to turn that situation around, we need to put a penalty in place that will be an actual deterrent. That is not just my view; I am happy to say that it is a view that is shared by the majority of people who responded to the consultation on the issue.

Today, we are not talking about a minor offence. Too often, the consequences of the offence change or even end a life. That, in turn, impacts on the lives of families and loved ones, and the penalty, at its current level, does not reflect that stark reality. I want to introduce a penalty that is in keeping with such a serious offence. That penalty will send a clear message to drivers: caught once, you will get a significant fine and six points on your driving licence; do it again, and you will lose your licence. However, there will be no second chances for our newly qualified drivers, who have a ceiling of six points for the first two years after passing the test and are at particular risk of the effects of distraction. For those drivers, the rise in penalty points will mean an immediate ban. I believe that that will send a clear message to new drivers that such behaviour is very dangerous, unacceptable and will not be tolerated.

Last year, as part of the policy development process, I met the Chief Constable, and he confirmed his support for my proposed way forward. Also, in late September the Infrastructure Committee had the opportunity to examine the proposal, and it, too, signalled its support. Given the Department of Justice's specific interest in the overall

network of offences and penalties, I invited Minister Long to consider any wider implications that the proposal might have. She confirmed that it is commensurate and proportionate.

To sum up, the illegal use of a mobile phone while driving is a selfish disregard for the law. It poses a serious threat to not just the driver who made the selfish choice but to many other innocent road users. The consequences can be devastating. Today provides us with an opportunity to intervene and to make a real difference to road safety in 2021. With Members' agreement, the statutory rule can, from tomorrow, come into operation alongside the increase to the fixed penalty fine. That change will have no impact on drivers who are already choosing to stay safe and legal in their use of a handheld mobile phone, but six penalty points will provide the necessary consequences for those who deserve it, that is, those drivers who refuse to put their phone away and are willing to risk the safety of everyone they meet on a daily basis. For those reasons, I commend the motion to the Assembly and ask that it affirm the statutory rule.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): I welcome the opportunity to speak as Chair of the Committee for Infrastructure in support of this important statutory rule. As the Minister outlined, the statutory rule is one of two considered by the Committee for Infrastructure that will increase the penalties that are incurred by drivers who are found to be using a handheld mobile phone whilst driving.

It is well established that using a mobile phone while driving is a major factor in serious and fatal road accidents. It is, therefore, the intention of the legislation to improve road safety by deterring drivers from using their phones while driving by increasing the fine and the number of penalty points for the offence. Although there are two aspects to the penalty, a fine and penalty points, the statutory rule concerns only the increase in penalty points. However, so intertwined are the fines and the penalty points that the Committee for Infrastructure discussed both. That will be reflected in my comments.

The Committee for Infrastructure considered the proposals for the legislation on 30 September 2020 and weighed up the undoubted seriousness of the offence with any possible negative consequences of the increase in the penalties. To that end, the Committee sought assurance from the Department that the penalty fits the crime. The Committee deliberated on whether an increase to the fine from £60 to £200 was prohibitive for those on low income and would, therefore, lead to a failure to pay and the consequential impacts of that. The Committee also considered whether increasing the penalty points from three to six could cause individuals who rely on driving for their livelihood to lose their licence.

Despite this deliberation, the Committee had no hesitation about supporting the aspiration of this legislation, as was noted during the Committee's consideration. During its consideration, it called on departmental officials to explain the rationale for the increase in the penalty and how the Department came to the new higher levels. Departmental officials advised members that there had been no change in the level of the fine since the introduction of the initial offence in 2007, despite the fact that mobile phone ownership is so much higher now and that they are so much more integral to everyday life.

For those reasons, the use of handheld phones while driving has increased far in excess of what was foreseeable in 2007. The Committee was reassured that this increase in penalties has already been introduced on the mainland, in 2017. In fact, the Committee noted that, last year, the Department for Transport announced plans to review the mobile phone offence again with a view to tightening the legislation even further. The Department for Infrastructure has also advised the Committee that it plans to carry out a similar review in the future with the possibility of primary legislation being introduced. The Committee has indicated to the Department that it will fully support it in any measures to improve road safety.

The Committee considered with interest the consultation carried out by the Department. It was reassured that the majority of respondents to the consultation recognised how dangerous it is to oneself, to passengers and to other road users to be distracted from driving by a mobile phone, even if only for a split second.

As we are all aware, the technical advancements in phones have made the device an indispensable addition to our lives. However, it is the urge to check messages and respond to the sound of a notification that makes them so dangerous whilst driving. The only way to reinforce the danger that they pose is to make the penalty severe. To that end, the Committee for Infrastructure supports the Department in initiating a review to create a more comprehensive definition of using a mobile phone while driving. I go further: the Committee for Infrastructure has an acute interest in road safety and a determination to assist, where it can, in reducing the number of accidents on our roads, all too many of which are fatal.

The Committee has emphasised to the Minister and her officials on many occasions that it will not be found wanting when she brings forward proposals to improve safety on our roads. The Committee has supported new speed limits being introduced outside schools and requested that such measures be broadened to more schools. It has championed and fought for increased financial support for the local road initiatives that have been rolled out through the road safety safe travel grants scheme. Indeed, last week's announcement by the Minister for Infrastructure to upgrade the A1 dual carriageway to improve its safety has been long sought and is welcomed by the Committee. That road has a history of road fatalities, which, hopefully, will not be repeated with the new improvements.

The Committee has also supported the development of a new road safety strategy and has been critical that the current strategy has only been extended, rather than replaced, by the Minister. The Committee has also expressed its disappointment that the funding for road safety has been reduced in recent years. For something so vital, it has been surprising to the Committee that road safety seems to be one of those areas that are cut when money is tight. Indeed, in the Committee's discussions with the PSNI about road safety this was a major concern.

Mr Deputy Speaker, I hope that I have outlined how much the Committee encourages the Minister and her officials in their efforts to improve road safety and commits itself to working with her to that end. That said, the affirmation of this statutory rule goes only part of the way to meeting the Committee's agenda. That said, we support the rule.

Mr Boylan: I too welcome this order to increase penalties for mobile phone use while driving. Since September, the Infrastructure Committee has been examining this rule to increase to six the penalty points for people who use mobile phones while driving and a £200 fine. Sadly, 56 people tragically lost their lives on the road in 2020, the same number as the previous year, despite the decrease in traffic. It is often said that a single death on a road is one too many. We must improve road safety in any way that we can. We all know how families and, indeed, communities are affected by a death. It is incumbent on us to try our best to introduce as many measures as possible. That means that a holistic approach is needed if we are to seriously improve road safety. That includes having the right enforcement and penalties in place. It also includes improving roads infrastructure as well as rolling out effective road safety campaigns.

I would hope that the new road safety strategy fully encapsulates all the challenges and opportunities that exist to improve road safety. I would appreciate a comment from the Minister on that. I also ask the Minister what kind of communication strategy is in place on the rise in penalties. It is important that that is communicated properly. I look forward to the implementation of the measures to increase safety on roads. I support the order.

Mrs D Kelly: On behalf of the SDLP, I welcome the Minister's proposal to improve road safety and, in particular, to give out the message about the use of mobile phones and how they are such a causal factor in road traffic accidents. Tragically, there have been fatalities in my own constituency. When I speak to police about the analysis after an accident, they tell me repeatedly that mobile phone use is a factor; more so, I think, in single vehicle accidents. I was even told about a young person who had texted to say that he was on his way home, but, tragically, never got home. Therefore, it is important that the message goes out strongly from the Chamber and the Minister on the impact that the order will have not only, on a personal level, to people who continue to use their mobile phones but to wider society. I agree with Mr Boylan on trying to get the message across and would like to know how that communication will be carried out over coming weeks.

I thank the Chairperson of the Committee for outlining comprehensively the consideration that was given to this, because road safety is a priority for all members of the Committee for Infrastructure and, indeed, I am sure, all Members of the House.

Mr Beggs: I, too, wish to indicate my support and, indeed, that of the Ulster Unionist Party for the increased penalties for use of a handheld mobile phone while driving.

The use of mobile phones has become more and more common. Many people are almost addicted to them. They forget the risks that are involved in being distracted when driving, even by considering the use of such a phone. Some useful adverts have been produced. As other Members have indicated, it is important that the message of the danger of distraction continues to get through.

Given the seriousness of the issue and the potential impact of serious injury to other drivers and pedestrians, my party views it as proportionate to increase the number of penalty points from three to six in recognition of the potential impact of such an accident. Therefore, I am

content that that is brought in, finally, in Northern Ireland. As it has been indicated, it was brought in more than three years ago in GB. We have been rather slow to react since the period when the Assembly was not active. It is important that we continue to act responsibly and take appropriate action to discourage the use of handheld mobile phones.

I should have said at the outset that I am a member of the Carrickfergus Road Safety Committee. I will declare that as an interest. However, the issue is of interest to the entire population. I wish to indicate my continuing support for the increase in penalty points.

Mr Muir: I rise to support the order on behalf of the Alliance Party. The penalty for use of a handheld mobile phone while driving should be proportionate to the seriousness of the offence. The increase of the fine from £60 to £200 and from three to six penalty points is a step in the right direction. Use of a handheld mobile phone while driving is irresponsible. It is also a major problem.

12.30 pm

Not everything that we debate in the Assembly is a matter of life and death, but this very much is. Fifty-six people died on our roads in Northern Ireland last year. Nine in 10 road deaths and serious injuries are caused by human error. That is why we must come down hard on those being reckless with the safety of others.

The steps that the Assembly is taking today are long overdue. The consultation for this order was originally carried out in 2016, but the legislation could not be passed while Stormont was on a three-year hiatus. It is yet further evidence of the severe cost of the long absence of a Government in Northern Ireland.

Whilst today's legislation is welcome, it is already outdated, and the Department needs to go further. Since the original offence for phone use whilst driving was passed in 2007, how we use our mobile phones has been utterly transformed. Far from just making calls and exchanging messages, people now use them to choose music, set directions and browse the internet.

Everyone recognises that we must update our laws so that they are fit for purpose and that the police can charge those who are using their mobile phone in whatever capacity whilst driving. I would like to hear from the Minister whether it would be possible to bring forward a formal consultation on proposed changes within this Assembly mandate. Thus far, the Infrastructure Committee has dealt only with legislation where the consultation was undertaken prior to the collapse of the Assembly. We would like to know the extent of the Minister's legislative ambition, especially on matters as important as this.

In conclusion, the Alliance Party supports today's legislation. We hope that the increasing of the penalty sends a clear message that the use of a handheld mobile phone while driving is a serious offence and should be punished accordingly.

Mr Catney: I also welcome the statement and thank the Minister for bringing it forward. People will find themselves in a very serious situation if they use a mobile phone while driving in their car. As stated, the fine of six points, as well as the monetary fine, is far outweighed by the consequences of someone ending up in an accident where

there is injury or loss of life. There is no way back from that, and those are the real consequences. People should think of that before they lift their phone in a car.

I stand here because, when I was 21, my younger brother Gerard — God rest him — lost his life in a motorbike accident on the Airport Road when he was 19. There were no mobile phones then, but I know the devastation that that caused to our family. I welcome what the Minister is trying to do, but I make the plea here for zero tolerance in the same way that we have for drink-driving.

Mr Deputy Speaker (Mr McGlone): Agus anois iarraim ar Nichola Mallon, Aire Bonneagair, an rún a chríochnú. I call Nichola Mallon to conclude on the motion.

Ms Mallon: I thank the Committee Chair and all Members for this very constructive debate. As the Chair of the Committee outlined, and as a number of Members who spoke brought home to us all, mobile phone use is a key element of driver distraction and is a major causal factor in accidents and death on our roads. The Committee gave consideration to the level of increase in the fine and is supportive of the level that we are increasing to. I think that that is only right because it is important to make the point that you will only be fined if you break the law. As the Chair said, there has been no change in the fine since 2007, and that is despite the fact that we are seeing much greater use of mobile phones. It is a phenomenon that we all see every day when we are out and about on our roads.

As the Chair also highlighted, DfT in England is currently consulting on a review of its legislation in respect of the definition of use of mobile phones. I want to make it clear that I have already signalled and asked my officials to scope out work with a view to bringing forward legislative change through primary legislation to make sure that the definition of mobile phone use is as all-encompassing as possible. Mr Muir referred to that in his speech.

While it may not be possible to secure the passing of that primary legislation within the remainder of the mandate, we are committed, as a Department, to progressing it as much as we can. I welcome the fact that the Committee is signalling its support for that piece of work, and I look forward to continuing to work with Committee members on the agenda for change in the area of road safety. As the Chair indicated, we are rolling out 20 mph zones outside 100 schools. While I have not been given the budget allocation for the next financial year, I have made it clear that my intention is to roll this out to more schools. I believe that we should do everything that we can to make it safe for our children and their parents to walk to and from school. I have also taken action on drink-driving.

The Chair mentioned the A1 improvements, but we are also very conscious of the A5. That is a strategic corridor, and it is also hugely important in the area of road safety. We rolled out road safety grants for communities this year, and work is ongoing on the road safety strategy. I have been very clear, Mr Boylan, that the road safety strategy should align with PFG, and it should be outcomes-based with regard to accountability to make sure that we have the maximum effect. I assure Members that I hold regular meetings with the Chief Constable on road safety to ensure that I am doing what I can as the Minister who is responsible, while working in partnership with the PSNI and communities.

Mr Boylan spoke about the high and unacceptable number of deaths on our roads, and he is right. I agree with him that one death is one too many. It is incumbent on all of us to do everything that we can through education, enforcement and interventions, such as those that I have listed, and road improvement schemes, so I share that ambition with him.

I share Mr Boylan's view on the importance of making sure that we clearly communicate those changes to the public. Mrs Kelly and Mr Beggs also raised that issue. If Members are supportive of our efforts on the communication strategy, I will send out a clear signal to society that we will no longer tolerate such dangerous behaviour. I want everyone to know why we are doing what we are doing and that this new penalty is needed to reduce the number of people who think that it is OK to use a mobile phone while driving, despite the harm that this dangerous behaviour can cause. I will issue a press release to communicate the increased penalty level for the offence, to which the PSNI has contributed. I have also arranged for a media campaign with a re-edit of one of my Department's existing mobile phone information campaigns — Missing — which will incorporate the new penalties. The campaign will air and will inform the public about the changes to penalties, and it will provide an opportunity to reinforce the campaign's messages:

"What are you afraid of missing today? A two-second glance means that you miss what really matters. Everything else can wait."

Supporting messages to create public awareness of the changes will also be delivered using social media, through outdoor advertising and through a radio campaign. The public will be reached and left in no doubt that this is a serious offence, as are the penalties.

Mrs Kelly spoke about the tragic deaths in her constituency, along with the role of mobile phone use. My thoughts and sympathies are with all those who have suffered injury and death on our roads. I extend my personal sympathies to Mr Catney, who spoke passionately about the loss of his brother.

I welcome the fact that Mr Beggs agrees with the increase in penalty points and fines and that they are proportionate. When the consultation was carried out, 87% of respondents indicated their strong support for an increase in penalties. It has been a long time coming, but I made it very clear that improving road safety was a commitment for me when I took up the post of Minister for Infrastructure. I am pleased to be able to stand here today, and I hope that Members will support me in making this vital change.

Mr Muir expressed frustration around the delay in getting to this point. I assure him, as I did in my initial comments in response to the Chair, that I am committed to reviewing the definition. I agree that we need primary legislative change, and we will advance that agenda as far as we can within this mandate.

It may seem harmless to some, but holding or using your phone at the wheel risks serious injury, or even death, to you and other road users. As I said, glancing at a phone for just two seconds doubles the risk of crashing. At just 30 mph, a vehicle will travel 100 feet in 2.3 seconds. That is the length of a jumbo jet or one third of the length of a

football pitch. However, as Members said, the illegal use of mobile phones is becoming increasingly common in everyday life. I am sure that each of us can see it happen every day as we are out on our roads. Unfortunately, this plays a major role in driver distraction, which is the most common cause of deaths and serious injuries on our roads. The extent of offending suggests that many drivers still refuse to take this offence seriously. Therefore, it has become clear that the current level of penalty, which has been in place since June 2007, no longer represents an active deterrent. In fact, it could be argued that, at its current level, it underplays the seriousness of an offence that has the potential to destroy many lives. That is why I am asking Members from across the House to support this important change. It will help to drive change in drivers' behaviour and save lives. As Mr Muir said, this is a "matter of life and death".

Question put and agreed to.

Resolved:

That the Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020 be affirmed.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease before we move to the next item of business.

(*Mr Speaker in the Chair*)

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Final Stage

Mr Allister: I beg to move

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass.

Mr Speaker: The Business Committee has agreed that there should be no time limit on this debate.

Mr Allister: I wish to begin, not merely because it is customary but because it is sincerely meant, by thanking all the professional staff who have contributed to the process of the Bill's getting to this point in the House. I refer, of course, to the Bill Office and, in particular, Claire McCanny, who had the formidable task of keeping me on the rails procedurally and did it very well indeed, the other backup staff in that office and those in Legal Services, who were probably called upon from time to time. I thank the Finance Committee staff who facilitated all that had to happen there and did a lot of the work pertaining to the Committee's report.

Then, of course, I thank the Members of this House. I do that conscious of the fact that I am a single Member of the House and it would be easy for bigger parties to sweep aside what an individual Member thinks is important, but that did not happen. I am grateful for that. It speaks well of the House, as a legislature, that the Bill was given the fair wind that it was. All parties, with the exception of Sinn Féin, approached it with an open mind. There was engagement at different levels. Issues were discussed and resolved until we reached the point at which we have a Bill that is good for the House and can contribute positively to the functioning of government

12.45 pm

The Bill is not the answer to everything, by any means; it never set out to be. Of course, we know that it flowed from the various exposés in the renewable heat incentive (RHI) inquiry. It addresses some of the issues that are pertinent most particularly to Ministers and special advisers, but there is much more from RHI that it is not the function of this Bill to address. There is much relating to the Civil Service that, I am sure, will ultimately manifest itself in some Executive proposals, and there will be other attendant issues. The Bill is fairly narrow in its focus; effectively, it applies to Ministers and special advisers.

I have said this before and I say it again: this is not a green or orange issue. It is not, as some have sought to suggest, some Machiavellian conspiracy to undermine the Belfast Agreement or the institutions of the House. The House knows well, without me ventilating it again, my stand in relation to all of those matters. As I have said before to the House, I live in this place. Although I do not approve of the system of government, I want a system of government — whatever it is — to function as effectively as it can. The Bill will assist that process.

The Bill is, in my terms, about bettering government. As the debates unfolded in the House, the question resolved

itself down to, "Well, do you do that by codes, or do you need to do that by legislation?". That probably was the fundamental dividing point in relation to the need or otherwise for the legislation. My response to that remains that codes most certainly are important and absolutely have their place, but the experience of RHI should have taught us all that they have their limitations and are not the be-all and end-all. We remember that the codes contained prohibitions of some of the issues that caused the public to be most aghast about what happened in RHI in regard to the conduct of some spads and some Ministers. Effectively, we come from a starting point where codes failed with regard to RHI. That causes me and, I trust, the House to conclude that we need something more binding, which is legislation. Codes are just that: they can be changed as easily as they are made, and they have been from time to time. It is the binding effect.

One of the most telling points for me in the pursuit of the Bill was the letter from the Minister of Finance to the Committee back on 27 April arguing that the legislation was not necessary and codes were sufficient. The justification for that was that codes were "amenable to interpretation". Having passed through RHI and seen how codes that insisted on confidentiality and integrity did not hold back those who wanted to defy those things, I do not think that we want something that is "amenable to interpretation". Given that experience, we want something that is binding. That is important.

I will turn quickly to the key changes that the Bill would bring in, and the House is sufficiently familiar with them for me to not have to labour the points. I have said before that I am not against special advisers — they have an important function — but I am in favour of controlling and setting the framework within which they should responsibly operate. The first thing that I draw the House's attention to is that the Bill would bring spads under the Civil Service disciplinary code as applied to them, given that they are civil servants, albeit temporary, with all the privileges of a civil servant.

Secondly, it would bring Ministers within the competence of the standards commissioner. We had a situation where ordinary Members were subject to a Members' code of conduct that could be supervised and arbitrated on and on which findings could be made by the standards commissioner, but Ministers, although they have a ministerial code, could not be brought before any independent body. The Bill would rectify that by putting Ministers on the same footing, so that, through their ministerial code of conduct, they too could be investigated by the standards commissioner, and so it should be. It also gives an important protection to MLAs and Ministers against frivolous and groundless complaints.

The Bill would cap the salaries of spads. There were some runaway episodes in the payment of spads in the past, so the Bill would intervene to say, "We will set an upper limit", and it is the upper limit of grade 5 in the Civil Service, which is sufficiently generous, I believe. Therefore, that would put that matter to bed, so to speak, in a responsible way.

The Bill formally and in statute makes Ministers responsible and accountable for their spads. A distinction of some notoriety was made in the RHI inquiry about whether one was "responsible" and "accountable". The Bill would put that beyond doubt.

Importantly, the Bill would prevent, again from an experience exposed in the RHI inquiry, the Civil Service facilitating anyone other than the officially appointed spad with the facilities that should be due to a spad. We all recall the evidence from RHI about former abuse in order to circumvent a previous Bill that I brought to the House that prohibited persons with serious criminal convictions from holding the position of spad. The Bill seeks to deal with that.

The Bill would reduce the number of spads but, as I will frankly admit, not quite as much as I would have liked. It reduces them from eight to six in the Executive Office and would remove from office any surplus. There had been a surplus in respect of a Sinn Féin junior Minister's spad. The Bill takes away the power of junior Ministers to appoint spads. I read in the press, however, that that individual has resigned, and therefore, I think, there are now only six. However, if there should be more than six, three months after Royal Assent, the surplus spads would lose their position.

The Bill does something that is important from the standpoint of the House as a legislature. It reins in royal prerogative powers by dealing with the situation that arose back in 2016, I think, when David Gordon was appointed as a super spin doctor for the Executive and the law was changed behind the Assembly's back by the First Minister and the deputy First Minister by a royal prerogative order to create and fill that post. The Bill does not prohibit the creation of such a post, but it makes any alteration to the legislation in that regard subject to Assembly control. If we are a legislature, the law should not be able to be changed behind our backs. That is pretty fundamental.

The Bill creates a statutory duty to make and keep proper records. We recall the jaw-dropping evidence of one spad to the RHI inquiry that, in seven years, he had never seen a note taken of a ministerial decision. That day, if not already over, will be over now and not before time. The Bill requires the making and keeping of records when Ministers or spads are lobbied, and lobbying is precisely defined in that regard. It requires the recording and publishing of ministerial and special adviser declarations of interests, which puts them on a par, essentially, with MLAs, whose declarations of interests are published and available for public inspection. That, too, would put Ministers and spads in that same regard.

The Bill creates one, and one only, criminal offence. That arises because it came as a bit of a surprise to me when I enquired of the police, after the RHI report had been published, whether there were any matters subject to criminal investigation to be told that there were not. Yet, we had evidence of spads misusing official information to the advantage of others. In clause 10, we have the creation of a criminal offence, which is necessary and proportionate. It would make it:

“an offence for any Minister or special adviser to communicate official information to another for the improper (financial or other) benefit of any person”.

It goes on to provide a reasonable excuse defence, but, before you get to that, in clause 10(1) there are important provisions that make it clear that, if the information is disclosed in pursuit of a statutory obligation — for example, FOI — it is not an offence, or if it is done:

“in the lawful pursuit of official duties,”

If a Minister says to his spad, “Brief the press for me on issue x” and that involves official information, that would not be a criminal offence, nor would briefing his own party in those circumstances.

Mr Speaker: I really do not wish to interrupt the Member's flow, but the Business Committee has arranged to meet at 1.00 pm today, and 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 for Infrastructure, followed by a question for urgent oral answer from Declan McAleer on checks at ports. We will then return to this item of business. Thank you.

The debate stood suspended.

The sitting was suspended at 12.59 pm.

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

2.00 pm

Oral Answers to Questions

Infrastructure

Translink: Financial Position 2021-22

1. **Mr Blair** asked the Minister for Infrastructure, following the announcement of the draft Budget, for her assessment of Translink's financial position for 2021-22. (AQO 1497/17-22)

Ms Mallon (The Minister for Infrastructure): I am committed to maintaining and developing our public transport network. That is a key priority for me, not only in supporting sustainable modes of transport, which is underpinned by my Department's significant capital investment in our public transport network, but in contributing where I can to the health and prosperity of our community by encouraging modal shifts towards the widespread use of public transport by our citizens.

With that in mind, over the last year, I have engaged extensively with Executive colleagues to address the future financial stability of our public transport network. I have taken action throughout my time as Minister to underline my commitment, and I have instructed my officials to explore ways to ensure that my Department continues to meet its obligations to Translink's financial viability under the current public service agreement. That work is ongoing and, to date, has resulted in over £100 million of COVID-19 mitigation funding being provided to support our public transport services and essential workers throughout the pandemic.

Our public transport and passenger numbers have been severely impacted by COVID-19. The recovery and resilience of our public transport network is a commitment that we all must share as we move through and beyond COVID to tackle the climate crisis. I will continue to work with the Department of Finance and Executive colleagues as 2021-22 unfolds.

Mr Blair: I thank the Minister for that answer. Can she give us further information and reassurance about whether the additional funding, which is, of course, welcome, can be used for the recovery plan for Translink and its customers as well as to alleviate the current situation?

Ms Mallon: I thank the Member for his question. As a Department, we have engaged with Translink to review the impact of COVID-19 and used that assessment to inform our projected requirements. In short, we have used the most up-to-date information that is available to underpin our projections. However, one lesson that COVID-19 has undoubtedly taught us all is that circumstances can change. While I have ensured that our public transport provider is in a stable position to meet the anticipated financial challenges in 2021-22, my Department will keep that under review and will liaise with the Department of Finance throughout the next financial year to ensure that our public transport services are adequately funded.

To assure the Member, I take the challenge of the recovery of our public transport system very seriously. I have engaged with colleagues across these islands and, this week, I will again engage with my ministerial counterparts in Scotland and Wales. We will put our heads together to ensure that we can see a resilient recovery for public transport networks across these islands.

Mr Boylan: Minister, in the future, post-COVID, what steps can you or Translink take to ensure that it is on a solid footing? I know that it received money in the January monitoring round and that it provides a vital public service, but what steps can you take to ensure that it is on a solid footing in the future?

Ms Mallon: I thank the Member for raising a very important issue. Translink is very much focused on the here and now and on ensuring that we can provide a secure and safe transport system for all our citizens, regardless of where they live. The Member will be aware of the number of actions that Translink has taken and continues to take, such as the deep cleansing of fleets and ensuring that we have additional capacity on standby to meet social-distancing requirements.

As I said in my response to Mr Blair, we are looking across these islands — I am looking across the world — to learn best practices and ensure that we take whatever steps we can to increase passenger confidence and ensure that, when we get to the right point, we can encourage people to use their public transport again. It is important to get us through COVID, but, as the Member will appreciate, it is also critical in addressing our climate emergency.

Mrs D Kelly: My concerns are on the regional imbalance and rural transport in particular. I recently had to engage with Translink in order to have some bus services put on at more appropriate times. In light of the review, what assurances can the Minister and the Executive give in relation to rural transport provision in future?

Ms Mallon: I thank the Member for her question. As she is aware, Translink delivers the majority of our public transport network, supported by private transport providers, which play an important role in improving our connectivity throughout the North. Our public transport network is defined in my Department's public service agreement with Translink, and my Department has an obligation under that agreement to fund the delivery of those services.

Given the level of support that I have secured in extensive engagement with my Executive colleagues in support of that obligation, our public transport provider is in a stable position to deliver those services, which, I can assure the Member, include a large number of rural services. As I have already outlined, I am committed to maintaining a public transport network that covers all of Northern Ireland, including our rural areas, for those who need it.

Taxi Driver Financial Assistance Scheme 2020

2. **Mr Carroll** asked the Minister for Infrastructure how many taxi drivers are still waiting for a payment from the taxi driver financial assistance scheme 2020. (AQO 1498/17-22)

Ms Mallon: I thank the Member for his question. On 13 November 2020, following Executive agreement, the taxi

driver financial assistance scheme was launched for two weeks and closed on 27 November. The scheme provides financial support for overheads that are incurred by taxi drivers and is in addition to other financial support such as that which is provided through the self-employment income support scheme.

Payments began issuing within one week of the scheme closing, and, by 15 January, over 4,100 drivers had received the £1,500 grant, which equates to almost 90% of the valid applications that were received. Rejection letters were issued to the remaining unsuccessful applicants on the same day. However, some of those applicants responded to the letter and have since provided the necessary information that is required to successfully process their applications to payment.

Staff continue to work with a small number of applicants this week to successfully process their applications. To date, that exercise has increased the number of payments that have been made to over 4,200, which means that over 92% of applicants have now received the £1,500 payment. The remaining 370 applicants who were unsuccessful may be eligible for assistance under the next scheme, which is due to launch this month.

Mr Carroll: I thank the Minister for her answer. Even though some people had breaks in their insurance, they did not cease being taxi drivers and many of them were unable to work. Does the Minister agree that it is unacceptable that many taxi drivers are still without any payment? What will she and her Executive colleagues do to address that? She said that 90% of applications were valid and, therefore, those drivers received a payment, but what percentage of taxi drivers did not receive any payments whatsoever?

Ms Mallon: I thank the Member for his question. The second scheme has reflected on the learning from the first scheme. It will be based on the same principle and sector evidence base in terms of overheads as the first scheme, in that costs would still have to be incurred by the driver, thereby continuing to ensure value for money. However, payments from the second scheme will be made on a pro rata basis, which will better reflect the individual circumstances of and actual costs incurred by each driver.

Payments will be calculated on the basis of the actual number of days for which a driver can provide evidence of full insurance, which means that £250 will be paid for every 30 days of full insurance up to a maximum of £3,000 for 360 days. In practice, that means that a driver, assuming that he or she had met the criteria fully and had been paid £1,500 during the current scheme, would be eligible for the maximum support of up to £3,000 for the total 12-month scheme. Those who did not have continuous insurance and, therefore, were not eligible for the first scheme will now receive payment on a pro rata basis. That is important in terms of implementing learning and getting help to those taxi drivers who were not able to avail themselves of the first scheme.

Miss McIlveen: I welcome the Minister's announcement that a new scheme will open for private bus and coach operators. Will she give an assurance that that will not just be an extension of the previous scheme, given the issues that have been associated with that? Will she also commit to a similar scheme for taxi operators, mindful that the Finance Minister has money to spend?

Ms Mallon: I thank the Member for her question. I met the private bus and coach operators' representatives again yesterday evening to get their views on what they felt worked with the first scheme and where they felt that there were flaws. We have committed to working with them as we devise the second scheme. I have committed my officials to a follow-up meeting with them to talk about some of the more technical issues that we discussed yesterday evening.

I can confirm that taxi operators are eligible for the Department for the Economy's part B COVID restrictions business support scheme (CRBSS). Taxi operators are eligible to apply, and their payments will be made retrospectively to the point at which their business was impacted on by restrictions. The Minister for the Economy has confirmed that in correspondence to me.

Ms Anderson: Minister, I know that you are aware that members of the Infrastructure Committee have raised the issue of the second scheme being issued on a pro rata basis. Many taxi drivers who temporarily suspended their insurance did so because they were shielding or simply had no money to work. Therefore, picking up on what the Committee Chair said about the Finance Minister asking ministerial colleagues to come forward with further bids, are you anticipating or even organising and arranging an additional bid for an enhanced scheme? I am conscious that the second scheme is coming out, but taxi drivers do not feel that £3,000 over a year is sufficient.

Ms Mallon: I thank the Member for her question. The scheme was devised with those in the sector. I think that it is on the public record that they had requested a payment of £6,000 over a two-year period. The schemes that I am bringing forward will give £3,000 for one year, thereby meeting that threshold.

In respect of the drivers who are shielding, the Member will be aware that the scheme is based on contribution to costs. It is in addition to the self-employed scheme and to the Department for Communities' discretionary support grant scheme, which that Department specifically set up to help all those who are shielding. I am more than happy to make further representations to the Minister for Communities to see whether we can provide additional financial support to all those who have had to shield through this difficult time.

Mr Catney: Minister, given that you have acted quite quickly to ensure help to drivers and that further assistance will now be provided, what discussions have you had with the Economy Minister regarding DFE support for taxi drivers and operators?

Ms Mallon: I thank the Member for his question. I continue to press for the inclusion of the taxi sector in the Department for the Economy-led schemes, especially given that the sector is being further impacted by the current restrictions. I remain fundamentally of the view that the Executive need to take an inclusive and fair approach to the financial support provided for restrictions through the DFE CBRSS and that all eligible businesses should be able to apply. As the Member may be aware, the Department for the Economy's CBRSS was introduced to support businesses that have been affected by the restrictions in place as a result of the health protection regulations. In addition to being able to avail themselves of previous business support grants or loan schemes,

taxi operators can apply for the part B scheme, provided other eligibility criteria are met. As I said, any successful applications to the scheme will be backdated to the period in which restrictions apply to them. I remain fundamentally of the view that the schemes should be more inclusive, so I will continue to make representations to ensure that taxi drivers, as well as private bus and coach operators, are included in the scheme alongside taxi operators.

Miss Woods: Does the Minister have any information on when the new scheme for taxi drivers will be launched? How will that be communicated to taxi drivers?

Ms Mallon: We hope to launch the new scheme by the middle of February. As I said in a previous response, I always think that it is right and proper that we as Ministers reflect on our schemes and the learning from that. I accept that it was frustrating for applicants because there was no dedicated telephone line, for example, to ring up and get an update on their application. During the first scheme, all dedicated resources were focused on processing the thousands of applications received as a matter of priority, and applicants were advised to send queries to a dedicated email address. This time around, I am focused, and I have made it clear that I want to see us doing better. While not all COVID-related support schemes have provided a dedicated phone contact, I have asked my officials to provide a telephone contact for the next taxi driver financial assistance scheme so that we can get information quickly to all applicants.

Mr Principal Deputy Speaker: We have had the question and five supplementaries. I appreciate that other Members wanted in on this, but we need to move on.

2.15 pm

Transport Decarbonisation

3. **Dr Archibald** asked the Minister for Infrastructure what measures her Department is taking to facilitate decarbonisation in transport. (AQO 1499/17-22)

Ms Mallon: I thank the Member for her question. Tackling the climate emergency is a global challenge that we all face. As Infrastructure Minister, I have made addressing climate change one of my key priorities. My officials have been working closely with the Office for Zero Emission Vehicles on the development of transport decarbonisation plans, and they are leading on the transport elements of the Department for the Economy's proposed new energy strategy.

The work focuses on four main themes: a modal shift that includes active travel options; the electrification of transport; alternative fuels capability; and the future of mobility, which looks at IT solutions, such as Mobility as a Service, and micro-mobility options, such as the use of electric bikes and e-cargo bikes for short journeys and last-mile delivery. Consideration is also being given to how alternative fuels can be deployed across the transport sector, including the use of compressed natural gas/liquid natural gas for freight; the electrification of transport, including opportunities for greening the public-sector fleet; how green hydrogen can be used to power heavier vehicles other than buses, exploring its potential use in refuse collection and in the marine and retail sectors.

To support improvements in the commercial provision of electric vehicle (EV) charging infrastructure, I have been able to support the EU INTERREG-funded Facilitating a Sustainable Transition to EVs in the Regions (FASTER) electric vehicle network project. This joint proposal with Scotland, the South and the North aims to install 73 new EV rapid charging points across the island of Ireland and the west of Scotland by 31 March 2023. I have also made changes to the planning system, through permitted development rights, to make it easier to expand the existing charging infrastructure for electric vehicles. My officials are working with the Electricity Supply Board to assist with its plans to replace 70 charge points across the North to help to improve reliability. Three new hydrogen buses entered into service on our public transport network in December 2020. These will be followed by 100 zero emission vehicles over the next two years: 80 battery electric buses and 20 hydrogen fuel cell buses.

Dr Archibald: I thank the Minister for her very comprehensive response. Obviously, a multifaceted approach is required. Encouraging people on to public transport is also critical, and park-and-rides are one way of doing that and making it accessible. From a constituency perspective, when the A6 scheme was announced, three park-and-rides were planned at Drumahoe, Claudy and Dungiven. The Drumahoe park-and-ride has progressed, and I have engaged extensively with Translink and DFI about the Dungiven one. Frustratingly, there has been some back and forth about the location. We have been told for some time that a decision is imminent. Will the Minister give an update on the A6 park-and-rides?

Ms Mallon: I thank the Member for her question. The utilisation of park-and-rides is extremely high and continues to grow, illustrating the vital role that they can play in supporting the move to more sustainable modes of travel and reduced congestion and air pollution. In the last seven years, my Department has delivered around 3,400 additional park-and-ride spaces at a cost of approximately £16.5 million, which has encouraged a modal shift. I am focused on progressing further park-and-ride provision as a sustainable transport measure.

The Member has written to me about the Dungiven park-and-ride. Work is ongoing on the feasibility of potential sites. However, I recognise its importance, and I have asked for work to be completed at pace so that I can make a decision on the next steps.

Mr Muir: As the Minister will be aware, last year, the Assembly passed legislation to legalise the use of e-bikes on the public highway. Has the Minister considered the launch of an e-bike public hire scheme? In particular town and cities across Northern Ireland, getting up hills can be a struggle. A public hire scheme would be very popular in areas such as Shipquay Street in Derry.

Ms Mallon: I thank the Member for his question. Mr Catney is an avid user of an electric bike, and he will be able to provide testimony on the ease with which he can go up very steep hills.

We are willing to consider a public hire scheme as part of the blue/green fund and the work of the walking and cycling champion. We have engaged with councils, and I have made it clear that I would like us to work more closely with them and support the roll-out of their bike schemes.

Certainly, I am up for considering whether we can also look at e-bikes as part of that wider scheme.

Mr Principal Deputy Speaker: Those steep hills in Lisburn must present a unique challenge.

Mr McNulty: Minister, I want to applaud you for your strong and composed leadership and delivery on projects like Casement Park, the A6, the A1 and support packages for taxis and bus operators — all projects that Sinn Féin failed to deliver on when it had the Ministry. If its Members spent less time standing beside potholes getting pictures taken, they might get more done. *[Interruption.]*

Mr Principal Deputy Speaker: Order, Members. I am sure, Mr McNulty, that the question is just struggling to get out. *[Laughter.]*

Mr McNulty: It is on the tip of my tongue.

If Sinn Féin Members spent less time getting their pictures taken beside potholes in an effort to attack you, Minister, they might get more done. What discussions have you had with the Irish and British Governments about tackling our carbon footprint across these islands?

Ms Mallon: The Member will be aware that we have already worked together to secure, in partnership with the EU, funding under the FASTER programme to deliver more e-charging points across this island. Just this week, I met Minister Ryan again, and we continue to work together on more sustainable all-island infrastructure, including looking at greener and cleaner options such as rail and investment in greenways.

I will also be meeting my Scottish and Welsh counterparts later this week to discuss how we can work together to aid the green recovery. I have, on a number of occasions, raised the need for investment in infrastructure with the British Government to help to deliver cleaner, greener, more sustainable ways of travel. My officials continue to work closely with the Office for Zero Emission Vehicles on the development of transport decarbonisation plans and with the Department for the Economy on the transport elements of the proposed new energy strategy for the North. This work is intended to address strategic energy issues, including the requirement to respond to climate change and to work to deliver on our net zero carbon targets. The climate crisis does not respect borders, and it will only be effectively tackled if we work together at a local and global level.

Mr Principal Deputy Speaker: Mr Robbie Butler? No? OK, we will move on to the next question.

A5: Update

4. **Mr McHugh** asked the Minister for Infrastructure for an update on the A5 road project. *(AQO 1500/17-22)*

Ms Mallon: I thank the Member for his question. He will know of my commitment to tackling regional imbalance, connecting communities and improving road safety. The A5 project very much aligns with this commitment. The project has been subject to three separate legal challenges since its inception in 2007, the most recent being in December 2017 when a new decision to proceed with a scheme, made in the absence of a Minister, was challenged, leading to the quashing of the statutory orders in November 2018. Since then, my Department has been progressing the necessary work to enable a fresh

decision to be made. In spring 2019, an addendum to the environmental statement of 2016, together with other environmental reports, was published for consultation.

Following a public inquiry held during February and March of 2020, my Department received an interim report from the inspector in the latter part of last year. My officials have considered the issues raised and recommendations made in that report and have taken legal advice. I have been considering the advice from officials and the legal advice, and I hope to be in a position to make an announcement for the next steps in this flagship project in the coming weeks. I assure the Member of my continued commitment to the scheme.

Mr McHugh: Thank you, Minister. You will know, as we all do, how vital the development of the A5 is, not only for the safety of those who travel on it but for the economic and social development of the north-west region itself. Given that funds are now available, when are we likely to see boots on the ground or spades in the road and this work commencing?

Ms Mallon: I know that the Member has made a number of representations, certainly at least since I took up office, on the importance of the project. He is right that it is important for road safety reasons, but it is also a strategic economic corridor and a commitment in New Decade, New Approach. On the issue of time frames, as soon as I make a decision, that will define the time frame for the next steps, but I am making it clear that I am committed to this project and that I want to see it progress at pace.

On funding, I welcome the fact that the Irish Government have reaffirmed their £75 million commitment to the project, and also the fact that the Taoiseach has announced the shared island fund. I will continue to make representations to Executive colleagues, the British Government — to honour their NDNA commitments — and to the Irish Government, because we have a number of North/South infrastructure projects that will bring huge economic, social and environmental benefits to all our citizens.

Mr Butler: I thank the Minister for her answer, in which she referred to her absolute commitment to improving road safety. The Minister will know that the A1, about which there was an announcement earlier this week, is a seriously dangerous road. I have lost friends and former colleagues to road accidents and attended many tragic incidents there. Will the Minister update us on the improvements that are coming to the A1 and give us a time frame for them?

Ms Mallon: I thank the Member for his question and offer him my sympathies on the loss of his friends and colleagues. It is tragic that that road has seen so many fatalities and accidents, and, sadly, the Fire Service, which the Member is a former employee of, attends that location very frequently.

On Thursday 28 January, I announced my decision to proceed with the A1 junctions phase 2 road improvement scheme and to release the inspector's report. I was delighted to announce that key step in the development of that significant scheme because it will address safety issues along a 25-kilometre stretch of the A1 between Hillsborough and Loughbrickland. I am aware of how important the A1 improvements are for the many people who have expressed their support for the scheme,

especially all those who have lost loved ones. That announcement was a milestone for the project, but it was one that belongs to all the families who have campaigned on the issue for so long. As I said to them, I will do all that I can to expedite that vital scheme.

Mr McCrossan: I thank the Minister for reaffirming her commitment to the vital A5 project, on which there is a united front for delivering. I hope that the Minister agrees that the most damaging interference in the project has been from the Alternative A5 Alliance, which has derailed the project time and time again with legal battles, working against the majority of people, who want the road delivered. Will the Minister join me in calling on representatives across the House to stand with her to see that vital road project delivered and developed immediately and as a matter of urgency in order to save lives and improve economic prospects across the island?

Ms Mallon: I thank the Member for his question, and I agree that, for politicians, it can be difficult to resist the temptation of playing party politics with any issue. The A5 is certainly an issue that unites representatives from all political parties and people from all backgrounds who live in its vicinity, use it and have lost loved ones on it. I ask that we continue to stand together and work together to ensure that we deliver on that crucial infrastructure project at the earliest opportunity.

Ms Bradshaw: I echo the comments from the previous speaker on the expectation and anticipation of the road being delivered. Minister, are you confident that the money that has been allocated for the next financial year will be spent and will not be handed back?

Ms Mallon: As Minister for Infrastructure, I never set out with the intention to hand money back; in fact, in this financial year, the return from my Department is, I believe, 0.27% of its budget. That is an achievement for which I place on record my appreciation to staff, because we were operating in difficult circumstances, given COVID and the impact that that has on construction works through the mitigations to ensure that workers are kept safe. I assure the Member that, at every opportunity, I will bid for money and, at every opportunity, ensure that we spend it in a way that delivers maximum benefit for our citizens.

Road Hauliers: COVID-19 Pressures

5. **Mr Buckley** asked the Minister for Infrastructure for her assessment of the pressures faced by road hauliers throughout the COVID-19 pandemic. (AQO 1501/17-22)

Ms Mallon: I thank the Member for his question. I understand the pressures that have faced road hauliers throughout the COVID-19 pandemic. Northern Ireland needs haulage drivers and all other logistics professionals to keep supply chains moving. To ensure the continuing flow of goods into and out of Northern Ireland, last year I put in place a range of regulatory measures, including a suspension of all MOT tests for commercial vehicles and relaxations of other requirements. I also considered the evidence provided by the sector of the financial pressures faced by haulage operators because of the impact of COVID-19 and recognised that some sectors have been impacted more than others. However, the exceptional circumstances threshold required by the Financial Assistance Act (Northern Ireland) 2009 has not been met.

I continue to keep financial support for the industry as a result of COVID-19 under review.

I appreciate that hauliers faced additional impacts arising from Brexit in January. However, those difficulties and financial costs relate in the main to trade and customs matters, many of which need to be resolved by the British Government working with other Departments. Everyone working in the haulage industry has rallied to take on the challenges of COVID-19, and I am thankful for everything that they are doing to keep supply chains moving in these difficult times.

2.30 pm

Mr Principal Deputy Speaker: I am afraid that we have time for only one supplementary question.

Mr Buckley: As the Minister knows, road hauliers face a deeply uncertain time on two fronts, with COVID-19 isolation costs and retail sectors closed across the GB mainland, meaning that there are no backloads coming back to Northern Ireland and additional costs. In addition, we have the Northern Ireland protocol, which was supported by your party in the House for rigorous implementation, meaning excess costs and bureaucracy for road hauliers.

Mr Principal Deputy Speaker: Question.

Mr Buckley: Will the Minister outline concrete proposals that she can put to the Minister of Finance for additional resources to help hauliers in this difficult time?

Ms Mallon: I assure the Member that I have worked extremely closely with DAERA, the Department for Transport, the Road Haulage Association and Logistics UK to understand the up-to-date picture for road hauliers at a local and UK-wide level. I keep the situation under close examination. The most recent logistics performance tracker report from December 2020, provided by Logistics UK, shows that only 1.2% of HGVs are parked up and that only 1% of drivers are currently furloughed.

I agree wholeheartedly with the Member that hauliers are being impacted by Brexit, and that is why I continue to work with all my Executive colleagues in our representations to the British Government and others to ensure that we get the easements that are required and work with the industry as a cohesive Executive.

Mr Principal Deputy Speaker: We now move on to topical questions.

Question 3, standing in the name of Mr Mervyn Storey, has been withdrawn. I am sure that all Members will join me in wishing Mervyn a quick recovery. He is in isolation because of coronavirus.

Planning: Ammonia Guidance

T1. **Miss Woods** asked the Minister for Infrastructure for an update on her review of the planning application process to ensure that planners have all the appropriate guidance on ammonia and are led by the science and data to mitigate emissions. (AQT 941/17-22)

Ms Mallon: I thank the Member for her question. I fully appreciate the concern about the scale and complexity of the ammonia problem in Northern Ireland and the need to protect human health and our natural environment.

It is an issue of regional significance and presents a significant challenge to planning authorities in determining applications for ammonia-emitting development proposals. DAERA, as the statutory nature conservation body, has policy responsibility in relation to the impact of ammonia nitrates on the environment and acts as a statutory consultee to the planning system. Its statutory consultation input is informed by an operational protocol relating to ammonia and nitrates deposition. DAERA accepts that its protocol needs to be revised. The Member may recall from a recent Assembly debate on ammonia that I had written to the Minister of Agriculture, Environment and Rural Affairs, who advised that the work on the ammonia strategy, including a review of its operational protocol, is in its final stages of preparation prior to public consultation. While that has led to delays in determining a number of applications for agricultural development, I hope that future DAERA advice, based on up-to-date scientific data and consistent with recent case law, will see councils in a position where they have confidence to make such determinations.

Miss Woods: I thank the Minister for her answer. Another aspect brought up during the recent debate was Shared Environmental Service. Will the Minister outline her rationale for refusing requests from Shared Environmental Service for the additional funding to carry out the habitats regulations assessment?

Ms Mallon: I thank the Member for her question. A request for additional funding was examined by my Department and by the Department for Communities, as I understand it. The issue of increased financial support is one that has to be pictured in the round. A number of councils have seen an increase in income, for example, as well as outgoing costs. Therefore, if any work were to be taken forward on that, it would need to look at all the factors. It is something that I will look at, but, as far as I am aware, the Department for Communities has replied that it would not be in a position to increase funding at this time.

Driving Tests

T2. **Mr Givan** asked the Minister for Infrastructure to outline the current position with the well-documented backlog in driving tests, with thousands of people being denied the opportunity to do the test, which is particularly impactful on young people and those who are pursuing jobs for which a driving licence is a requirement, and to state the action that she is taking to address the backlog. (AQT 942/17-22)

Ms Mallon: I thank the Member for his question. The Driver and Vehicle Agency (DVA) resumed driving tests for private cars from 1 September 2020, prioritising tests for key workers and those who had had their tests cancelled between March and June 2020.

The DVA opened its driving test booking system for all customers on 5 October, but, since then, the service has been significantly disrupted due to further COVID restrictions introduced by the Executive. Following the announcement of the Executive's post-Christmas restrictions, driving tests have ceased from 28 December to 5 March. To help to mitigate the impact on customers who are waiting patiently to take their driving test, I brought forward legislation to extend the validity of theory test pass certificates. When driving tests resume again, the DVA is

planning to reopen the booking service in phases, based on the expiry date of theory test pass certificates to give priority to those who have been waiting the longest time.

The DVA continues to increase its capacity by recruiting additional examiners and will offer appointments on Saturdays and in the evenings as we move into spring and the brighter nights. The DVA will also use overtime to rota off-shift dual-role driving examiners to provide further capacity.

Mr Givan: I look forward to the Minister championing the cause of those who have been denied the opportunity to sit their driving test and dealing with what is now a quite unacceptable backlog, given the deprivation that that leads to for those who cannot get a test.

The ability to drive on decent roads is, of course, vital. A number of weeks ago, the Finance Minister indicated that he had not received a bid or that there was not funding for Roads Service maintenance, which, annually and historically, has been a significant recipient of end-of-year moneys. Is there a reason why there has not been that kind of bid from your Department?

Ms Mallon: To address the first point, Mr Givan, I did not stop driving tests. The Executive, of which your party is a member, took the decision to stop driving tests, because they are a close-contact service, to keep citizens safe. Ever since, my Department and the DVA have had plans in place to reinstate driving tests as soon as the restrictions end. Given that the Executive have rolled on those restrictions, we have adapted accordingly, and we have published our plans. I take the situation very seriously, and we continue to do all that we can to fully reinstate services in a safe way as soon as possible.

On the issue of finance, I set aside £75 million for the structural maintenance fund, which was the same as last year. I set aside £12 million for a road recovery fund, £10 million of which is for rural roads, because I am very much committed to tackling regional imbalance. I have bid throughout this financial year for additional moneys for structural maintenance. In fact, we have seen an 11% increase in the money being allocated. Again, I take that issue seriously because I recognise that it is important to residents right across Northern Ireland.

Northern Ireland Water: Budget Allocation

T4. **Ms Armstrong** asked the Minister for Infrastructure what talks she has had with the Minister for Communities to ensure that funding allocated to Northern Ireland Water will help that Department to achieve its housing targets, albeit that, having seen the draft Budget, the Minister will agree with the concern expressed at the funding that her Department will receive, particularly when reflecting on the money that will go to Northern Ireland Water. (AQT 944/17-22)

Ms Mallon: I thank the Member for her question. She raises a very important issue. Members will be aware that a £2 billion investment is required in our water and waste water infrastructure for the next price control period. That reflects a capital requirement as well as a resource requirement. Members will be aware from the draft Budget that the proposed resource budget for my Department has been cut.

I absolutely recognise the importance of building many more new social and affordable homes. I have supported the Communities Minister in her representations on that issue to the Executive. The truth is that 116 locations across Northern Ireland are now either at or beyond their developmental capacity. If we do not invest in our water and waste water infrastructure, we will not be able to build the many social and affordable homes that we need, we will not be able to stimulate our economy, we will not be able to create the employment that our citizens need, we will not be able to tackle the climate emergency and, in fact, we will not be able to achieve the objectives that we have all signed up to in the Programme for Government.

Ms Armstrong: I concur with the Minister. Indeed, building has ground to a halt in areas of the Strangford constituency because there was not capacity in waste water treatment. I am very aware that, across councils, there are issues with planning departments and delays. How much work is being done between the Department and councils to identify where there are issues with Northern Ireland Water and waste water treatment works so that we do not keep building on the delay in planning?

Ms Mallon: I thank the Member for her question. The Member may know that Northern Ireland Water has been engaging in an extensive consultation and information exercise with all the councils to make them aware of the challenges within their own areas. That is particularly important as councils develop their local development plans. All councils, in developing their local development plans, recognise the importance of ensuring that they provide housing for their citizens. They also recognise the economic multiplier that is derived from that, particularly for the construction industry. Northern Ireland Water will continue to engage on that front, and my Department is also working closely with the councils as they develop their local development plans. I also encourage Members, in engagement with their elected representatives and communities, to raise awareness of the issue. The Minister of Health and the Minister of Education, understandably, can point very emotively to the challenges that their Departments are trying to deal with. When you turn on your tap, you get water. When you get showered, you get water, but you do not realise how much of a challenge it is. I look to Members to help me and Northern Ireland Water in raising the importance of the issue.

Kinnegar Waste Water Treatment Works

T5. **Mr Chambers** asked the Minister for Infrastructure for an update on the progress of the innovative pilot project at Kinnegar waste water treatments works in Holywood, which is designed to separate the oxygen and hydrogen in water. (AQT 945/17-22)

Ms Mallon: I thank the Member for his question. I assume that he is referring to the Power to X project, which is a collaborative piece between the Department for the Economy and Northern Ireland Water. As he said, it is an innovative project. It is about seeing whether we can drive forward the opportunities and the potential within our economy for hydrogen. If it proves to work, and I have no doubt that it will, it will also be able to deliver efficiencies for Northern Ireland Water. Multiple benefits are to be had from it. Work on that continues, but I am happy to provide the very latest update on that project for the Member in writing.

Mr Chambers: Thank you, Minister. Could the use of the separated oxygen in the sewage treatment process help to alleviate the noxious smells that have emanated from the plant on occasions over recent years?

Ms Mallon: As I said, there are multiple benefits to be had from the project, working through to its completion. One is around efficiencies, and, no doubt, one will be on the issue of smell that the Member referred to. When we provide you with the written update, I will make sure that we also address that issue.

Wedding Vehicles: Financial Support

T6. **Mr T Buchanan** asked the Minister for Infrastructure what help is available for people who own and operate wedding vehicles, given that, earlier, although she answered a number of questions about support schemes for taxi drivers and coach operators, she did not outline what she has done to provide for those people who are also suffering substantial losses because of COVID. (AQT 946/17-22)

Ms Mallon: I thank the Member for his question. I have engaged with representatives of the wedding car industry. I am aware that a number have been able to avail themselves of support schemes to date through the Department for the Economy. Individual drivers within the industry will also have been eligible for the taxi driver financial assistance scheme that I have brought forward.

Mr T Buchanan: Individual drivers may well be able to tap into that but not the people who own the vehicles. For example, someone in my constituency owns six or eight of those vehicles, and there seems to be no support for them. As Minister, why have you not thought about bringing forward some type of scheme to help those people, who are also suffering substantial losses as a result of COVID-19? The Finance Minister has quite a bit of money that he is looking to be spent. Do you think that it is time that you looked at bringing forward a scheme, specifically, for those people?

Ms Mallon: I thank the Member for his question. We need to first establish the facts. We need to be very clear on what the wedding car industry representatives and members have been able to avail themselves of. I understand that they have been able to avail themselves of a number of schemes at UK Government level and at Executive level. I am not responsible for administering the Department for the Economy's part B scheme, but I have had it confirmed in writing that taxi operators are eligible. It would seem to be fair and only right that the wedding car industry, which is also being impacted by the current restrictions, should also be eligible for that scheme. I am happy to write to the Minister for the Economy to establish whether that is the case and to share that correspondence with the Member.

2.45 pm

Residents' Parking Scheme: Portrush

T7. **Mr M Bradley** asked the Minister for Infrastructure whether a residents' parking scheme could be rolled out for the benefit of the people of Portrush and across Northern Ireland, given that, a few years ago, albeit not during her tenure, when he asked the Department about a residents' parking scheme for Portrush, he was informed

that a pilot scheme was soon to be rolled out in south Belfast and, once the findings were known, the scheme would possibly be rolled out across Northern Ireland, including in Portrush. (AQT 947/17-22)

Ms Mallon: I thank the Member for his question. He is right. Evaluation work was carried out on the back of that pilot scheme, and I await the submission detailing the evaluation and analysis. I have not as yet received it, but I hope to receive it shortly. I have already given a commitment in the House that I will publish that report, because I am cognisant of the fact that Members have an interest in the issue and of the fact that residents across Northern Ireland have a keen interest in it, given the difficulties with parking in their areas.

Mr Principal Deputy Speaker: Mr Bradley, very briefly.

Mr M Bradley: I will be brief, Mr Principal Deputy Speaker. There is grave concern that people with health problems, and care teams that are required to visit them, cannot get parked outside their house. Will the Minister look at that issue urgently?

Ms Mallon: That is an important point. In addition to my previous answer, I make the point that, if Members have constituents who have mobility and disability issues, they should encourage them to apply to the Department for Infrastructure to be included in the blue badge scheme. That will not address the overriding problem, but it may bring some easement and comfort to constituents who find themselves in that difficult situation.

Mr Principal Deputy Speaker: That concludes questions to the Minister for Infrastructure. The next item of business is a question for urgent oral answer to the Minister of Agriculture, Environment and Rural Affairs, Mr Gordon Lyons. I ask Members to take their ease for a few moments while we change the top Table. If you are leaving the Chamber, do not forget to wipe down the surface where you were sitting.

(Mr Speaker in the Chair)

Question for Urgent Oral Answer

Agriculture, Environment and Rural Affairs

Checks at Ports

Mr Speaker: Mr Declan McAleer has given notice of a question for urgent oral answer to the Minister of Agriculture, Environment and Rural Affairs. 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 McAleer asked the Minister of Agriculture, Environment and Rural Affairs why live animals, dairy and meat products will continue to be allowed through Larne and Belfast ports in the absence of physical inspections, given the potential damage to our agri-food industry through the spread of disease and damage to our international reputation for high quality, safe food.

Mr Speaker: I welcome the Minister to his first item of business in his capacity as Minister. I do not think that, when he signed the Pledge of Office this morning, he expected to be here this afternoon, but these things must. As I said earlier, let that be a warning to all prospective Ministers: you are on call round the clock.

Mr Lyons (The Minister of Agriculture, Environment and Rural Affairs): Thank you very much, Mr Speaker. As this is my first opportunity to address the Chamber since my appointment, I join colleagues from across all parties in sending my good wishes and prayers to Edwin Poots as he begins his treatment and recovery. We look forward to seeing him back in this place very soon.

I join my Executive colleagues in condemning any threats made against staff going about their duties at Belfast and Larne ports. As public servants, these staff should be allowed to do their jobs without fear. It is unacceptable and intolerable that threats have been made. The threats should be lifted immediately, and staff should be able to do their job without fear or intimidation. There is no place in our society for threatening anyone going to their place of work. For me, staff safety is paramount.

Last night, the Department was notified by Mid and East Antrim Borough Council that it was temporarily halting physical inspections in the Larne inspection facility. After discussions with partner organisations and the PSNI, the Department also decided to temporarily suspend physical checks on products of animal origin (POAO). That decision was taken as a purely precautionary measure in the interests of staff safety. The Department expects to receive a further risk assessment from the PSNI. DAERA continues to implement documentary checks on all consignments moving from Great Britain to Northern Ireland, and sealed checks continue to be carried out, where possible, in GB ports.

Physical checks on POAO from GB are currently suspended. Physical checks on other categories of goods will continue to be carried out where local management and staff consider it safe to do so. These proportionate measures will help to ensure that any risk from imported goods is mitigated. As a temporary measure, this response is proportionate to the lower risks associated with these consignments and is consistent with DAERA's overall approach to verification.

The Member will be aware that, of course, there has been no change to food production standards. Consequently, no significant increased risk exists to consumers in Northern Ireland or to the wider agri-food industry. We can all be assured of that safety in regard to animal, plant and public health.

Mr McAleer: I thank the Minister for his answer. I wish him well in his role and congratulate him. I hope that he does well, and I look forward to working with him in my capacity as Cathaoirleach of the AERA Committee.

We condemn these threats and pass on our solidarity with those workers. The threats need to be lifted, and the PSNI needs to investigate thoroughly to get to the bottom of them. If people need to be brought to book for this, that needs to happen.

The Minister will be aware that checks have been carried out on animal, food and plant products from Britain at Larne port for over a hundred years to protect the biosecurity of the island of Ireland and our under pressure agri-food sector. Does he agree that now is the time for calm heads and strong collective leadership to resolve these issues, get the staff back to work and resume operations at the ports?

Mr Lyons: Although I do not intend to be in post for long, I am, of course, more than happy to work with the Chairperson and the Committee. Of course, we should all have calm heads. We should all be aware of the huge anger in the community because of the protocol and the consequences that it is having here in Northern Ireland. We have to be aware that that is the case. However, that is no excuse whatsoever for the threats and intimidation that we have seen.

Unfortunately, we have had an awful lot of temperature raising in the past. The Member's party was guilty of that in regard to threats made during and after the referendum, when we saw tensions being raised. We saw leaders of his party constructing fake walls and knocking them down with sledgehammers. We saw a lot of tension ratcheted up about a border on the island of Ireland that was never going to be put in place. Now, the real consequences of the protocol are being felt.

I understand the anger and frustration that people feel. However, there is no justification whatsoever for intimidating workers who are going about their jobs. It is important that that has been put on record not only by me and my party, but by Members right across these Benches. The most important thing for us all should be the safety of staff. That is what is important to me right now.

Mr Irwin: I welcome the Minister to his new post. I hope that the former Minister is back to health soon and able to resume the post.

Will the Minister give his assessment of the need for products that are solely for consumption in Northern

Ireland to be checked at all, given that that poses no risk whatsoever to the single market?

Mr Lyons: Of course, the authors of the protocol would say that the reason why it was needed was to protect the EU single market. However, there is also the UK internal market. We need to be aware of that and recognise that it has been damaged and affected by the protocol. There does not seem to be any sense in requiring checks on items that are moving from Great Britain to Northern Ireland if they are not going to go into the EU single market. That is why the protocol needs to go. The way in which it creates those additional burdens and barriers to trade within the UK internal market, which, of course, is our most important market, is wrong.

By the way, the problems with the protocol are not just problems for unionists. It affects us all in Northern Ireland. It affects all consumers. That is why it is so important that we get rid of it: because of the damage that it is doing.

Ms Dillon: I thank the Minister for his answers so far. I also wish him well in his post, albeit that it is temporary, hopefully. This morning, it was remiss of me not to offer my full support and solidarity to the former Minister in his ongoing battle with his current health circumstances. I want to let Edwin and his family know that we are thinking of them and wish them all the very best for the future.

Does the Minister have any time frame as to when the PSNI update might happen? If some checks are taking place but not others, and if some staff are still taking part in checks, how will anybody who has made a threat differentiate as to which checks are taking place?

Mr Lyons: Obviously, the situation is changing rapidly all the time. The PSNI must be given time to do its work. Then we will also carry out a departmental risk assessment of this, as everyone would expect us to do. I cannot give the Member a timeline because there is no way in which one can be given; the situation is changing so much. I think that she will understand that that is the case. As I said before, the most important thing in all this is the safety of staff. That is what must come first, before any timeline.

With regard to the checks that are taking place, many are taking place off-site or in GB. It is the checks that are taking place in the ports that have been suspended at this time. It is right that that is the case.

Mr O'Toole: Like other Members, I welcome the Minister to his post and wish him well. He is doing it in not the most auspicious circumstances, given Edwin Poots's illness. We wish Mr Poots well. He has all our best wishes.

I want to ask the Minister two connected questions. First, can he confirm that it is his view that staff should be enabled to do their jobs, including checks, unencumbered, as the law sets out? Secondly, given that we all want to see disruption, including east-west disruption, minimised, is he willing to make representations to the UK Government that it would be beneficial for the UK to enter into negotiations to have a greater level of sanitary and phytosanitary alignment with the EU, as Switzerland and Norway both have, including an agreement on veterinary standards? Is he willing to make those representations to the UK, because that would be one important step towards minimising disruption?

Mr Lyons: On the Member's first point, I do not think that I could have been any clearer: I completely condemn what

has taken place and I believe that people should be able to go about their jobs.

On his point about SPS coordination, we have that right now. We have those similar standards, yet the protocol is causing huge problems. So, we need to find a solution, and that is to get rid of the protocol and to make sure that we have common-sense solutions to the issues that arise as a result of the UK being out of the European Union.

3.00 pm

Dr Aiken: I join everybody else in welcoming the Minister to his new post. Earlier today, we wished Edwin and his family all the best, and I echo that.

Obviously, being new to the post, you have not had an opportunity to talk to the vets and the veterinary scientists on the other side of our nation, but in the 32 days since the protocol has been in place, have there been any indications at all from any of the veterinary authorities that anything has changed between the standards that we had at the end of December and the standards that we have right now?

Mr Lyons: First of all, I thank not only Mr Aiken but all Members for their kind words about Edwin Poots as he recovers and for me as I begin in this position.

I have been in post for only a few hours; however, I am not aware of any problems that have come up as a result of the end of the transition period or that vets have identified at this stage, and I will be more than happy to confirm that with the Member in writing. However, he makes a good point. As I outlined in the initial answer to the question, there have been no changes to the rules on food standards. That is why the protocol that requires those checks needs to go.

Mr Blair: I, too, welcome the Minister to his post and sincerely wish him well for the time ahead. Will the Minister confirm that there will be a determination on behalf of the Department that the threat of violence cannot influence government policy, international obligation or the resolve for all of us to work together to seek solutions to current EU exit issues?

Mr Lyons: I absolutely confirm that the policy of my Department and, I hope, of the whole Executive will not be influenced in any way by sinister elements. Of course, we have to take precautionary measures when necessary, but the way in which we go about changing things, such as the problems that have come about as the result of the protocol, is through peaceful and democratic means, which is something that we all committed to upholding when we took our seats in this place.

Ms Bailey: I, too, welcome the Minister to his new post. I also look forward to working with him and maybe even seeing him at Committee. That would be great.

In light of the fact that Northern Ireland has a number of very serious ongoing cases of avian flu and that that can have dire consequences, I can only imagine how busy your first day has been, but have you met port inspectors today? If so, what is their assessment of the fact that no checks are being done? How much livestock has come into Northern Ireland unchecked? Is that legal?

Mr Lyons: I am more than happy to attend the Committee if I am invited and still in post at the time. As I outlined,

checks on livestock that have taken place for decades continue to take place at this time.

Mr Allister: I want to ask the Minister about who has, let us say, sovereignty at our ports. If DAERA declines to operate those checks, is it true that no one else can, including the EU?

Mr Lyons: My understanding is that the only people who would be able to carry out checks would be the competent authority, which is either the Department or Mid and East Antrim Borough Council. However, I do not want to mislead the gentleman on that, so I can come back to him in writing with confirmation of that.

Mr M Bradley: I join with colleagues in welcoming the Minister to his first meeting. I also extend my best wishes to Edwin for a full, successful and speedy recovery. Given what has happened at Larne and Belfast, will the Minister give a commitment to ensure the safety of his staff, that they are protected, and to keep the situation under review?

Mr Lyons: Yes, that is absolutely the case. As I have said, the safety of staff is my prime concern; it needs to be kept under constant review. This is a rapidly changing situation, and various threats or issues have to be taken into consideration. It is exceptionally disappointing that this is taking place. Therefore, I assure the Member that, in conjunction with the police and the councils, we will keep this under review.

Mr McGuigan: I condemn any threats against workers, some of whom are constituents of mine, at Larne and Belfast ports. Everyone should be able to go about his or her work free from intimidation. I am a bit disappointed at the tone and comments in response to my party colleague, Minister, in equating a bit of pageantry with the threats that we currently have. Given the threats, does the Minister regret that some elected representatives whipped up themselves, and others, into a state of hysteria over the weekend after the non-triggering of article 16?

Mr Lyons: The Member needs to look back over the last number of years at the raising of tensions and inflammatory language that many on the pro-Remain side used, including, of course, the Member's party. It was Ms Anderson, who famously stood up in the European Parliament and told the then British Prime Minister to stick her border "where the sun don't shine". Therefore, I think that the Member needs to look at himself and his own party when we talk about inflammatory language.

However, for my part, I absolutely think that we need to tackle these very serious and difficult issues in a measured way. We need to make sure that we remain calm and deal with them where they can be dealt with in lobbying the Government, Members of Parliament, and the European Commission and showing them how the protocol is not the solution that they thought it was.

Mr Speaker: I would like Members yet to speak to keep within the rails of respect in the rest of this discussion.

Mr McNulty: Ádh mór ort. Big luck on you, Minister. I hope that it is just a caretaker role and that Minister Poots overcomes his latest challenge. We wish him and his family well in their new battle.

Minister, will the disruption of checks at Larne or Belfast delay the delivery of goods to shops, farms or garden centres in the days, weeks and months ahead?

Mr Lyons: There is no risk to supply in Northern Ireland to shops, supermarkets or anywhere else.

Mr Beggs: I, too, congratulate the Minister on his appointment, particularly in the challenging present times and wish, with others, that the threats against staff immediately come to an end.

Minister, I understand that there will be very few live animals moving through our ports, particularly at this time of the year; it is mainly HGVs bringing foods into our supermarkets and our agri-food industry exporting goods to their GB market. Therefore, Minister, if there were blockages or delays at the ports, does the Minister accept that there could be animal welfare issues for animals in transit?

Moreover, could the cargoes, which are all very time-sensitive, end up being dumped, at huge costs to manufacturers, resulting in gaps on our supermarket shelves? Will he engage with the Government at Westminster and the EU to come up with pragmatic, simplified solutions to prevent difficulties that are occurring?

Mr Lyons: I thank the Member for his questions. First, I do not believe that there are any issues with regard to animal welfare, but, of course, we will keep that under review. However, he is quite right that a huge number of concerns have been expressed by hauliers and others with regard to the problems that can come from the protocol.

As junior Minister in the Executive Office, which seems like an age ago already, I had daily meetings with Her Majesty's Government in relation to the problems that were coming about as a result of the protocol and fears about, and practical examples of, some of the consignments and loads coming into Northern Ireland not having the necessary documentation and how that holds everything up. As the Member will be aware, that can be very costly for all those involved. That is why we need solutions to the problems that we face right now. The protocol is not one of those solutions.

Mr Harvey: First, I wish you well in your new position, Minister, and I wish Edwin a speedy and full recovery. Will the Minister outline the material risk to Northern Ireland's reputation as a result of the steps taken by the Department?

Mr Lyons: I thank the Member for his question and good wishes. I do not believe that there is any material risk to the reputation of Northern Ireland, despite the implication in the Member's question. Consumers of produce here in Northern Ireland can be assured that there is no threat to them whatsoever as a result of the changes that have been made. I am pleased that that is the case and that we can continue to have confidence in our produce.

Ms Ennis: We have rightly heard condemnations of the events that have transpired at Larne, but I was disappointed to hear, on the radio this morning, Mr Beggs refuse to offer his support to the workers at Larne port or to state whether he supports them. Can the Minister state whether he unequivocally supports the workers at Larne port in carrying out their duty of SPS checks?

Mr Lyons: I do not think that it is right for me to speak on behalf of Mr Beggs. However, I believe that, if he had the opportunity, he would say the same as me, which is that staff safety is paramount. When these threats were

first made about a week ago, there was graffiti in our constituency. I put out a statement right away saying that it was wrong and that it harked back to where we were 20 or 30 years ago, when people in this country were intimidated and prevented from doing their work, particularly in the security services. Yes, of course, I absolutely believe that people should be free to get on with their job without intimidation. It is not difficult for me to say that. I do not hold that position only now; I have always held it.

Mr Buckley: The question is yet another example of a policy of cutting off your nose to spite your face from pro-Remain parties in the House. The trade in livestock across the Irish Sea has taken place unhindered for centuries. Does the Minister agree that the situation that we face is yet another example of the outworkings of the protocol and further highlights the societal and economic pressures that it has placed on Northern Ireland? Therefore, will he join me in calling on Her Majesty's Government to enact and enable article 16 to bring this sham to an end?

Mr Lyons: Yes, for any number of reasons. Choose your benchmark. There are a number of reasons why the protocol needs to go and why it is wrong. First, it is very clearly a breach of the Good Friday Agreement. Far be it from me to be a defender of that document, but nobody on the Benches opposite is at this moment in time. Community safeguards are gone. "We do not care about that any more" is what the Members on the other side of the House are saying. Northern Ireland's place within the United Kingdom being secure until the majority of people in Northern Ireland want to change the position of Northern Ireland, as is in that agreement, does not seem to matter any more, because our position has been fundamentally changed by the protocol.

Look at the protocol itself. Has there been social and economic disruption as a result of the protocol? Absolutely. The protocol was meant to have no significant impact on how people live their lives here in Northern Ireland. That is certainly not the case. I have talked to people across my constituency who are having trouble bringing in parts for farm machinery or for CB radios. People are facing all sorts of problems.

The protocol has failed and has to go. Article 16 is a tool, but we also need to put pressure on the Government and to make representations to the European Commission to get this to come to an end for the benefit of the people of Northern Ireland.

3.15 pm

Ms Anderson: I, too, wish Edwin and his family all the very best. I wish you luck in replacing him; you have big shoes to fill. I also acknowledge Gary Middleton, who is trying to step in to your brief for the time that you are away.

Like others have done, I condemn the threats that have been made. Those threats, in whatever way they have come about, need to be withdrawn.

Minister, there is no doubt that east-west trade is important, but as, I think, you recognise, the largest market that we have is the EU and the rest of the world. The statistics prove that. There has been a trading adjustment shock. We talked about that at the Executive Office Committee when you were a junior Minister. One of your MPs said that there should be a change to North/South cooperation. Is that the position now of the DUP? The fact

is that 80% of our SMEs, which employ the lion's share of workers here, operate on an all-Ireland basis. It would be good if you clarified whether the comments that were made today by your MP —

Mr Speaker: Could we have a question, please?

Ms Anderson: — are reflective of your position and that of your party.

Mr Speaker: OK. Thank you.

Mr Lyons: The Member is fundamentally wrong to say that our biggest market is the EU. Our biggest market —

Ms Anderson: And the rest of the world.

Mr Speaker: Order.

Mr Lyons: — is the rest of the United Kingdom.
[*Interruption.*]

Mr Speaker: Order.

Mr Lyons: That needs to be protected. Now we can see why the party opposite does not care about the implications of the protocol; it does not understand the importance of east-west trade. It does not even understand the implications that the protocol is having.

As for North/South work, I want to make sure that, whenever we have engagement with the Government in the Republic of Ireland, we make the case to them about why the protocol is wrong and needs to go. I will use opportunities in meetings with my counterparts to press the case for that to happen.

Mr Speaker: We have less than two minutes left.

Mr Wells: We all hope that Mr Poots will be back as soon as possible.

Will the Minister confirm that soil, plants, budgies, dogs etc that were imported on 31 December and were totally safe are equally safe today?

Mr Lyons: I see no reason why anything that was safe to bring in to Northern Ireland from the rest of the UK on 31 December would be any less safe today. That is why the protocol needs to go.

Mr Beggs: On a point of order, Mr Speaker. A few minutes ago, the Member opposite made accusations against me. Will you undertake to review in Hansard the contributions that I made today, in which I showed clear support for all the workers at our ports in carrying out their duties, and in which I clearly indicated my wish that any threats against them were removed?

Mr Speaker: I will do.

Ms Ennis: Review the —.

Mr Speaker: Order. I will review Hansard.

Will Members take their ease for a moment or two, please?

Private Members' Business

Functioning of Government (Miscellaneous Provisions) Bill: Final Stage

Debate resumed on motion:

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass. — [Mr Allister.]

Mr Speaker: I call Mr Jim Allister to resume his contribution.

Mr Allister: Thank you very much, Mr Speaker. Before the break, I was giving a résumé of the key aspects of the Bill, and I had reached the point of dealing with the sole criminal offence that is created, which is in clause 10. I will pick up there. I was explaining that clause 10 is to deal with a Minister or special adviser communicating:

"official information to another for the improper (financial or other) benefit of any person."

There are two important aspects to that. It provides a defence of reasonable excuse, which is set out in the succeeding subsections. Clause 10(1) makes it clear that that offence cannot and does not arise:

"in the discharge of a statutory obligation" —

which would be, for example, an FOI obligation upon a Minister —

"or in the lawful pursuit of official duties".

For example, if a spad, as part of his official duties, is instructed by his Minister to liaise with his party, which is a spad's function, or to brief the media about an upcoming policy decision, those would be lawful pursuits of official duties. What is not a lawful pursuit of an official duty is taking official information that you come by, by virtue of being in the position that you are in, and communicating it for the improper benefit of someone else so that they might gain financially or otherwise, whether that other person is a commercial operation, a family member or whomever. That is the gist of the intent behind clause 10. It was probably one of the clauses that attracted the most scrutiny and debate, and I think that we arrived at a proportionate position after taking account of some points that were made.

I will draw attention to some other summary points of the legislation. It imposes a statutory duty, which, strangely, was missing, on Departments to provide scrutiny Committees with the requested documents. As explained in earlier debates, that is to fill the void that exists so that you do not necessarily have to go to the extremity of section 44 of the Northern Ireland Act to compel production of documents but that you ease that process by having in place a statutory duty to provide those documents when requested.

The final provision to which I want to draw attention is, to me, one of the most important: clause 12. Although the Bill imposes various resolutions to issues that have arisen, improving the functioning of government does not happen on a one-off occasion.

It should always be kept under review. Therefore, the purpose of clause 12 is to make sure that, every two years,

there is such a focus in the House, courtesy of the First Minister and deputy First Minister bringing a report on issues that have been identified where the functioning of government could be improved. By putting that in statute, we make sure that good ideas and promised reforms do not gather dust on a shelf; rather, there is a repeated focus that means that, if further steps need to be taken, there is a duty on the First Minister and deputy First Minister to draw attention to those issues. Whether they arise from some statutory body's report or, which can happen, from a judicial review in the High Court or something like that, there is a stocktake every two years of where we are and whether there are ways in which we could do things better. That is very much in line with the ethos of the Bill: trying to make things better in the practical functioning of government.

That is almost all that I want to say at this stage. I recommend the Bill to the House. Again, I stress that I am not asking the House to vote on whether it agrees with Jim Allister or his political viewpoint. If that were so, I might have a rather solitary experience in the Aye Lobby. Mind you, if some recent polls are to be believed, that situation might change. However, that is not the question. The question is this: do the propositions in the Bill set before us a path of betterment? Therefore, I ask the House to consider not the messenger but the message, and I think that the message is a good one and one that the House, for the betterment of us all, could embrace. I trust that it will.

Dr Aiken (The Chairperson of the Committee for Finance): Thank you very much indeed, Mr Allister, for bringing the Bill to the House.

Mr Speaker, the Functioning of Government (Miscellaneous Provisions) Bill was introduced in the Assembly on 3 February 2020. I apologise that we have extensive notes and discussions to relay, so please grant me some indulgence as we go through them.

Today's Final Stage marks the end of a year during which the Bill underwent detailed scrutiny in the Committee for Finance and in the Chamber in circumstances that none of us could have predicted a year ago. I acknowledge that there was no consensus in the Committee on the need for the Bill or on the view that legislation was needed in this area. There was extensive discussion in the Committee, and members on both sides of the debate considered a significant amount of evidence on whether legislation was needed or whether codes and guidance would be sufficient to address the issues of concern.

Having considered the evidence in detail, the Committee came to the view that, as guidance had not been followed in the past, there was now a need to legislate to ensure that issues similar to those that led to the collapse of the Executive did not arise in the future and to facilitate the House to move towards a position where public confidence in these institutions was assured. That is the key commentary: where public confidence in these institutions is assured.

Although significant changes were made to the Bill as it passed through the Committee and the House, the general principles remain largely intact, and most of the provisions that the Bill's sponsor sought to introduce and which were supported by the Committee are evident in the Bill that is before us today.

At Second Stage, I informed the House that the Committee for Finance did not want to form a view on the general principles of the Bill at that time. I can now inform the House that the Committee, following its detailed scrutiny at Committee Stage, supports the general principles and the majority of the policy objectives that the Bill seeks to achieve.

The Committee responded to evidence from a range of witnesses. We considered, debated and commented on the provisions of the Bill in detail, and, as a result, the Bill's sponsor was amenable to suggested amendments to help support the Committee's position on the Bill's provisions. Subsequently, following the Department's acquiescence to refining the Bill with appropriate technical amendments, we have before us at Final Stage a Bill that will help to improve openness, transparency and accountability and will, I hope, help to enhance and improve the public's confidence in these institutions.

3.30 pm

I wish to draw attention to clauses in the Bill in which the Committee took a particular interest. Not the least of those was clause 1. Clause 1 would amend the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and, in doing so, includes a number of important provisions. The Committee supported the provision to restrict the facility to have a hierarchy of special advisers to the Executive Office. It was noted that the provision would still permit a hierarchy of special advisers within the Executive Office, and that was considered appropriate. Importantly, the provision also precludes the management of one special adviser over other special advisers in other Departments.

The Committee gave detailed consideration to the provision in clause 1 bringing special advisers under the Northern Ireland Civil Service disciplinary process. The Committee supported the Department's view that the inclusion of a provision to preclude ministerial involvement in the disciplinary process, which was included in the Bill as originally drafted, was not compatible with the position that a Minister is responsible for the conduct and discipline of their special adviser. It was accepted that the nature of the relationship would require ministerial involvement in the disciplinary process but that the prevention of ministerial interference, as referenced in the original and current drafts of the Bill, would not be acceptable. I welcome the steps taken by the Bill sponsor to amend the Bill to address those concerns and the amendments proposed by the Department of Finance to refine the clause.

The provision in clause 1 to restrict the remuneration of special advisers to that applicable to an assistant secretary in the Senior Civil Service pay structure is important. Under current arrangements, the salaries of special advisers, unlike other civil servants, are not subject to any formal procedures and can be easily raised without explanation or justification. It is important to ensure that salaries are adequate to attract an appropriate pool of suitably qualified and experienced candidates without overcompensating postholders for the work that they do. The provision does precisely that.

The Committee considered in some detail the provisions to reduce the number of special advisers in the Executive Office. It has been recent practice for six special advisers to be appointed to the Executive Office, and the Committee came to the view that that is the appropriate

number. In removing the facility for junior Ministers to appoint special advisers, clause 2 will achieve what the Committee sought to accomplish in limiting the number of special advisers in the Executive Office to six.

Clause 3 was considered one of the less contentious provisions during the Committee's deliberations. The introduction of the affirmative resolution procedure to require the First Minister and deputy First Minister to seek the consent of the House when they intend to appoint a person to provide specialist support is very much in the public interest. It is a proportionate response that will ensure proper accountability and increase transparency by making the public aware of proposals to make such appointments.

Clause 5, which would extend the powers of the Commissioner for Standards to investigate and report on complaints against Ministers, represents a strengthening not only of current arrangements but of the arrangements proposed in 'New Decade, New Approach' (NDNA). The power of the Commissioner for Standards to compel witnesses and documents under clause 5 is an important provision that does not exist under the proposed approach in NDNA. The provision will bring Ministers under the same complaints procedures as other MLAs and ensure that Ministers and all MLAs being investigated for similar alleged breaches are subject to the same complaints procedures. Clause 5 will also provide for the NDNA proposal to be implemented in a way that is seen to be open and transparent.

Clauses 6 and 7 relate to the requirement to keep accurate written records of meetings. Although the clauses as amended differ significantly from those considered at Committee Stage, the principles remain the same.

During its deliberations, the Committee noted that a large amount of normal, innocent and practical Civil Service business might have fallen within the provisions of the Bill as originally drafted. That would, undoubtedly, have created difficulties for civil servants in their legitimate roles. The Bill's sponsor agreed to amendments to tighten the proposals, and further amendments were tabled by the Department to refine those clauses.

Once it receives Royal Assent, the Functioning of Government (Miscellaneous Provisions) Bill will lend itself to further amendments on any aspect of the functioning of government in Northern Ireland. Following an evidence session from the former Commissioner for Public Appointments for Northern Ireland, Ms Felicity Huston, the Committee for Finance considered tabling an amendment to the Bill in order to strengthen the independence of the Office of the Commissioner for Public Appointments.

As commissioner, Ms Huston had extensive experience of the problems of working in an area of guidance rather than legislation. The Commissioner for Public Appointments for Northern Ireland is appointed under section 23(3) of the Northern Ireland Order 1998, which runs to three pages and one schedule. Ms Huston's view was that the order is vague, provides very few powers and does not clearly lay out what the independent nature of the post means in practice. The Office of the Commissioner for Public Appointments was established through prerogative order rather than legislation. The commissioner had no control over the budget and could not appoint her own staff but had to rely on civil servants who were seconded into the

office. She had an auditor appointed by the Northern Ireland Civil Service and could not take independent legal advice. She was based in Castle Buildings, which was confusing, considering that the role is that of an independent regulator but sits in a central position in the structure of government.

The International Ombudsman Association has a set of standards to recognise and assess the independence of an ombudsman, that is, a regulator or an entity that deals with complaints. Ms Huston informed the Committee that, during her time as commissioner, the Office of the Commissioner for Public Appointments failed all those tests. As I said, the Committee considered tabling an amendment to the Bill to address that. However, given the complexity of the issue, the amount of time that would have been required to take sufficient evidence and the lack of time to address the matter during the Committee Stage, the Committee agreed to make a recommendation in its report to ask the First Minister and the deputy First Minister to make legislative provision to bring the Office of the Commissioner for Public Appointments up to international standards.

I take this opportunity to reinforce that recommendation and to urge the First Minister and the deputy First Minister to accept and make a commitment to follow through on the Committee's recommendation. I also ask colleagues in the Committee for the Executive Office to read the relevant section in the Committee's report and to take steps to help to ensure that we achieve a position where the Office of the Commissioner for Public Appointments can truly be considered to be independent.

Finally, I thank the Committee staff for their work in supporting the Committee through its consideration of the Bill in these extraordinary circumstances. I thank the Bill Clerk, Claire McCanny, for her advice to the Committee and the RalSe researchers for their first-rate work and support in preparing papers and presentations. I thank the organisations and individuals who provided evidence to the Committee in order to enable members to scrutinise the Bill and help to shape what is before us today.

That concludes my remarks as Chairperson of the Committee for Finance. I will now make a few short remarks as the Ulster Unionist Party finance spokesman and party leader. The Ulster Unionist Party supports the Bill, but we approached it in the beginning with an open mind because we believed that, as part of the discussions that led up to New Decade, New Approach, we would be in a position where significant reform would be brought forward by the Executive on how the Northern Ireland Assembly and the Executive are run.

As we worked our way through our evidence sessions, it became quite clear that there seemed to be a reluctance on the part of the Department of Finance and the Executive to make the changes that were needed. Indeed, we had the rather unedifying experience of being given evidence by senior officials in the Department of Finance who told us how guidelines were much more appropriate and that discussions had been held during the New Decade, New Approach negotiations. I was involved in those negotiations, which bore no relation whatsoever to what those discussions eventually became. At the same time, our Committee had to consider potentially compelling the Minister and the Department to give us the information that we sought.

There is, very definitely, a need for legislation, and I encourage all parties in the Assembly to realise that the credibility problem that the Northern Ireland Assembly and the Northern Ireland Executive have, and the very process of democracy in Northern Ireland, mean that the safeguards that exist in other areas cannot apply here. We need the appropriateness of legislative force behind what we do. The Ulster Unionist Party fully supports the Bill.

Mr Frew: I support the process that the Bill has seen; it has been through the democratic wringer. I commend that process and the democratic accountability that makes a Bill as fit for purpose as possible.

I also thank the Bill's sponsor for introducing the Bill. It is a healthy sign that Members, whether as part of their party or independents or simply as private Members, can introduce a Bill and can do so with the support of the Bill Office, Assembly staff and the Speaker's Office. It is up to us to vote on it and to support it or not. That is democracy. I welcome that system.

A Member: Will the Member give way?

Mr Frew: I will, but I do not want to leave yet what I am saying about the Bill's sponsor. It is a bit unnerving when you hear the Bill's sponsor talk in very conciliatory terms. That was welcome, and I commend his workmanlike approach, his respect for all members of the Committee, and, indeed, his respect for all Members of the House as his Bill has progressed through its stages. Sometimes, Members have been more focused on the Bill's sponsor than on the Bill, and that is regrettable. We are now at the end of the process and look forward to the Bill, hopefully, passing today and becoming law.

I thank the Bill's sponsor. I have enjoyed working with him and all the members of the Committee in scrutinising the Bill. It was very useful to have the Bill's sponsor on the Committee. The Committee on Procedures should look at that very carefully, because it is an important point. Having the Bill's sponsor on the Committee adds something to the Bill's sponsor, but it also gives a greater awareness to the Committee of the questions that we may ask officials and the answers that they provide. Having the Bill's sponsor, who has known the Bill inside out from the get-go, asking pertinent questions of witnesses — departmental officials, outside bodies or vested interests — and hearing their responses was very informative in shaping dialogue, questions and commentary throughout the process.

The Assembly should look at allowing a Bill's sponsor a place, even if it is in an ad hoc fashion, on Committees to ask questions. They may not necessarily have the right to vote, but they should have a presence and be allowed to attend and ask questions. That would create a much healthier dialogue and process, and, of course, we are all here to improve the process.

As Deputy Chairman of the Finance Committee, I thank its staff and members, as well as the Bill Office staff, who have been very helpful. I thank the staff of the Assembly and the Speaker's Office for their conduct in the passage of the Bill. It has been very good.

Why do we need reform? Of course, this is a very particular piece of reform. It is not a massive wide-ranging piece but is very particular in what it does.

3.45 pm

We need oversight of a greater piece of reform that, I hope, the Executive will bring forward. The reform was committed to, it was promised to us, and we look forward to seeing it. It is about reform, and, we, in the House, must use every avenue available to make government better. Even if you think that we have the best government structures in the world, we still have to strive to improve it. Ronald Regan said:

"man is not free unless government is limited. There is a clear cause and effect there that is as neat and predictable as a law of physics: as government expands, liberty contracts."

It is vital to ensure that our Government, the Executive, do not encroach on the lives of our people to their detriment.

Ronald Regan also quipped:

"The nine most terrifying words in the English language are: I'm from the Government, and I'm here to help."

It is vital that we keep an eye on how government functions affect the lives of every one of our people. It does not matter where you sit on the political spectrum or the constitutional position, we all want to make sure we have good, efficient, effective government that does not encroach too much on our peoples' lives. Therefore, this is a small step in that direction.

Even if government was quite ambivalent and mundane and all about laws and taxes, we would still need reform. Unfortunately, given our tortured history and where we have travelled from, it is vital that we have more checks and balances than any other place — any other normal place, if you like — in our society, the world, this country of the United Kingdom and, indeed, Western Europe.

When my party looks at Bills and reform like this, it will always look at good governance, efficiency and effectiveness. However, unfortunately, we will always look to the party opposite us, its past and where it has come from. Whilst it is good that it has travelled so far, all indications state — even police evidence states — that it is still linked to an IRA army council that still controls it. We have to consider and be cognisant of that fact. We cannot ignore that. If you ignore that, we are in a very bad place. We need as many checks and balances as possible to ensure that the democratic process that we are involved in is efficient, effective and safe for our people. I believe that is why some of those clauses are in the Bill.

Mr O'Dowd: Will the Member give way?

Mr Frew: Yes.

Mr O'Dowd: Will you direct me to the clause that refers to how we are directing the operations of the IRA army council or anything to do with the IRA army council in this Bill?

Mr Frew: Yes, I will.

Mr Speaker: Can the Member resume his seat? I have listened very carefully, and I think that you are veering off the purpose of the Bill. The sponsor of the Bill has very clearly laid out the purpose of the Bill. It is very clear for everyone to see. There has been quite a substantial debate over the last number of weeks and months on the

Bill, as there should be. I advise the Member to restrain himself, and deal with the contents and purpose of the Bill.

Mr Frew: Thank you very much, Mr Speaker. I will adhere to your ruling on the Bill.

George Orwell said:

"If liberty means anything at all, it means the right to tell people things they do not want to hear."

The Bill that we are debating, Mr Speaker, is very clear. Clause 1 is a mighty, in-depth clause. It contains a number of things and instruments.

Clause 1(6) deals with section 8A(1) and the issue that:

"A Minister must ensure that only a person duly appointed as a special adviser in the Minister's department will exercise the functions, enjoy the access and receive the privileges of the person's post as a special adviser; and the permanent secretary to a Northern Ireland department 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 by reason of the holding of that post."

Section 8A(2) states:

"A special adviser—

(a) in carrying out the functions of their post, is not to be supervised or directed by,

(b) is not to report on their carrying-out of the functions of their post to, and

(c) is not answerable for their carrying-out of the functions of their post to,

any person other than their appointing Minister".

That is very clear, and there is a reason why that clause is in here. The Bill's sponsor has spoken about it many times, but so have the permanent secretaries. The most senior civil servant in the Finance Department at that time, Mr David Sterling, believed that the then Finance Minister may have been acting under instruction. The RHI inquiry brought to light many emails and text messages that showed that the previous Finance Minister was in constant contact with veteran republicans outside of the elected Assembly. In fact, on 21 January 2017, David Sterling sent a text message to his colleague and fellow permanent secretary Andrew McCormick saying:

"I can't say whether the 'will' is there and wonder whether he knows himself. He may be acting under instruction."

He was, of course, referring to the Finance Minister.

That is one of the reasons why we need reform. We need reform of spads and how they conducted their business and daily lives. We are not all innocent here. I have alluded to and spoken directly about the past sins of individuals in my party and how they conducted themselves. I am voting positively for change and for the Bill, but it is a sign and acknowledgement for me that there are parties in the House that will not recognise those faults, the past or the activities of their Members and employees. It is that lack of recognition that warns me that we have a long way

to go and a mighty long road to travel before I can sleep securely in my bed knowing that the democratic principles of the country and the Province are safe with the people who sit within them. That cannot be said lightly.

We have power in our Departments, not sovereign power, but the jurisdiction that we share this island with has sovereign power. There are parties in the House that could argue that they are on the crux of sovereign power. That is the democratic process, but it also brings echoes of 1930s' Germany. Therefore, we have to be careful and to make sure that we are diligent, transparent and accountable. The Bill will assist with that.

Now, we need more, and I look forward to seeing what the Executive bring out on the reform and functions of government, the reform of Departments and how they work together and the reform of the Civil Service and ensuring its strength to make sure that people are held to account for the duties that the Bill places on them. Remember what I have just read out:

"the permanent secretary to a Northern Ireland department 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".

Permanent secretaries are mentioned elsewhere in the Bill, so it is important that they and the staff below them in Departments undertake their roles and responsibilities professionally and diligently. That takes strength when you look at a Minister or a politically appointed spad, but they need to step up and ensure that, instead of sending text messages to one another as permanent secretaries, finance officials or duty-bound accountees in each Department, they not only talk among themselves but shine a transparent light on the dealings and goings-on in this place of political parties, Members and employees — namely, spads.

I welcome the Bill. I also welcome the fact that, for some in the community, it will mean a lot. It may not mean a lot to some Members — it is quite a small and concise Bill that deals with one aspect or another — but, for Ann Travers, I am sure that it is a massive thing. Of course it is a massive thing. When the Bill sponsor brings it forward with people like that in mind, I have no problem in supporting him — no problem whatsoever — because we all know the story of that lady and her family, and the sacrifices that they have had to make over the years because of terrorism on our streets. Unfortunately, that is what we are dealing with.

Every time legislation comes before the House on reform, transparency and accountability, we have to look at it in that guise and context. That is what I have done with this Bill. I have tried to be fair with everybody and to convince people of the merits of the amendments that I tabled. I have also taken a decision on each and every line in each and every clause, and I came to a conclusion on whether I could support —

Mr Wells: Will the Member give way?

Mr Frew: Yes, I will.

Mr Wells: I agree that the Member has considered every line in every clause, but I was somewhat bemused when he led his troops into the Lobby to support an amendment. He will recall that it was on the clause that dealt with

any other function that the Department may exercise. I sat through every second of the scrutiny of the Bill in Committee and every second of the debate in the House. Maybe that indicates what a sad anorak I am, but I listened to every word that the Member said and never detected a single concern about that aspect of Mr Allister's Bill. I then was in the Division Lobby, and, to my surprise, I saw the Member leading a rather bemused group of DUP Back-Bench MLAs. I could see that they did not understand why they were being asked to vote against it, but they believed in the holy writ as laid down by the honourable Member for North Antrim. He had deemed that the clause was not worthy of his support, so every one of them, not knowing what they were doing, voted on the basis of their faith in his view on the issue. Will the Member take the opportunity to deliver pearls of wisdom to the honourable Members present and solve the mystery of why he had that road to Damascus experience at the very last moment on that clause? I am not doing this to be critical or saying that he made the wrong decision, although I have my doubts. I am just intrigued as to why, out of nowhere, he made that decision.

Mr Frew: I thank the Member for his intervention. I welcome all interventions, of course. I hear what he says about pearls of wisdom, and, in the 10 years that I have sat in the Chamber, I have tried my best to give out pearls of wisdom. I am not sure whether I have yet succeeded, but I will do my best for the Member.

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

4.00 pm

On the point that he makes, if I recall correctly, although I do not have any notes, there were two ways out of that dilemma, and it was a dilemma for the House: how could we function if Ministers were tied down in respect of every function of their Department and every responsibility that they had? We all grappled with that over two of the Bill's stages, as did its sponsor when it was raised. It was one of the issues that Claire Sugden raised. There was an understanding that there was an issue and that there was a nervousness around how we dealt with it. It was no road-to-Damascus change; we had teased it out over a long time and in many debates, even in corridors outside the Chamber. On the night, there were two ways of doing it: the Minister's way or an amendment from the Bill's sponsor. Basically, it came down to a judgement call on which amendment, we thought, would best suit the Bill.

I had absolutely no problem in coming to the conclusion that I did. The Member knows his history, but, for me, as the sole representative of my party on the Finance Committee, it is good to know that my party trusts me to lead the debates and make a judgement on the Bill. Let me assure the Member of this: I would not do anything that stepped outside my party remit or was outside the discussions that I had with my party. When I talk about my party, I talk about all aspects of it. I have spoken to every member of my party about the Bill. I have sent them emails and kept them up to date. What the Member fails to realise is that, when you go through the stages, you come across new amendments and new ways of doing things. That is simply democracy. It is how we do business in the House. Is it not the best way?

Mr Wells: Will the Member give way?

Mr Frew: Yes.

Mr Wells: I stepped outside the advice given to me by my party. Hence, I am in the political wilderness, where there is weeping, wailing and gnashing of teeth but no spads.

The Member's argument would hold water if, at any stage during the proceedings, he had raised his concerns. Remember: we were aware of this issue at Further Consideration Stage, when Mr Allister spoke at length explaining his views on that paragraph. The Member took no opportunity to tease out his concerns or to raise points with Mr Allister. It is what is known in the political firmament as an ambush, and this one came from nowhere.

It is reassuring to know that the DUP Back-Benchers would follow Mr Frew over a waterfall, such is their trust in his judgement. However, it would have been handy for Members of the House to know the reasoning behind his supporting Mr Murphy against Mr Allister on that paragraph.

Mr Deputy Speaker (Mr Beggs): Members, this is an interesting discussion, but may I draw you back to the Bill?

Mr Wells: Far be it from me to risk being thrown out, but, given the ambush that was performed, this relates directly to the Bill. Mr Frew has explained why he did it, but he has not explained why he did not raise the issue with anyone before he took the fatal step.

Mr Frew: I thank the Member for his forensic look at how I have conducted myself at previous stages of the Bill. It is simply a matter of coming to a decision and reaching a settled view. When you get the Marshalled List, you go through the amendments, talk them through with party colleagues and come to a conclusion. If you are convinced otherwise on the night, so be it, but I assure the Member that I had come to that settled view before walking into the Chamber that night. There is no issue there, absolutely none. If I thought that my raising the issue would have changed the point of view, I would gladly have raised it. It just came down to a determination of what amendment was better, and the House took the decision.

I certainly have no issue with the Member raising his concerns. He voted in the opposite Lobby that night, and it was his right to do so, but that amendment fell. The other amendment passed and is now in the Bill. I know that the Member was concerned and annoyed by my party's position that night. I could take the same view with regard to my clause 13, which was amended by my SDLP colleagues across the way. I will not fret about that, because, you know what, that is the democratic process. Do I think that the amendment from the Members opposite weakened my clause? Yes, I do, but that was what was passed in the House. That is democracy, and we respect that. Of course we respect it. It is the only way to go.

That brings me on to my clause: clause 13. I am glad that I have been able to affect the Bill positively. Since we came back, I have been concerned about accountability and the relationship between Committees and Departments. I am still very much aggrieved by that relationship. I do not believe that it is, in any way or form, a healthy one. It needs to be improved on. Departments should look on Committees as more of a partner than a scrutiniser, because, in that way, we will get far better, far more

efficient government and things will tick along much better and be much freer.

On clause 13 and the Assembly's scrutiny of the Executive's in-year monitoring process, it is vital that, while we have in this place a five-party mandatory coalition, our Committees do that work. A more important issue, I suppose, than having a five-party coalition Government is the lack of an opposition. That is a massive issue. Whilst I love all-inclusive government and the fact that five parties can now agree to form an Executive and get on with the work, I believe that the lack of an opposition in this place or in any legislature is amiss, awry and a negative. Whilst we all know the way that we have travelled, where we have come from and where we hope to get to, the lack of an opposition is a real concern for me, because, with the best will in the world, you need that opposition. It has been proven throughout the world in democratic circles that having an opposition is key.

Where do we get our scrutiny from? Simply, we get it from the House but more so from the Committees in it, which are our last line of defence. The work of Committees — they really do admirable work — and the positions of Chairpersons and Deputy Chairpersons are vital. They are the gatekeepers of democratic accountability in this place. Whilst the Minister's job is to conduct their role in the Department and to administer law and responsibilities in that Department, it is Chairpersons, Deputy Chairpersons and Committee members who have the task and role of making sure that they scrutinise the work, advise and support. That is vital in this day and age. That is why I was motivated to table the amendments that were then, happily, adopted in the Bill. Whilst, of course, I welcome all Members having the ability to amend that at another stage, it is important that, when it comes to in-year monitoring rounds and the financial aspect of government — how we get money down to our peoples to support them and how we spend people's money, which is probably more important — there is an accountable process. Clause 13 brings that to the Bill and brings it into law. I very much welcome that.

I hope that the Bill passes. I wish the Bill sponsor all the best. I wish the Committee all the best in its next endeavour with a Bill. I note that the Bill has been somewhat watered down from what the Bill sponsor originally intended. He has lost some of the criminal elements to it. There is one left, and that is unauthorised disclosure, which I absolutely support.

No one — Minister or special adviser — should communicate official information to another to the improper financial or other benefit of another person. That brings me to the heart of the issue of transparency and accountability. It is vital that that becomes a criminal offence because it is just not right; in fact, it should be criminal. That is probably the most significant clause with regard to an offence. It is the only one left, but it is important and raises the bar. It raises the bar for all officials — sorry, not officials because that is one thing that I would not have taken out; I would have left the Civil Service piece in. It tells us that the Minister and the special adviser have a standard to keep. That must be kept in the Bill. I commend clause 10, and I commend the Bill.

We will most definitely support the Bill. I wish the Bill sponsor all the best. I wish the Finance Committee all the

best for the future for its next scrutiny piece. I commend the Bill to the House.

Mr O'Dowd: It is as well that Mr Frew mentioned the IRA army council in his speech because there was nothing else in it that was worth remembering. I know that some Members are running a competition to speak the longest during a legislative debate and bore the rest of the institution to tears. The competition has now been won. You have that badge, Mr Frew. Hold that badge proudly. I have heard you speak on a number of occasions on the Bill —.

Mr Wells: On a point of order, Mr Deputy Speaker. Most of us believe that Mr Frew's contribution, whilst we did not agree with it all, was extremely articulate and memorable. Is it in order for the Member for Upper Bann to cast aspersions when he is not exactly Martin Luther King when it comes to making speeches either? *[Laughter.]*

Mr Deputy Speaker (Mr Beggs): The Member has his views on the record. Mr O'Dowd, can we come back to the Bill, please?

Mr O'Dowd: I will come to you in a minute, Mr Wells. You have me in the form now, so I might as well continue.

Dr Aiken: I thank the Member for giving way. So far, the debate has been discussed in good terms and with good terminology. I ask the Member to apologise to the Deputy Chairperson of the Committee. Throughout the process, he has tried — indeed, all members of the Committee from all parties have tried to do this — to give the Bill a fair wind as it goes through. So far and up until now, the debate was going in the right direction. I would be delighted if you could find it within yourself, as, I know, you can, to forgive the Deputy Chair.

Mr O'Dowd: I would like you to find it within yourself to recognise that the continuing insulting of my party's mandate by Mr Frew and others is not good form. It is not in good spirit and does not set the tone for a good debate. You should keep that in mind.

The Bill is allegedly about reform. The Bill is allegedly about good government. Mr Frew has a habit of telling us that he is all for reform, but, of course, Mr Frew comes from a political tradition that would still have the 1921 Northern Ireland Parliament in place. He would still have legislation in place that would have a foot on the neck of the Catholic community. He would still be opposed to civil rights reform. He would still be opposed to every reform that has taken place to create an equal society.

Mr Frew: Will the Member give way?

Mr O'Dowd: I will not. When the Member tells me that he is in favour of reform, I take it with great scepticism because —.

Mr Deputy Speaker (Mr Beggs): Order. We are not here to hurl insults at each other; we are here to determine the Final Stage of the Bill. I ask Members to address the Bill and its journey.

Mr O'Dowd: Thank you, a LeasCheann Comhairle. The Bill, its authors and those who have been so supportive of it do not have a great track record when it comes to reform. They do not have a great track record of inclusive politics. They do not have a great track record of trying to make the constitution of this place — the Good Friday Agreement — work. It is in that context that I make my comments.

We have, throughout the passage of the Bill, said that it was unnecessary, that it was not called for in the RHI inquiry and that there were other ways of dealing with the outstanding issues of the RHI inquiry.

Furthermore, the Executive, on which five of the parties here are represented, agreed to implement the recommendations of the RHI report to bring forward a strategy to ensure that, as far as possible, the RHI goings-ons were prevented from happening again. If someone is so minded, they will find ways round codes of practice or legislation, for instance, to corrupt the system for financial, political, or other, gain. There was, therefore, an agreed strategy. Unfortunately, that strategy has been reneged on, for a variety of reasons. I have my views on some of those reasons, but that is not important. The fact of the matter is that agreements have been broken.

4.15 pm

We have an unnecessary, unwieldy piece of legislation before us, which, if passed, will make the functioning of government more difficult. It will not make it impossible, but it will make it more difficult. When we need a flexible and responsive Civil Service and Executive, as we will, parts of this legislation will make that more difficult. I have no doubt that Mr Allister, and others, will seek every opportunity to invoke sections of the Bill to prevent the Executive doing what needs to be done to help our economy and society to recover in the wake of COVID-19. So, watch this space. I accept that many MLAs made genuine contributions to the debate and want to challenge the wrongdoings of RHI, but this is not the way to do it. It will not achieve the goal.

I respect Mr Wells in many ways, believe it or not, because he stands up for what he believes in. I listen to Mr Frew and others talk about what they think of me and my party. If I was in his position and believed half of what I said, I would be sitting in Mr Wells's corner. I would have the courage of my convictions to sit in one of the corners of the Chamber. I respect Mr Wells for having the courage of his convictions and Mr Allister for having the courage of his. I reach out and I respect them for doing that. I do not agree with them, but at least they stand up for what they believe in. When others get up on their soapbox and start on a ramble, it goes over my head. I will not allow the mandate of my party to be insulted.

Coming back to Mr Allister's Bill, I will end on a light-hearted note. Members will be familiar with a TV show with a character called Trigger. The name escapes me.

A Member: 'Only Fools and Horses'.

Mr O'Dowd: 'Only Fools and Horses'; that is right. Trigger sits with his friends and tells them that he has got a medal from the mayor because his broom has been in existence for 20 years. His friends are intrigued and ask, "How can your broom be in existence for 20 years?". He says, "I've only changed the shaft 17 times and the head 20 times". His friends say, "How can it be the same broom?". Of course, it is not the same broom. The Bill that Mr Allister introduced last February is not the Bill that is before us today. Eighty-two amendments were tabled to it. It has gone through a number of changes, but it is still not fit for purpose. Unlike Trigger's broom, which was fit for purpose, the Bill is not. Unfortunately, I suspect it will pass today, and our government —

Mr Buckley: Will the Member give way?

Mr O'Dowd: — will be the less for it. I have finished.

Mr O'Toole: So far in the debate, by my record — we are only four Members in — Martin Luther King, Ronald Reagan, George Orwell, the IRA army council, Del Boy, Rodney and Trigger have been mentioned. The Bill is not about any of those people, amusing though the debate has been, at times. I will try not to detain the Assembly for too long.

As the Chair of the Committee said, it has been almost a full calendar year since the Bill was introduced in the Assembly.

No one expected, this time last year, that we would be scrutinising it in the context in which we have been scrutinising it. It has been challenging at times, but I would like to put on the record my, my Committee colleague Pat Catney's and our party's good wishes to the Committee staff and Claire McCanny from the Bill Office who have been diligent and patient in helping us scrutinise this Bill.

Concise though it is, its provisions are significant, and, as Mr O'Dowd correctly said, it has had 82 amendments. I am not sure that Trigger's broom is a completely accurate comparison. Maybe I will think of a sitcom one by the end of my speech. My speech will not be as long as Mr Frew's, but by the end of it, I will have some other sitcom comparison to make.

What is the purpose of this Bill? From our perspective, we went into thinking about this Bill, first of all, with an open mind. Secondly, we recognised that there was a real, serious crisis of confidence in the functioning of these institutions that arose, yes, from the RHI crisis and subsequent Coghlin report, but not exclusively from the RHI crisis. There were other scandals around standards in public life, to be blunt, and about the conduct of Ministers and special advisers in these institutions.

From our perspective, we thought that it was important to look at all proposals and to look at this draft legislation and give it serious consideration, no matter who the Bill's sponsor was. As I have said, I think that, at every stage of this Bill, voting for it and supporting specific measures in it does not in any way imply an alignment of views with the Bill's sponsor. It is worth saying that the Bill's sponsor is a fervent critic, if not of the principle of power-sharing — maybe he is and continues to be a firm critic of the principle of power-sharing — certainly of mandatory coalition. This Bill is a product, I am afraid, of having to share power and acknowledge that compromise and consent is the only way forward.

Broadly speaking, several of the provisions — I will not go into them in great detail — are around curtailing hierarchies of spads and clarifying and putting into statute the code of practice in relation to spads. We welcome those. I am, as I have said multiple times in the Chamber, someone who believes in the role of special advisers. In my previous life, I worked a lot with them. They were people with whom I fundamentally disagreed politically when I was a civil servant in London. Ultimately, spads have a job to do, whether they are DUP, Sinn Féin, SDLP or anything else. I believe that now, with the amendments, the Bill will go some way to clarifying the role and responsibility of spads and will reassure the public that disciplinary procedures are more robust than they were.

There is a range of other provisions in the Bill, many of which we were concerned about and some of which we voted against and have come out of the Bill as a result. Specifically, one of the criminalisation clauses, which we felt was wholly disproportionate to what was required, was around the use of non-departmental systems. Indeed, when a version of that was reintroduced to the Bill at Further Consideration Stage simply as a provision, rather than a criminalisation clause, we voted against that, too. That was done after a detailed discussion, in part because, throughout this, we had tried to think about how this Bill could address not just public concern but the real issues that were shown up by the RHI inquiry — conduct of special advisers, record keeping and disclosure of information — and then consider how the specific provisions of the Bill addressed the challenges and whether they would completely unnecessarily distort the functioning of government.

We did not believe that some of the provisions initially laid were, frankly, fit for purpose. That is why I am glad, first of all, that amendments were made. Then we tabled our own pretty-significant amendments. Then, I am glad to say that, although his party does not agree with the legislation and the Minister has spoken against it, significant drafting amendments came from the Department. I welcome that. There would have been significant concerns around the functioning of the Bill had it gone unamended or largely unamended.

Our support was always caveated and based on getting significant amendment and work done to the Bill in order to make it work on the statute book. When it becomes law, it will require us to scrutinise the guidance that goes to Ministers, civil servants and special advisers to ensure that, yes, it is compliant with the law, if passed, and is also workable. I believe that the Bill, as drafted, is much closer to being workable, will improve the functioning of government and, yes, will address some of the concerns.

Let us be absolutely clear: a Bill can do only so much, even when it becomes law. There is a range of provisions here that simply put codes and practices into law. They will not, by themselves, overhaul the culture of government, nor will they actually achieve the real and significant work of Civil Service reform. To be honest, I believe that it is highly arguable that real change here is much more likely to be achieved through improved political culture and Civil Service reform. I know that the Minister is looking at that. To be honest, I will be happy to work with him when that comes forward, whether it is done through legislation or anything else.

My party's support has been based on having an open mind and wanting to provide for improvements to the way in which we do government, recognising the serious shock to public trust that came about as a result of RHI, and also being absolutely clear that we, as a party that was so integral and fundamental to delivering the Good Friday Agreement and power-sharing to this place, are not doing anything that undermines or jeopardises the core principles of power-sharing.

I want to come on to an important point. While I do not want to personalise the debate, I think that it is important that, on the day and week that is in it, frankly, I make one particular point, which is about law. What are we doing here when we pass law? Fundamental and intrinsic to the idea of putting provisions in law is that law means

something; that the rule of law is important to a society. The Bill's sponsor has said that on multiple occasions, as have others who will vote for the Bill. They have said that the rule of law is sacrosanct, so putting codes and guidance in law is necessary. I agree with that. That is why I have been disappointed with the language and tone that have been used by some people about the rule of law. If we pass the legislation, it means that we take the rule of law seriously. It means that there are no ifs or buts when we talk about individuals following the rule of law, whatever job they do; whether they are civil servants in central Departments or people who work at border control posts. It is important that there is no shade of doubt about our seriousness in relation to the rule of law.

I would point that out, as gently as I can, to the Bill's sponsor, who, in many ways, has been open to amendment and clarification on the Bill. He has listened to critiques of it. I hope that he will listen to me when I say to him that talking about encouraging Ministers to instruct their officials not to do their jobs is not in the spirit of standing up for the rule of law. He is a long-standing officer of the court. I would hope that he would reflect on that and understand why, as we debate and, I hope, pass the Bill, the rule of law is so important.

As we move towards voting on the Bill, I would like to underline my and my party's commitment to the highest standards of transparency. Everything that we have done in approaching the draft legislation has been about making it so that it addresses the very real concerns around probity, transparency, standards of governance in this place, and also the rule of law, because, if we believe in the rule of law, and if that is what we are doing — passing standards into law — we should all stand up for them, I am afraid.

With that, I will conclude my remarks and say that I hope that the Bill proceeds. There are many significant and important things in it. I hope that those outside who are watching the debate will see that progress has been made towards addressing some of the very real issues that we know have plagued our institutions over the past number of years.

4.30 pm

Mr Muir: I will speak on behalf of the Alliance Party as the Bill reaches Final Stage. The Alliance Party will vote for the Bill. That is by no means an endorsement of the overall political objectives of the Bill's sponsor, which are, let us be clear, completely and utterly at odds with those of the Alliance Party.

Mr Wells: Will the Member give way?

Mr Muir: No.

Mr Wells: You are scared to give way.

Mr Muir: We voted instead on the substance —

Mr Wells: Your leader will not let you give way. You are a mouthpiece for your leader.

Mr Deputy Speaker (Mr Beggs): Order. It is up to the Member to decide whether he wishes to give way.

Mr Wells: He is scared to give way.

Mr Deputy Speaker (Mr Beggs): Order.

Mr Muir: Thank you, Mr Deputy Speaker.

Mr Frew: Will the Member give way?

Mr Muir: No.

We voted instead on the substance of the Bill, which has changed significantly since it was first debated in the Assembly back in March as COVID-19 took a grip. The debates that we have had with Members, inside and outside the Chamber, and the multiple amendments that we have pored over, numbering over 80, have, on occasions, been fruitful and helped us to make the Bill better, to the point at which we are able to support it today. That is the way that it should be. We are elected as Members of the Assembly to subject all proposed legislation to rigorous scrutiny so that it might be fit to become part of the law of this land.

At every stage of considering the Bill, my party asked itself whether its clauses would help government to function better. Many aspects, as the Bill presents itself before us today, are to be welcomed. We fully support a reduction in the number of spads and the capping of spads' pay.

We also welcome other aspects, but, at the same time, they should be standard practice in any system of government, with or without legislation. Those include: Ministers being responsible and accountable for their spads; civil servants being present at key meetings; and minutes of those meetings being taken and retained. Those are just a few examples of issues that ought to be standard practice in Departments and, for many Ministers, have always been so. However, RHI showed that, for others, in key instances, it was not commonplace. Hence, we have arrived at a place where it is felt necessary to put policy and procedural matters into legislation.

While we support the aims of some aspects of the Bill, we still have concerns regarding how they will operate in practice. We had concerns that the clause on lobbying, as introduced at Consideration Stage, would have created an undue burden on Ministers. The clause was approved at Further Consideration Stage, but it is not ideal or perfect in any sense whatsoever. As standard practice, Ministers should publish their diaries and be entirely transparent about whom they are meeting. However, work still needs to be done to ensure that the duty of transparency is better shared by the lobbyists and the lobbied.

The clause on unauthorised disclosure of information has been improved through the process of debate and amendment. There is still a relative overlap with existing law on misconduct in public office, but we are satisfied that the risk of unintended impact is reduced. On balance, therefore, my party has decided that the revised legislation contains more positives than negatives, and we are content to vote for it today.

I thank my researcher, David Morrow, and all those who engaged constructively in getting the Bill to this stage, including the Department of Finance and the Finance Minister for the amendments tabled, which, if they had not been made, would have left us in a very different position concerning whether to vote for the Bill today, considering the serious aspects of bad law that could have been made if not amended.

I will make two final points. First, assuming that the Bill passes today, I believe that the work arising from the implementation of the RHI report recommendations is no

less important and must be moved forward to a conclusion. Today's legislation does not cover all the recommendations in the Coghlin report, and, therefore, work to deliver all those RHI recommendations remains. Secondly, everyone in the Assembly who spoke in the debate is in agreement on one point: legislation alone will not be enough to stop the behaviour that led to the RHI scandal and the collapse of the Assembly three years ago. The Bill will not be a magic bullet to improve the functioning of government, as its title sets out. Improving the functioning of government cannot be delivered by legislation alone.

As we saw from the RHI inquiry, legislating for something to happen did not mean that it happened in reality. For the functioning of government to improve, we need a real step change in culture, practice and attitude right across government. We need genuine commitment, in word and deed, from all sides to work collectively and with integrity for the good of everyone in Northern Ireland. Since the re-establishment of these institutions last year, we have, on occasions, fallen short in that regard, and that is particularly the case for some parties. Whether parties step up to the mark will have a greater say in the future of devolved government here than any legislation that we can pass.

Mr Wells: Mr Muir has a lot to learn. He has been in the Chamber for only a year. Throughout this debate, we have known that the words that we hear from Mr Muir are not his own; they are laid down as holy writ by his party leader. Therefore, when he does not understand what his party leader has told him to say, he cannot take interventions because he does not know the answers to the questions that are coming.

I will return to the Bill.

Mr O'Toole: Will the Member give way?

Mr Wells: Yes, certainly.

Mr O'Toole: These are my words. The Member has previously suggested that other Members and I just parrot the words given to us by Ministers. May I check something with the Member? Was he given a specific role by the Bill sponsor — a role that I was not aware of — to insult potential supporters of his Bill? I ask because he seems to be bandying around insults left, right and centre. *[Laughter.]* I am genuinely interested in whether he was given that specific role.

Mr Wells: I have —.

Mr Deputy Speaker (Mr Beggs): Order, Members. There is a danger of the quality of the debate descending. I urge all Members who have regard for other Members to allow them to make their comments in peace and to give way when appropriate, but to avoid causing offence where possible.

Mr Wells: Mr O'Toole gave way constantly during all of the debates, so he is certainly not guilty of any of the misdemeanours that Mr Muir has so evidently committed today. The point is that there has been a good air of cooperation on the Bill in the Chamber and at Committee. I am keeping within the terms of the debate on the Bill. Until now, Members have been prepared to stand up, articulate their case and take questions, apart from one Member. It is sad that we have reached the stage where this has happened, but I understand the circumstances: the views expressed are not his, so he cannot answer questions.

I think that Mr Allister, the Chair of the Committee and even Mr O'Dowd, surprisingly, took the time to thank those responsible for all of the hard work that went into the Bill. I have had the privilege of sitting on the Finance Committee, which I have enjoyed enormously over the last year. It is only when you sit on the Committee and see the amount of work that goes into a private Member's Bill, not just from the sponsor but from the staff, fellow Committee members and the other Members with whom the Bill sponsor liaised, that you see what a complex measure this is. I understand that 23 further private Member's Bills are in the system. Given that we may have only about one year of this mandate left, it will be absolutely fascinating to see how many of those come through that scrutiny.

I place on record my thanks to Jim McManus, the outgoing Clerk of the Finance Committee, who has just retired or partially retired. Jim managed to remain cool, calm and collected throughout the entire difficult and fraught process, and we owe a debt to him. The incoming Clerk is Peter McCallion, who also worked hard on this. There was a very interesting comment by the Chair, I think, that the member of staff in the Business Office who was responsible for the Bill, Claire McCanny, had kept the honourable Member Mr Allister on a straight line. That is an incredible achievement. If anyone in the Building has kept Mr Allister on the straight and narrow, an OBE, at least, *[Laughter]* must be heading rapidly towards that young lady's in tray. That is quite remarkable. In the history of politics in Northern Ireland, nobody else has been able to keep Mr Allister on the straight and narrow, so well done to her.

A lot of effort went in and, unless I come out with a few ill-chosen words between now and the end of my presentation, it looks like the Bill will pass. As I said in a previous debate, the Member will have had two private Member's Bills passed in his tenure as an MLA. When the history of this institution is written, I think that it will be seen that nobody had achieved that before.

Mr Allister: Will the Member give way?

Mr Wells: I will.

Mr Allister: The Member should not forget his former South Down colleague, Mr John McCallister, who brought both the Caravans Bill and the Bill that provided for some form of opposition.

Mr Wells: For obvious reasons, it did not suit me to recall that, since I and Mr McCallister were bitter, sworn political enemies in South Down. The Member is absolutely right. Yes, I remember the Caravans Bill. I did not remember his very important Bill on the formation of an opposition in the House. No doubt Mr Allister will come back with a third Bill so that he can achieve the record of the largest number of successes in this field. Regardless of where we stand on the Bill, all of us have to accept that a huge amount of effort has gone into reaching this situation.

The reason that I wanted to intervene with Mr Muir is that I get very tired when people say, "The Bill is OK, but we doubt the motivation of the sponsor". I will give you an example: Dáithí McKay. Whatever happened to Dáithí McKay? I do not know. So many in Sinn Féin's upper echelons just disappear overnight, never to be seen again. What happened to Máirtín Ó Muilleoir? Where has he gone to? He has just disappeared off the face of the earth. Dáithí McKay, the then honourable Member for North Antrim,

proposed a Bill on a plastic bag tax, which I thought was eminently sensible. I did not say, "Oh, Dáithí McKay. It is suspect. Bringing in a plastic bag tax is obviously an attempt to undermine the British constitution or the DUP". I looked at the Bill on the basis of its merits, and I thought that it would be an extremely effective measure. As it happened, he did not have to pursue it because the Executive then decided to take it on board, with great success. Never once did it occur to me, "There must be an ulterior motive coming from North Antrim because of who is sponsoring it". We cannot judge a Bill because of our preconceived notions as to the motivation of the sponsor.

I think that the motivation here was pure. When the RHI inquiry lifted the carpet and we saw underneath what was going on in this Building and in Government Departments, every right-thinking person in the country was appalled. I have to say that the DUP at least had the good sense to see that there were activities being carried out by its special advisers that no one could stand over or support and that reform was needed. That is unlike Sinn Féin, which would still have us believe that it has nothing to be concerned about as far as the activities of its special advisers, particularly those working unofficially in Connolly House. It would have been helpful had the only two big beasts, both physically and politically, left in the Sinn Féin jungle, Mr Murphy and Mr O'Dowd, who have led everyone from their party on this issue, at least admitted, "We got it wrong in how our spads behaved".

Mr O'Dowd: Will the Member give way?

Mr Wells: It is coming, Mr Deputy Speaker; it is coming.

Mr O'Dowd: I am actually thinking of organising guided tours of Connolly House just to show you around it, because it is not as mysterious a place as you seem to think it is.

It is not a case of people saying that nobody got it wrong or, "You got it wrong and this got it wrong". The Executive agreed a strategy to deal with this issue. We are adhering to the Executive strategy.

Mr Wells: I thought that history was going to be made and that Mr O'Dowd was going to stand up and say, "Sinn Féin got it wrong in having super unofficial spads up at Connolly House, where every government document coming from our Departments had to be verified and approved before it got anywhere". That came out absolutely clearly in the Coghlin report; there is no shadow of a doubt about that. Yet never have you stood up and said, "Perhaps that was not a wise thing to do". That is why, as far as I am concerned, the most important clause in Mr Allister's Bill is the clause — I think that it is clause 1, but I am not quite certain — that says that that is illegal and can never happen again.

None of us in the Chamber can hold our heads up with any degree of pride about how our spads behaved.

The DUP has accepted that Messrs Johnston, Robinson, Crawford etc behaved appallingly during RHI. Mr Kennedy of the Ulster Unionist Party had a very difficult situation with one of his spads, who behaved in a way that was entirely unacceptable. To be fair to Mr Kennedy, the moment that those revelations were made public, that individual was sacked on the spot. Danny Kennedy, who, unlike Mr Ó Muilleoir, has not disappeared without trace,

found that a very difficult, embarrassing and humiliating experience, but he acted with determination immediately.

4.45 pm

Some of the Alliance Party spads have come out with things, particularly about the protection of the unborn child, that I have found appalling. None of our spads has behaved well. We saw what was going on during RHI. What if there had been an inquiry in to the affairs of other Departments in Northern Ireland since 1998? What would we have discovered? What was going on that we do not know about because we did not have the benefit of the Coghlin report? Maybe an awful lot more was going on, and that prompted Mr Allister to introduce a Bill that has gone a considerable way in trying to control the activities of those individuals. Let us be practical about it: we have saved the taxpayer £150,000 because we will no longer have two spads serving junior Ministers. As I said at Second Stage, it is appalling that someone who is being paid £6,000 a year as a junior Minister has a spad who is being paid £74,000. Something just does not add up there. At least we have cut the salaries going to spads by £150,000, which will maybe pay for six extra nurses or for something more useful in society. There have been many other achievements.

It saddened me that we were not able to convince everyone about crucial issues in the Bill, such as the use of non-governmental electronic devices and servers. That was something that was crucial in the Bill. I regret that we were not able to encourage Members to vote for that. That is unfortunate. However, the core of the Bill has achieved an awful lot. Will we have greater control over our spads as a result of the Bill? Yes. We already have a situation where those who have been convicted of terrorist crimes and have served sentences in prison can no longer be special advisers. We now have a situation where there is considerably more control. I suspect that, as a result of some of the amendments that have, unfortunately, been passed, we may have to review the situation again, because we have not yet entirely hit the target of controlling the affairs of those individuals.

Mr Frew: I thank the Member for giving way. He talked about having to go again at legislation. Mr O'Dowd mentioned at every stage of the Bill an agreement that was made in the Executive at a point in time. The Executive could make an agreement about welfare reform or any aspect of government. Would that then stop a private Member bringing forward a Bill on welfare reform? If it did and if the Executive parties voted it down, where would democracy be? Where would the House be? It would be in a very bad place.

Mr Wells: At the very start of Second Stage, I noticed that Mr O'Dowd almost said, "How dare a Back-Bencher bring forward any form of private Members' Bill. That is for the Executive and Ministers to deal with". Mr O'Dowd, your Member for Fermanagh and South Tyrone Mr Lynch is bringing forward a Bill to prevent fracking. I will remind him of your comments when he stands up to speak during that Bill's Second Stage.

Mr O'Dowd: Will the Member give way?

Mr Wells: Yes.

Mr O'Dowd: Please have a copy of Hansard with you so that you can quote me correctly.

Mr Wells: I certainly will. I must say, by the way, that you said that you agreed with me; please do not agree with me in case that gets in to the 'Mourne Observer'. The only thing that we have in common, Mr O'Dowd, is height — nothing else.

I congratulate Mr Allister for his perseverance and hard work. It looks like the Bill will go through. Northern Ireland will be a better place as a result of his efforts. If we did not have Mr Allister in the Chamber, who else would have the tenacity, ability and independence to move the Bill? Other parties would simply have been told by their spads, "We do not want to be under any more control. We do not want a pay cut. We do not want to be subject to the Civil Service code of conduct, so please do not, under any circumstances, move anything to curtail our powers". Given the huge control that spads have over their respective parties, at least in my experience, any proposal for a private Member's Bill would have been gently quashed and never heard of again. That is the problem.

By having Mr Allister here, we at least have someone independent who can bring forward legislation without the fear of being dealt with by a spad. He should be congratulated. I noticed him on the front page of the 'Belfast Telegraph' yesterday with a Cheshire-cat-like grin on his face, obviously reacting to the latest opinion poll as far as his party is concerned. He is on a bit of a run. I will give the Bill my 100% support, as I have from day one.

Mr Catney: I was bit mesmerised by the gentleman from South Down, my neighbour from Moira, Mr Wells. I know that you are in the naughty corner, but is there a chance, if you believe all the opinion polls, that you might join Jim's party? I doubt it somehow. Stay independent, all right?

Broadly speaking, my party and I have supported the intentions of the Bill. We have engaged with its clauses and provisions throughout the Committee Stage and during its stages in the Chamber. We had reservations about certain aspects of the Bill, and, although it is not perfect, the Bill's sponsor has worked to remove some of our deepest concerns. That is the position that I feel any right-minded Member must take towards the Bill. You cannot just deny the need for reform that the Bill aims to make. Public opinion on this place and the work that it does — or, more correctly, does not do — is dire. That is why engagement with the legislation was so important. We must show that we are willing to change, willing to move forward and willing to learn from past mistakes.

There has been a lot of talk about the need for this legislation, as the wider reforms in it cannot be produced by codes and guidance. It is true that the Civil Service argued that codes and guidance were adequate. There are areas where that is undoubtedly the case, and I know that the Minister is working on a number of those areas. It is also true that legislation is a blunt tool; it is not a vehicle for actively changing culture. However, legislation has always highlighted how a culture has changed. On the back of RHI, and countless other scandals, it should be clear to everyone here that the public are demanding something different, and this legislation is tangible action towards that.

That is not to say that the focus of the Bill is, or should be, on Civil Service reform. Reforms are required, and future reforms will come forward. However, I am pleased that some of the provisions, such as those on criminalisation,

which would have had a large impact on the Civil Service, have been toned down. At the same time, through amendments, the Bill's focus on the actions of Ministers and special advisers has been further solidified, and that is to be welcomed. We have all seen the examples of bullying and unsavoury behaviour of Ministers and special advisers in Westminster, where behaviour is controlled by guidance, so I hope that the provisions in the Bill will cut out the possibility of that behaviour here.

Let me be clear: the SDLP has not voted for the Bill just because we feel that public opinion requires it.

There are parts of the Bill that we felt were unnecessary and unwelcome, and we have voted against significant parts of it. We made a careful decision, on balance, that certain reforms should be legislated for, and we have moved forward on that basis. Nor does the legislation cover all the reforms that are required. Sir Patrick Coghlin did not include in his report that this is where the only change is needed. As I said, we will be happy to engage with the Minister on future reform in the same open-minded way in which we engaged with this Bill.

The drafting of the Bill has been challenging. I am thankful that the Department engaged with the clauses at Further Consideration Stage. We all know the perils of clunky and unworkable legislation, so it was right for the Department to engage to improve the Bill. I am hopeful that the improvements that the Minister's amendments made to the Bill will make it solid, workable legislation.

I have enjoyed the debate. This is what we are elected to do. We identify the issues, and we debate the merits — or not — of legislation and the specific provisions of that legislation. We can all strongly disagree with each other, as we often do, but we come here to have an honest debate in a democratic and open way. I know that the Bill's sponsor understands that, as I have watched him do that with some skill on the Finance Committee. That is what makes the sponsor's inflammatory remarks in the media that I have seen lately all the more disappointing. He has shown, through this process, how to engage: you have a sensible debate on the issues. You cannot demand that Sinn Féin fully engages with your legislation while calling on unionists to block any EU-related policy with no regard to its content. You do not, as he has done regarding the Northern Ireland protocol, rile the public —

Mr Deputy Speaker (Mr Beggs): Order, order.

Mr Catney: — by using terms like —

Mr Deputy Speaker (Mr Beggs): Order, order. Would the Member take his seat?

We are now straying well beyond the confines of the Bill, so I ask the Member to return to it.

Mr Catney: Thank you, Mr Deputy Speaker. On the day that Minister Poots has had to remove staff from the harbour because of the fear of violence, a fear that was brought on because of tensions stoked by the Bill sponsor's remarks, I hope that he reflects on how he has worked democratically to bring through legislation that will actively improve this place. Maybe, just maybe, he will aim for that approach in the future.

Mr Carroll: Mr Deputy Speaker, it will be no surprise to you and the House to hear me say that the proposer of the Bill and I are worlds apart politically — polar

opposites, you might say — and that is pretty glaring, as is seen on a weekly basis in the Chamber. Even on the specific issues raised by the Bill, it seems clear to me that we would disagree fundamentally on the very role and need for spads. If I had my way, we would not have unelected officials with inflated salaries swanning around Departments in the manner exposed by scandals such as RHI at all. However, as we have said from the beginning of the process, we can support legislation that seeks to put checks and balances on the Stormont gravy train that has existed here for far too long.

We all know the background headlines that haunt the issue: RHI; hundreds of millions of pounds of taxpayers' money wasted; unaccountable spads; Ministers courting the business community in the most unaccountable of ways; no records of meetings or lobbying; and Ministers not reading reports that they had signed off, costing huge sums of money to the public. RHI was not an aberration but a reflection of an institution that is tied by a thousand threads to the interests of big businesses and profit-making above all else. When we consider the government negligence regarding RHI and the amount of public money wasted or siphoned off to the business community and measure that against the current context of the pandemic, with hospitals under pressure and life-saving surgery postponed, food bank usage soaring, child poverty increasing and all the physical and mental health pressures on top of that, priorities have never been clearer.

RHI is not just water under the bridge, and that is not simply because not a single head has rolled for it — not one person was fined or prosecuted — but because the shambolic handling of the pandemic is an extension of those politics.

5.00 pm

Consider how, over the past number of months amidst the pandemic, when people were told to stay home and stay safe, the PSNI found the time to fine and prosecute, under the Vagrancy Act 1824, a number of homeless people who were sleeping rough and others who were begging in our city. Dickensian legislation that ought to be binned and confined to the history books was used in 2020 in Belfast in the middle of a pandemic — shameful stuff. Meanwhile, workers have come forward during the pandemic to raise unsafe working conditions, and a blind eye has been turned in most cases —

Mr Deputy Speaker (Mr Beggs): Order. Again, I ask the Member to return to the debate. We offer a degree of latitude, but you need to get back to the subject area that is in front of us: whether we approve the Final Stage of the Bill.

Mr Carroll: Thank you, Mr Deputy Speaker. The point that I was making was that it is always one rule for ordinary people and another for businesses and Ministers. Tapping a couple of pounds on the streets gets you a fine, but wasting hundreds of millions of pounds of public money gets you a free pass as long as you are a Minister, a spad or connected to this place. It really sums up the hypocrisy at the heart of the rotten state of affairs that is driven by this institution and headed by the DUP, Sinn Féin and other parties.

The legislation, obviously and clearly, will not overturn that kind of situation, and it is not without its problems. Frankly,

I do not think that there is a solution to the problem that is based solely on tighter and stronger state power. What is ultimately needed is a principled socialist and left-wing politics, and that is obviously what we are trying to do in this Building, in this city and beyond. However, moves to create more accountability are welcome. Moves to ensure that meetings are properly recorded are welcome. Moves to record lobbying are welcome. Those are basic measures of democracy that the public should expect from their representatives and Ministers.

In finishing, I wish to say that what happens in the Chamber today should be watched closely. Those in parties that claim to support openness and transparency and claim that their parties work for their communities but cannot bring themselves to slow the pace of the gravy train that they have stood to benefit from are acting in their own interests. They are not acting in the interests of the public and not with the fervour that scandal after scandal on this hill demands. I suggest that this place needs a serious reckoning and a wholesale break from the shambolic governance of the past. The Bill does not deliver that, but parts of it may help in that effort. That is why I am happy to support it.

Mr Murphy (The Minister of Finance): I will oppose the final agreement of the Bill by the Assembly. I say that in the context of having made extensive efforts to amend the Bill. The amendments that were made at Further Consideration Stage and reflected in the version of the Bill that was agreed at Consideration Stage were necessary to mitigate the damage that would be done should this seriously flawed legislation reach the statute book. It did not signal my approval of the legislation nor the acceptance of any need for it. The fact that multiple amendments have been made to the Bill is a reflection of its fundamentally flawed nature.

No matter how many remedial amendments are made to it, the Bill remains unnecessary and disproportionate. It is unnecessary because the requirements that it places on civil servants, special advisers and Ministers already largely exist. They exist in the ministerial code of conduct, the guidance for Ministers, the code of conduct for special advisers, the letter of appointment for special advisers and the Civil Service code of ethics, all of which were subject to in-depth consideration as part of the party political talks by the five parties involved in the discussions in advance of the Executive returning to government.

The Executive have already recognised the need for reform in the area and acted swiftly on the return of the institutions to effect change. My Executive colleagues and I agreed revised key documents and, indeed, brought forward and published detailed guidance for Ministers for the first time. Only the Civil Service code of ethics remains to be finalised following consultation with the Civil Service unions and the Civil Service Commissioners. We have also embarked on an unprecedented level of transparency, publishing details of Ministers' and special advisers' meetings with external organisations and individuals, gifts and hospitality received and overseas travel. We have published detailed information on special advisers' salaries and their relevant interests, and information on Ministers' interests will be published shortly.

Mr Wells: Will the Minister give way?

Mr Murphy: Yes.

Mr Wells: I have two points for the Minister. First, of course, if all that he is saying is true, we will not need this legislation and it will never be invoked, so he has nothing to fear. Secondly, how does anything on the extensive list from which he has just quoted stop Sinn Féin advisers, or staff who are not advisers, sitting up in Connolly House or any other Sinn Féin office having control over spads in this Building?

Mr Murphy: I am always amused by the references to Connolly House. It is a constituency office, and, if I have been in it once in the past 10 years, that is the most of it. I am sorry to burst the Member's bubble, but Connolly House is a constituency office in Andersonstown. Any time that I engage with my Sinn Féin colleagues in the city, it is in the office in Sevastopol Street on the Falls Road. Nonetheless, we have very clear lines of accountability in our party on that matter, and we are happy to adhere to all the codes to which the five parties that make up the Executive agreed in advance of the Executive coming back and which have been put in place since the Executive came back.

This legislation is not sitting in place and invoked only if some part of those codes is not met in some regard. This legislation has its own standing and will have its own effect as soon as it receives assent and, beyond that, within six months, when the Civil Service codes have to be agreed. Today, I had to send a memo to all my Executive colleagues to advise them of the outcome of this legislation should it be passed today and the impact that it will have on their Departments and their permanent secretaries in preparing to meet those impacts. Regardless of what the codes do, the legislation has an impact, and the Member should be aware of that, as, I am sure, he is.

We are going further on transparency than the Bill requires for the publication of interests. Those commitments were agreed by the Executive as part of the political talks. The codes and the guidance were further examined in light of the RHI inquiry report by the Executive subcommittee on reform, and very minor amendments were proposed to reflect the inquiry panel's specific recommendations. The RHI inquiry did not recommend putting codes of conduct into law, and nor has the Assembly or the Finance Committee suggested any amendments to the codes. However, we committed to keeping them under review, and that is what we are doing.

The Bill sponsor argues that codes are just codes and that the law has greater bite. Breaking the law may have more serious consequences than breaching a code, but not necessarily. A breach of the codes of conduct and ethics is a disciplinary matter for civil servants, as is a breach of the ministerial code for Ministers. Those are not insignificant matters, and they have lasting consequences that can lead to dismissal. Indeed, with the exception of the offence of unauthorised disclosure, the Bill does not increase the penalties for breaching standards and codes of conduct, but it does bring the police and the courts into adjudicating on routine administrative matters such as whether a meeting was minuted properly or whether a taxi driver expressing an opinion to a Minister constitutes lobbying. Members should ask themselves whether asking the police and the court system to investigate those administrative matters represents a good use of their resources. Even though there are no legal penalties in most of the Bill's clauses, the possibility of facing police investigation or

being brought before the courts will have a chilling effect on the Civil Service. There will be no room for professional judgement, and there will be more aversion to risk and more bureaucracy.

In conclusion, the Bill is unnecessary and disproportionate and will achieve little beyond what is already required in government. Its main achievement will be to impose a statutory requirement when an administrative one is appropriate. In so doing, it undermines professional judgement in the Civil Service and diverts the resources of the police and the courts towards investigating administrative matters. Approving the Bill might give Members a good headline for a day, but it will cause long-term damage to the efficient and effective administration of government here. Making law is a serious responsibility with serious consequences, and I urge Members to oppose the Bill.

Mr Allister: I do not propose to give a line-by-line response to the contributions; I will put the House at ease by telling Members that straight away. However, I want to deal with some of the issues that have arisen.

We are at the point at which the House decides whether it is on the side of bettering government and of clamping down on irregularities, or whether it is not. It is quite clear — I am grateful for it — that all the parties except Sinn Féin are, with varying degrees of enthusiasm or otherwise, prepared to vote the Bill through, and that is good. Some of them have reservations about content, and some of them may have reservations about the sponsor.

That has come across somewhat, but I am glad that they are all big enough to rise above that.

The one party that is in a different category, of course, is Sinn Féin. It is so small-minded that it cannot get past the identity of the sponsor. It is so small-minded that it cannot get past the fact that some deal that it thought it had with Executive parties will be dishonoured, it thinks, by this Bill. However, let the public be clear on this. Sinn Féin parades itself as the proponent of transparency and openness. Post-RHI, it berated the DUP in particular for its failings during that escapade, covering over its own failings of course. Let the message be clear: the only party in the House that will vote against bringing special advisers, for all that happened during RHI, under the control of the Northern Ireland disciplinary code is Sinn Féin. The only party that does not want complaints against Ministers to be investigated independently is Sinn Féin. The only party that does not want to cap spad pay at the top end of grade 5 is Sinn Féin. The only party that does not want to make Ministers both responsible and accountable in law for their spads is Sinn Féin. The only party that does not want a permanent secretary to have to stop a super-spade who is not a spade exercising the functions of a spade, as happened with Sinn Féin before, is Sinn Féin. The only party that does not want to reduce the number of spades is Sinn Féin. The only party that wants to cling to unfettered royal prerogative powers is Sinn Féin. Sinn Féin does not want to give that up. It wants to act out the royal prerogative in an unfettered way, with no democratic control in the Assembly. Sinn Féin alone wants to exercise the royal prerogative. Really.

Mr Buckley: I thank the Member for giving way. Does he agree that, in this sense, Sinn Féin is truly living up to its name, "Ourselves Alone"?

Mr Allister: It certainly is beginning to look like that. I know that the royal prerogative and fancy titles such as the royal steward of whatever have had appeal for Sinn Féin Members.

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: I think that the title that he is looking for is the Earl of Northstead and the Chiltern Hundreds, which, of course, Sinn Féin MPs were only too happy to accept when they resigned their seats in Parliament.

Mr Deputy Speaker (Mr Beggs): I urge Members to come back to the Bill.

Mr Allister: I assume that that includes Minister Murphy.

The only party that does not want to create a statutory duty to make and keep proper records of ministerial decisions is Sinn Féin. The only party that does not want to require the making and keeping of records when Ministers and spades are lobbied is Sinn Féin. The only party that does not want to make it a statutory obligation to record and publish declarations of interest by Ministers and spades is Sinn Féin. The only party that does not want to make it a criminal offence to disclose to your mates or to commercial interests official information for improper purposes is Sinn Féin.

The only party that does not want a rolling system to improve government is Sinn Féin. Let the message to the public be very clear: when shortly we vote on the Bill, Sinn Féin wishes to vote against those things.

5.15 pm

Of course, Sinn Féin has also told us some wild and wonderful things today. To disparage the Bill, Sinn Féin said that it needed 80 amendments. However, it did not tell the House that 90% of the amendments were stylistic, about how something is expressed. As the sponsor, I was not afforded access to the Office of the Legislative Counsel to go through the Bill and put it in an orderly shape as happens with all departmental Bills. Therefore, of course there were stylistic issues. I accept them all, but none of them makes any significant difference to the Bill.

Mr Frew: Will the Member give way?

Mr Allister: Yes.

Mr Frew: I make the point to the Member through the Chair that that is the case for every private Member's Bill, even one coming from the party opposite.

Mr Allister: Yes, absolutely. At Further Consideration Stage, it is the duty of the parent Department to ensure that legislation is as consistent as it can be with the departmental format for promulgating its own legislation. Essentially, that is all that the departmental amendments were about. I do not have a problem with that whatsoever. I have said this before: to me, Sinn Féin is smarting about the Bill because it has not got over my first private Member's Bill in 2013 that removed convicted terrorists and those with serious criminal convictions from office. Sinn Féin still has a problem with that.

I say to the House: if we are on the side of openness, not secrecy, if we are on the side of transparency, not opaqueness, if we are on the side of making things

better, rather than stagnating where they are, no one has anything to fear from this Bill. Those who want to keep things suppressed and do not want to subject themselves to controls, independent investigations and discipline are the only folk who have anything to fear from the Bill.

I thank the parties that, in general, with varying degrees of enthusiasm, have indicated support. It looks as if, in a few minutes, most of them will vote for the sensible, rational, reasoned propositions of the Bill. Therefore, as the sponsor of the Bill, I thank the House in anticipation of that support. Thank you.

Question put and agreed to.

Resolved:

That the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill [NIA Bill 01/17-22] do now pass.

Mr Buckley: On a point of order, Mr Deputy Speaker. I hope that you will indulge me. During the debate, we received the sad news of the passing of Captain Sir Tom Moore, a man who raised over £33 million for the NHS. His example, kindness and generosity of spirit have touched many during the coronavirus pandemic, across the United Kingdom and in the House. I want to put on record my thoughts and prayers for his family at this time. Thank you.

Mr Deputy Speaker (Mr Beggs): Your point is well made.

Adjourned at 5.20 pm.

Northern Ireland Assembly

Monday 8 February 2021

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Stalford: On a point of order, Mr Speaker. Standing Order 19 relates to questions. Section 5 of said Standing Order states:

"A question must be answered as clearly and as fully as possible."

As things stand, I would be happy with a question simply being answered. I have tabled several questions to the Minister of Health relating to the public health emergency that we are in, and I am still waiting for answers to them. Will you use your good office to impress upon not only the Health Minister but all Ministers the need to answer questions that Members have tabled promptly and without delay?

Mr Speaker: Thank you, Mr Stalford, for that point of order. I will make the brief point that the Member will be aware that I have engaged routinely with the Executive and Ministers on issues such as the one that he raised. However, we should also bear in mind that we are in a context where the Business Committee has tried to get restrictions on what may often be called non-essential business, and a voluntary arrangement on the number of questions to be submitted, particularly priority questions for written answer, has been sought. The Department to which you referred is not the only one that Members have raised the issue with. I continue to engage with the Executive and Ministers on that matter.

Before we move on to today's Order Paper, I want to return to some of last week's business. Since the Assembly returned in January 2020, it is fair to say that the standard of debate has generally been very good, but there were a few occasions last week when debates were not as constructive, to say the least, as they might have been. Consequently, I have written to a number of Members, and I do not intend to dwell on individual contributions now. However, I want to make some general points for the avoidance of doubt.

I have no doubt that there will always be issues that Members will feel strongly about. I have no problem whatsoever allowing those views to be expressed through robust debate. I often engaged in that myself. That can be done within our normal standards of good temper, moderation and respect, and the public expect no less from all of us in that regard. I also understand that it is possible to get carried away in the heat of debate, but I have some concerns about the nature and tone by which some Members have addressed each other in recent times.

I ask Members on every side of the House to reflect on that. There have been recent experiences across the Chamber of threats being received and constituency offices being vandalised. There is a duty on every one of us to exercise care in how we express our differences with other Members. I also point out to Members that one ill-tempered contribution risks creating a downward spiral for the rest of the debate, and we have seen that happen too often.

Secondly, a slight trend has developed during recent debates, particularly on legislation, of Members having, let me say, difficulty focusing on the detail of the business before them. The Deputy Speakers and I have had to intervene on a number of occasions to draw Members back to the subject of a debate. That problem was also raised with me last week by the Business Committee, which asked me to look at it and to refer it to other Members.

As Members, we have been given a privilege to decide legislation, and the scrutiny role of the Assembly is one that we should take very seriously. The length of a contribution or a debate does not guarantee the quality of it, and, as we say slightly tongue-in-cheek, I remind you that Standing Order 17(7) allows the Speaker to direct a Member to "discontinue his or her speech" if they:

"persist in irrelevance or tedious repetition".

I make that point in the context that, in the remainder of this mandate, I anticipate a significant amount of legislation coming forward from the Executive and from Members. I have no desire to curtail rigorous scrutiny, but Assembly time is likely to be under significant pressure, and every one of us will have a role to play in ensuring that our time in debating legislation is used well. I know that I speak for the Deputy Speakers when I say that we would much prefer that Members kept themselves constrained within the proper standards of debate, rather than our having to intervene from the Chair. I hope that Members will take heed of those points this morning. As I said earlier, the public expect no less from each and every one of us. Thank you.

Matter of the Day

PSNI Intrusion into Wreath-laying Ceremony by Family Members

Mr Speaker: Members will be aware of reports about an arrest having been made in relation to the subject of this Matter of the Day, which I will announce in a moment. Before we begin, I therefore advise Members of the need to take care in their contributions. The sub judice rules apply to active criminal proceedings in which there has been an arrest. Such proceedings cease to be active only if the person arrested is released otherwise than on bail without having been charged. I remind Members not to refer to criminal matters that are active within the meaning of the sub judice rules.

Mr Gerry Kelly has been given leave to make a statement, which fulfils the criteria set out in Standing Order 24, on PSNI intrusion into a wreath-laying ceremony. If other Members wish to be called, they should do so by continuing to rise in their place. All Members shall have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until the item of business is finished.

Mr G Kelly: I welcome the opportunity to speak on this matter. I think that it is fair to say that everybody in the House has seen the social media footage. I understand that we are dealing with social media, and we cannot make huge decisions on the basis of that. However, we also cannot ignore evidence that we see on it.

For a bit of background, last Friday was the twenty-ninth anniversary of the Sean Graham bookies massacre, which I remember, as I am sure many other Members do. Five people were shot dead, including a pensioner and a 15-year-old boy. The families have been waiting 29 years — I repeat, 29 years — for truth and justice. They had a much smaller commemoration than they would normally have, and, to my knowledge, they were socially distanced during that period, although I was not there. The police intervention was, from the social media footage that I have seen, done in a very aggressive manner. Not only was there an arrest, but there was an arrest of a victim, Mark Sykes, who was quite young at time of the shootings. He was shot seven times and was lucky to survive. So, we are not just talking about the arrest of somebody who happened to be there; we are talking about the arrest of a victim, which added to the distress.

I have to compare that to the east Belfast incident, which was also on social media, in which up to 50 masked UVF gangsters — this is the important part — were, it was known, going into that area to violently intimidate at least one family out of their home. I understand that the anger about that is shared across the community, especially by the Members who represent that area, because I heard that from them at a Policing Board meeting. There was no stopping, no arrests, no questions and no photographs taken. Nothing happened in that situation.

The distress and anger are palpable and widespread when you put those two things together, and confidence in policing has been massively damaged. People demand that the police are impartial, and there is a view that that is not being shown. I have other examples of funerals in Belfast where there have been similar interventions. I have been asked what questions need to be asked so I will ask

the questions. What is the policy at the top? Who was in charge? What direction was given, and who is responsible for what we have seen? It has been said that advice was sought.

Mr Speaker: The Member's time is up.

Mr G Kelly: I would like some answers and to ensure that the families do not wait a long time for a report on what happened a few days ago.

Mr K Buchanan: This morning, we all have to remember that the police have a very difficult role in policing the COVID regulations. Questions need to be asked around why the police were on the Ormeau Road on that evening. Was it because there was a gathering of people who were in blatant breach of the COVID regulations? In situations like that, the police have a responsibility to intervene when someone is breaking the regulations. These people were well aware of the regulations. They would have known what the regulations were but were still in blatant breach of them. I understand that the restrictions allow for up to six people at such events. It has been well reported that there were in excess of 40 people at this event.

We have to remember that we are all equal to the law and are all equal subjects under the law. What we witnessed following that event raises a number of grave concerns. We saw the trial of two police officers by social media. That is no way to carry out law and order in Northern Ireland to have police officers being tried under social media. It is no way to operate, and questions have to be answered around why due process was not followed. We have due process in this country to follow in a situation like this. If I recall correctly, it was the party opposite that called, on numerous occasions, for all these processes to be put in place. Let us follow the due process that is in place rather than having two young officers brought into a situation like this and now being made scapegoats by the Chief Constable.

That is not acceptable, and questions have to be answered. Did the Chief Constable come under pressure, perhaps from the party opposite, to take such swift action against these police officers without due process being followed? That is a concern. We do not know, but we will be following that up with the Chief Constable. Where is the protection for those officers? Where is the protection for police officers who go out to do a job that they have been trained to do and then, when they do it, are brought under scrutiny and subject to trial by social media? It is totally unacceptable and is something that we will follow up with the Chief Constable.

Mr O'Toole: Thank you, Mr Speaker, for granting this Matter of the Day. It is an extremely important subject. Context is everything in policing. This is a difficult society to police, and it is particularly difficult in the midst of COVID regulations, but context is important.

What was the context in which Friday's events took place?

The context was a ceremony to commemorate the massacre of five innocent men: Peter Magee; James Kennedy; Christy Doherty; William McManus; and Jack Duffin. Twenty-nine years ago, they were brutally murdered in Sean Graham bookmakers on the lower Ormeau Road, and, 29 years on, their families have not got justice. One of the survivors, Mark Sykes, a man shot multiple times, was one of those present on Friday. He was

not only present but arrested and, thankfully, released a few hours later. That is the context in which we approach our judgement on what happened on Friday afternoon.

10.45 am

Policing in this society, and in the context of COVID, is difficult, but lots of people who saw footage — yes, on social media — will have reflected, carefully and painfully, that the response to Friday's events was disproportionate. The arrest of someone in that situation, when contrasted with other actions during the week, has not assisted with confidence in policing. As we approach all these things, it is important that we understand and appreciate the context. As others, including my party leader, have said, it has not been a good week for the police. As I said, none of us should minimise the difficulty of policing in this society or in the context of COVID, but we have to be assured that the police understand the sensitivity and context of situations that they are approaching.

I welcome the fact that the Police Ombudsman is reviewing the circumstances around last Friday's event. The families involved will want to understand exactly how decisions were made that led up to Friday's events. I also welcome the fact that there is engagement, via the Policing Board, on the broader issues of context, confidence in policing and consistency around the application of COVID rules, because we all know that there is a broader challenge and questioning of some of the issues around COVID policing, as there was around the Black Lives Matter protests, last summer. Our entire community needs to have confidence in the consistency of policing and to be confident that decisions are made with not just due process but careful consideration of context and nuance. Again, let me stand in reflection and solidarity with the families who, 29 years on —

Mr Speaker: The Member's time is up.

Mr O'Toole: — still do not have justice, and reflect that we need a little more consistency and nuance. I hope to see more of that in the days ahead.

Mr Nesbitt: I declare an interest as a member of the Policing Board. I was a journalist at UTV on the day of the atrocity. UTV is only yards away from Sean Graham bookmakers, so I remember the utter brutality of that atrocity — that massacre. It follows, therefore, that I absolutely uphold and defend the right of survivors and relatives to go to the memorial at Sean Graham bookmakers on the day of an anniversary.

We all wish that neither the atrocity nor the incident on Friday happened. What arises from Friday is a set of questions for three groups of individuals. First, for the officers on the ground, did they follow the police policy of the four Es: engage; explain; encourage; and, only after that, enforce? That, to my mind, is a matter for the ombudsman, and I hope that her office will report speedily and in depth on that question. Secondly, for the Chief Constable and the senior leadership of the Police Service, did they make sure that every officer on duty that day who was likely to be near Sean Graham bookmakers was aware that the day was the date of an anniversary? In other words, was there a lapse in corporate memory? If so, that is very serious, and it needs to be addressed, because, with regard to the Troubles, there are anniversaries on every day of every year. That

is a matter for political parties to engage with the police on and for the Policing Board. Thirdly, there is a question for the organisers. Again, I say that I uphold the right of people to mark the anniversary. A couple of weeks ago, for example, we marked the anniversary of a double murder that is inscribed in stone outside these doors, in the Rotunda: the murder of Sir Norman Stronge and his son and the consequent burning of their home. We marked it by sending the party leader and our justice spokesman to record a video so that everybody did not have to be there and we were totally compliant with the regulations and guidelines regarding the COVID restrictions. There is, therefore, a question for the organisers of the event on Friday: did they also fully comply?

Yesterday, I heard the deputy First Minister tell the BBC that Friday was:

"the latest in a long line of incidents."

That is not helpful, and I wonder whether it is even true. I have sat on the Policing Board for the last number of months, and I have not heard the Sinn Féin representatives make that point or the point that there is a serious gap in confidence in the police in the nationalist community. Let us not use the incident for division and for going backwards. Let us use the incident to learn and to move forward together.

Ms Bradshaw: I thank Mr Kelly for bringing the Matter of the Day to the Chamber. Twenty-nine years ago, the lower Ormeau community was plunged into acute grief and dismay at the truly shocking attack on Sean Graham bookmakers. Five families lost loved ones, and the deep wounds and scars from the atrocity still endure. As such, it is important that we all recognise and respect this anniversary.

What happened last Friday was truly shocking, and I found it very saddening. The respectful service that was attended by the five families should not have been disrupted in such a fashion. It is my understanding that the Chief Constable made the decision to remove the officers from duty following a review of body-worn video footage as opposed to social media posts. It is now imperative that we ensure that the Policing Board holds the PSNI to account and that the Police Ombudsman carries out her investigation with the utmost expediency. They are the correct channels for scrutiny and accountability.

The events of Friday remind us all of how our past continues to live with and through us. The PSNI has to police the COVID regulations proportionately and consistently. Leadership from the House is required so that communities, such as the lower Ormeau community, which suffered so grievously in the Troubles, can be supported respectfully, and we can get peace and reconciliation firmly back at the centre of our work in the Assembly.

Mr Allister: What happened at Sean Graham's 29 years ago was an utterly unjustified, savage and brutal terrorist attack. There can be no quibble about that. What happened on Friday draws a contrast with how other incidents of mass murder have been marked during this second phase of lockdown. We have had the anniversaries of Kingsmills and Teebane, and those grieving families did not think that they were above the law and not bound by COVID regulations. They observed the six-man rule.

If there had been the same observance on the Ormeau Road, we would not need to have this discussion.

As for the Chief Constable, it is beyond deplorable that, in order to pander to certain interests, he has sacrificed one of his own officers and sacrificed due process. If there was a disorderly response to the police presence, that matter requires investigation and, if necessary, prosecution, but that should take proper account of the processes. For a Chief Constable to pre-empt all that, resulting, apparently, with the only person to be punished being a constable, is appalling from a Chief Constable in that position. Therefore, the PSNI, among the wider community, particularly the unionist community, has done itself no favours. Of course, the PSNI started from the low point of this being the Chief Constable who abdicated policing at the Storey funeral. We did not see a single policeman in or about the takeover of west Belfast by Sinn Féin and its superiors at the end of June. To see, now, a Chief Constable grovelling in this fashion is, to me, wholly distasteful. I have to say this to Sinn Féin: Mr Kelly asked a lot of questions; maybe he could have answered some. Who organised the breaches on Friday? He did not tell us. Of course, Sinn Féin is the very party that demanded a new police service. It is the party that helped to create the PSNI. Now, its leader tells us that it has gone back 20 years.

Mr Speaker: The Member's time is up.

Mr Allister: It is the same unacceptability. The truth is that the party has always been insatiable.

Mr Carroll: What happened at the weekend on the Ormeau Road in south Belfast was shameful. Just days after escorting what appeared to be feuding loyalists around east Belfast, the PSNI met a small, dignified and carefully organised commemoration by families of the victims of the massacre at Sean Graham bookmakers with intimidation and heavy hands. In the middle of a pandemic, arresting victims for commemorating, in the exact spot where some of them were shot, on the very anniversary of the atrocity, and where there is a horrific history of state collusion with the murdering gang that was responsible, is utterly appalling.

I offer my solidarity and support to Mark Sykes, who was treated disgracefully and should be compensated. I call on the Police Ombudsman to release immediately the report on the massacre at Sean Graham bookmakers. Justice delayed is, obviously, justice denied. Every sensible person knows of the need to socially distance and respect guidelines in these difficult times, not least families who are remembering their loved ones and seeking truth and justice for their sectarian murders. How anyone could think that those events would ever represent anything less than counterproductive policing is way beyond me. We must extend our solidarity to all the families who were impacted on by that.

We must also say that there has been a pattern of behaviour all the way through the pandemic. It must be called out. On one hand, there has not been aggressive targeting of the employers who have put their staff at risk, or the owners of major care homes where COVID deaths have been astronomical, yet, on the other hand, groups of people who tried to demonstrate respectfully their opposition to state violence — those who commemorated the victims of the Sean Graham bookmakers massacre

and those who were on the Black Lives Matter protests in 2020 — have been targeted and faced unnecessary, over-the-top, aggressive policing. It must be said that the PSNI has utterly disgraced itself during the pandemic, from its discrimination towards Black Lives Matter protesters to its raiding of funerals in my constituency only a few weeks ago, when families were trying to mourn.

All the while, those in Government who preside over the very policies that have led to untold deaths and sickness are walking around unchecked as though it were not primarily their fault. Even when Ministers or MPs flagrantly break the rules, the PSNI does nothing. Today, in Belfast, a homeless person might well be charged for begging in the street, but, as sure as the sky is blue, no Minister will be charged for risking people's health or creating poverty, homelessness and destitution. The hypocrisy of the PSNI has been shameful. We should call it out here today.

Mr Stalford: Speaking as someone who comes from Ballynafeigh, was reared on the Ormeau Road and knows the area well, I know that the massacre at Sean Graham bookmakers cast a very long shadow, one that still exists, over the community there. Alongside you, Mr Speaker, I represented the area on the council. I know the pain and suffering that was inflicted upon innocent people on that occasion.

This incident demonstrates the danger of our making rules and then charging the police with enforcing them. I listened to some of the contributions from the other side of the House. Who could believe that some of those who spoke were the biggest advocates and cheerleaders for the draconian measures that we have imposed upon people? If we are going to pass those regulations and rules, it then falls to the police to enforce them. We need to be aware of that. I have listened to the contributions from some Members, and I think that we are going down a dangerous road with regard to undermining support for the police in the community. Therefore, it is important that, as we were told by the leader of the SDLP last week, we "dial down the rhetoric". He should take his own advice with regard to some of that which has been said about the police.

11.00 am

The Chief Constable has serious questions to answer about the processes that were used in this instance to deal with those two officers, who are just starting out in their career at the lowest level of employment in the police. We need to be very careful before we start talking about wrecking people's career or destroying people's life. When politicians rise up on their hind legs and start talking in the way that I have heard here, that is dangerous not just to individuals but to collective community confidence in the police.

I encourage the ombudsman to go about her work and get the report and the findings, but, as Mr Buchanan said, let us not have trial by social media, because that would be a very dangerous route to go down.

Ms S Bradley: It is with great disappointment that I rise to speak, but the events that happened over the weekend were highly problematic and insensitive to many. When we talk about passing rules on COVID, we all do so from a good place, and the Member is right: in some instances, it lands on the police to enforce those rules. However, with policing always comes the need for sensitivity and the

need to recognise that other pillars and other routes must be used before we ever get to enforcement.

Grieving is always a difficult process for families, but when you add to that the untimely and brutal murder of a loved one, which is compounded by 29 years, as it is in this case, of seeking truth and justice, there is no doubt that a police officer or any other person will recognise the sensitivities of that situation.

In those circumstances, something should have been worked out ahead of and during those events, which were inevitably going to happen, and there was a window of opportunity where the police could have perhaps worked better with the community to prevent the situation ever arising. It is regrettable that something was not worked out.

Social media brings stories and news to us at lightning-fast speed, and, in that context, it can be deeply frustrating to watch people have to do full assessments and to follow the correct procedures when trying to make determinations, particularly in the circumstances that the families faced at the weekend.

I put on record that my first instinct was to engage with the police and the families at the time in order to determine what happened. I am glad that the Minister is here for this Matter of the Day, and I urge her to learn from this quickly. We do not have the privilege of time to be able to establish all the facts. We must ensure that, in all instances, every officer walking into a COVID situation is wearing and has activated a body cam, and where we anticipate meetings that could be justified, we must ensure that they are carried out in compliance with COVID regulations and that they keep all of us safe. We must remember that, in all these COVID regulations, we use the mantra, "We are all in this together", but that also means working together with people in order to establish how things can be better handled going forward.

Mr Beattie: What happened in 1992 at Sean Graham bookmakers was truly horrific. Five men, some young and some old, lost their life, and many more people were affected by it. My thoughts are always with the victims and survivors of that terrible atrocity. It helped to sow division between communities, and that division has not gone, because I am witnessing it here in the House in our words and deeds, which is not helping the situation one bit.

I listened to all the contributions, and they were all fair, but only my colleague Mike Nesbitt put a clinical and analytical eye to the issues that are being faced. It is not just about what we saw on social media.

It is not just about the difficult position that our police officers are finding themselves in during the COVID pandemic, but it is about the fact that while we want to be respectful and allow people to remember their dead, we are in the middle of a pandemic and there are rules and regulations that we have to adhere to. I am sick of watching the PSNI being dragged around the place by the scruff of the neck and always having to meet somebody's narrative and agenda.

This is incredibly difficult for the police to police. Do we wish that they had not made an arrest? Of course. Do we wish that this had never been on social media? Of course we do. Do we wish to be here discussing it today? No, we do not. What happened with the UVF earlier in the week

was awful and terrible, and I think that we are all agreed that that should not have happened either.

However, we — MLAs and Ministers — who set the rules and regulations should not be dumping blame on the police every time. Some of us cannot even adhere to them; some of us, for political expediency, will use those rules and regulations to force our own narrative. It is utterly disgraceful. We are utterly disgraceful in standing here and pointing a critical finger at our police force when we are the ones who govern this place. We need to roll back. We need to fix what was wrong, but we do not help anybody by saying, "You are to blame", when the reality is that we are to blame.

Mr Speaker: Thank you. That concludes this matter of business.

Assembly Business

Mr Speaker: I remind Members that, as this week's business has been amalgamated into a single sitting, three Ministers will respond to questions for oral answer this afternoon. Question Time will commence at 2.00 pm, as usual, with the First Minister responding on behalf of the Executive Office. That will be followed at 2.45 pm by the Minister of Justice and at 3.30 pm by the Minister of Agriculture, Environment and Rural Affairs. Question Time will continue until 4.15 pm. If any questions for urgent oral answer are accepted, they will be taken then.

Public Petition: Broadband in the Sperrins

Mr Speaker: Mr Declan McAleer has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr McAleer: Thank you for the opportunity to present this public petition with regard to broadband in rural areas, and specifically the Sperrins. The lack of broadband in many rural areas is a serious issue. Unfortunately, in most parts of the Sperrins, which I and others in the House represent, broadband is virtually non-existent.

At the outset, I take this opportunity to pay particular tribute to the pupils, parents and staff of St Brigid's Primary School in Cranagh as they have played a huge part in highlighting this issue and have been extremely effective in their lobbying. It was their efforts that motivated me to launch this online petition, which has been signed by hundreds of people affected by this issue. I thank the hundreds of people who took the time to sign it. In non-COVID circumstances we would also have had the petition physically signed by going door to door and to other public locations, but because of the public health restrictions in place, the format was completely online, which ironically does not facilitate people who do not have broadband. However, I hope that their voices are getting through. The message is here today.

With regard to access to services, the Sperrins and its hinterlands rate amongst the worst in the North. You do not have to take my word for it: according to the NI Statistics and Research Agency (NISRA), the Plumbridge super output area, which exists in areas such as Cranagh, is the number one most deprived area of the 890 super output areas in the North for access to services. The neighbouring super output area of Owenkillew, which covers Gortin, Greencastle and Mountfield, is also in the top 10 worst in the North with regard to access to services. This lack of services also extends to little or no mobile coverage or public transport. That compounds the sense that they have been cut off and left behind.

The lack of broadband has a detrimental impact on people's health and well-being, especially during lockdown; it has increased isolation, negatively impacted on local businesses and on people's ability to work from home. That includes the many farmers in the region who interface with DAERA and other agencies online. As there is little or no broadband, children cannot benefit from home learning, which is required due to COVID restrictions, and that has a profound impact on them, their families and their teachers.

I have spoken to many anxious and frustrated parents and teachers on the issue.

For several years, my colleagues and I have worked closely with the Department for the Economy on Project Stratum to ensure that it targets isolated rural areas. Whilst Project Stratum will deliver superfast broadband to 76,000 premises in the North, in areas such as the Sperrins that will take nearly three years, and, even then, some homes will not be linked up. The petition calls on the Economy Minister and her Department to work with BT and the other broadband providers to enhance the current broadband provision and work with the Department for Digital, Culture, Media and Sport in Westminster to improve

provision and develop a scheme to reach homes that are not currently included in the Project Stratum intervention area.

Broadband is no longer a luxury; it is an essential utility just like water and electricity. It is essential for our businesses, education and health and in reducing isolation in rural areas.

Mr Speaker: The Member's time is up.

Mr McAleer: It is essential that the Minister acts now to bridge the broadband divide and ensure that rural communities such as those in the Sperrins are not left behind.

Mr Speaker: In light of social distancing, I ask the Member to remain in his place. I will make arrangements for him to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will forward the petition to the Minister for the Economy and send a copy to the Committee.

Public Petition: COVID Support Payment for Students

Mr Speaker: Ms Sinead McLaughlin has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Ms McLaughlin: I introduce the petition to the Assembly on behalf of the SDLP but more importantly on behalf of the 7,175 citizens who signed it and joined our calls for students to be treated fairly and to receive financial support.

The SDLP opened a survey to hear directly from students about their experiences throughout the pandemic. In just two days, hundreds and hundreds of young people shared their stories with us. What harrowing stories they were: 76% of respondents told us that they were in financial distress as a result of COVID-19; 62% had lost part-time work and income; almost 50% were paying rents for places that they are legally not allowed to live in; 83% felt ignored by the Economy Minister; and, worryingly, 95% said that the pandemic had impacted negatively on their mental health and well-being.

When we heard those stories, we knew that we needed to act. We also knew that Minister Dodds was unlikely to act without public pressure. We knew that, given the level of need that existed across the student community, paltry top-ups to the student hardship fund were not enough. We knew that students in our further education colleges needed some financial support as much as anyone and that we could not let them be excluded. While it is welcome that the Economy Minister has agreed a student support scheme, adopting an SDLP proposal, unfortunately, the scheme is still deficient. The Minister's scheme makes no effort to support NI students studying in Scotland, England, Wales or, indeed, in the South of Ireland, yet students in Great Britain are suffering even higher tuition fees, rent costs and loss of income. They and the students in the South should not be excluded from any financial help.

I acknowledge all the student representative bodies that have worked so hard to ensure that the voices of students are heard. They have fought the good fight and used every platform at their disposal to get the student voice heard, and they have done so with courage, conviction and great dignity. It is incumbent on us, as public representatives, to do all that we can to support our young people through one of the worst periods in their lives.

Whilst I acknowledge the really positive announcement last Thursday and agree that we have taken a huge step forward, the fight is not yet over. We will keep fighting for the voices of students to be heard and for their value in society to be recognised and their needs met. Mr Speaker, I place before you and the House the SDLP student support petition. Thank you.

Mr Speaker: Thank you. In light of social distancing, I ask the Member to remain in her place. I will make arrangements for her to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will forward the petition to the Minister for the Economy and send a copy to the Committee.

11.15 am

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion, and there will be no debate.

Resolved:

That Mrs Pam Cameron replace Mr Gary Middleton as a member of the Business Committee; and that Mr Paul Givan replace Mr Gary Middleton as a member of the Committee for the Economy. — [Mr K Buchanan.]

Executive Committee Business

Protection from Stalking Bill: Second Stage

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

That the Second Stage of the Protection from Stalking Bill [NIA Bill 14/17-22] be agreed.

Mr Speaker: In accordance with convention, the Business Committee has not allocated any time limit to the debate.

Mrs Long: Since becoming Justice Minister, I have identified the progression of stalking legislation as a key priority for me and my Department; indeed, as a Member of Parliament, I was a co-signatory to the private Member's Bill that ultimately led to legislation in that regard in England and Wales. It is therefore important to me that victims here receive the same protections under the law. Today, with this Bill, I want to send the clear message that stalking in all its forms will not be tolerated. The Bill is a major step forward for victims of that insidious crime.

I have listened to the terrifying and debilitating experiences of victims and am taking action to strengthen the law to protect them. I pay tribute to every victim of stalking whom I have met and who bravely shared their story with me: you have helped us to shape the Bill and have given us the reason to bring it forward.

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

I fully appreciate the devastating effect that stalking can have on its victims and how manipulative and persistent stalkers can be. I am committed to ensuring that victims have the protection of the law that they need and deserve to feel safe. The Bill will create a specific offence of stalking that will address behaviour or acts associated with stalking, something that the current law does not do as effectively as we would wish. The new legislation will be better focused on stalking behaviour and will have greater and more appropriate penalties and protections than are available under current harassment legislation.

The protection of the victim is at the very heart of the Bill. The introduction of stalking protection orders (SPOs) will be a key tool for the police. The orders will enable them to intervene prior to any conviction to address stalking behaviours before they become entrenched or escalate in severity and to protect victims quickly when there is an immediate risk of harm.

The Bill is the end result of an extensive review by departmental officials of the existing legislative framework, engagement with other jurisdictions on their stalking policies and practices and the development of policy proposals that drew on responses to a public consultation exercise. A stalking reference group of key stakeholders was established. It contributed to the review by considering the types of stalking behaviours being displayed and their impact on victims; highlighting the experience of victims under the current law, including how cases were handled by the criminal justice system, and suggesting where improvements could be made; identifying key aspects of the law that might need to be reviewed or changed; and ensuring that a broad spectrum of policy options were identified and considered.

Of those who responded to the Department's consultation exercise, 93% agreed that the current law — the Protection

from Harassment (Northern Ireland) Order 1997 — was underused for the purpose for which it was intended and that it failed to sufficiently reflect the seriousness of stalking as a threat to the life and liberty of victims. Many respondents felt that there was a lack of understanding of the complexities of stalking in the criminal justice system that allowed the behaviour to escalate. Respondents agreed that creating a specific offence of stalking would be a positive step towards ensuring that stalking behaviours were not overlooked or treated less seriously than they ought to be. Respondents also considered that having a specific offence in place would send a clear message that stalking in all its forms will not be tolerated in our society.

I turn to the detail of the Bill. The Bill has 20 clauses and is divided into three parts. The first part creates a new specific offence of stalking. That will address behaviour or acts associated with stalking, something that the current harassment law does not do. While harassment often presents as a disagreement over a specific issue, stalking is fixated, obsessive, unwanted and repeated behaviour, as represented by the “FOUR” acronym.

The Bill also creates the offence of threatening and abusive behaviour, which can be triggered by a single incident.

The new offences will have stronger and more appropriate penalties and protections than are available under current harassment legislation. Members will note that the maximum penalty on summary conviction in the Magistrates’ Court for the stalking offence is 12 months’ imprisonment or a fine up to the statutory maximum, which is £5,000, or both. The maximum penalty on conviction on indictment — that is, in the Crown Court — is 10 years’ imprisonment or a fine, or both. For the offence of threatening or abusive behaviour — that is, inappropriate behaviour that falls short of stalking — the maximum penalty on summary conviction is 12 months’ imprisonment or a fine up to the statutory maximum, which is £5,000, or both. The maximum penalty on conviction on indictment is five years’ imprisonment or a fine, or both.

Importantly, the new offence of stalking will ensure compliance with the Council of Europe convention on preventing and combating violence against women and domestic violence, which is known as the Istanbul convention. That requires extraterritorial jurisdiction to be extended to the stalking offence. Under the legislation, where inappropriate stalking conduct or behaviour occurs outside the UK, it can constitute a stalking offence as if it occurred in Northern Ireland. Provision for special measures covering all victims of stalking is also included in the legislation. That will ensure that all victims of this insidious crime have automatic eligibility for special measures assistance, such as the use of live links or screens in court when giving evidence in proceedings.

The second part of the Bill provides for the introduction of stalking protection orders. These orders will be a key tool for police, enabling them to intervene prior to any conviction. By using them, the police can disrupt stalking behaviours before they become entrenched or before they escalate in severity and, through them, protect victims when there is an immediate risk of harm. Police will apply for the orders, taking the onus of having to do so away from the victim. To make an application to the Magistrates’ Court, a police officer must be satisfied that the defendant has carried out acts associated with stalking, that they

pose a risk of stalking to another person and that the order is necessary to protect the other person from that risk. The orders will also be available for defendants under the age of 18. Such applications will be heard in a youth court.

The orders will, first, be able to prohibit the defendant from doing something, as far as is necessary to protect the other person from the risk of being subjected to stalking behaviour. They could, for example, include prohibiting the defendant from entering certain locations or defined areas where the victim resides or frequently visits. An order could also prohibit contacting the victim by any means, including via telephone, post, email, text message, social media or physically approaching the victim at all or within a specified distance. In addition to prohibitions, an order can, secondly, require the defendant to do something, as far as is necessary to protect the other person from stalking. Positive requirements could include requiring the defendant to attend a perpetrator intervention programme or undergo a mental health assessment. If the defendant breaches the terms of the order, the maximum penalty on summary conviction is six months’ imprisonment or a fine not exceeding the statutory maximum of £5,000, or both. The maximum penalty on conviction on indictment is five years’ imprisonment or a fine, or both.

A defendant who is subject to an order will be required to comply with notification requirements and will need to provide personal details, including their full name and home address, to the police before the end of three days, beginning on the date when the order comes into force. The defendant must also provide any changes of address, also within three days, beginning on the date on which the change occurs. Failure to comply with the notification requirements without reasonable excuse or knowingly providing the police with false information will be an offence. Importantly, it will be for a court to decide what constitutes a reasonable excuse in any particular case. The maximum penalty on summary conviction for the offence relating to notification requirements is six months’ imprisonment or a fine not exceeding the statutory maximum of £5,000, or both. The maximum penalty on conviction on indictment is five years’ imprisonment or a fine, or both. My Department will issue and publish guidance for the Chief Constable on the exercise of police functions in relation to stalking protection orders. The statutory guidance will provide information about the procedure for applying for a stalking protection order as well as providing the police with a practical toolkit to use when making applications.

Part 3 deals with the interpretation, commencement and short title of the Bill. Like many of you, I am keen for change and want to see the Bill’s timely passage through the Assembly, so I ask for your support in keeping the Bill focused on its current provisions.

Much hard work has gone into bringing us to this point, so I pay tribute to everyone who has helped us to reach this stage. Members of the stalking reference group, Women’s Aid, Victim Support, the Suzy Lamplugh Trust, as well as representatives from the police, the Probation Board and the Public Prosecution Service, have been engaged. The Bill could not have been delivered without their input and assistance. This significant legislation will help thousands of people across Northern Ireland who are suffering daily from the torture of this insidious crime.

In conclusion, I ask for your support in taking the Bill through the House, and, importantly, doing so as speedily as possible, focused on providing thorough scrutiny of its current provisions and ensuring that victims of this crime are able to access its provisions at the earliest possible opportunity. I commend the Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): As Chair of the Committee, I am pleased to speak in this Second Stage debate on the Protection from Stalking Bill on behalf of the Committee for Justice. The Committee and I very much welcome the Bill, and we look forward to working with the key stakeholders and the Department in considering it.

The need to address the issue of stalking with robust legislation has been waiting in the wings of the Assembly since 2016, when debate was first instigated by way of a shared approach by the then Justice Committee and the then Justice Minister, Claire Sugden. The pressing need for stalking legislation was an issue that also came very much to the fore of deliberations during the Committee Stage of the Domestic Abuse and Family Proceedings Bill last year.

I would like to outline briefly the work on this issue by the Justice Committee when it was ably chaired by my colleague and good friend Paul Frew in the short period of the 2016-17 mandate, before moving to the present Committee's early deliberations on the legislation.

In September 2016, a private Member's motion was passed by the Assembly calling on the Minister of Justice to develop and table legislation to enable crimes of stalking to be prosecuted on the basis of stalkers' behaviour and the effects on the victims. Following the debate, the Committee for Justice was asked to consider the gaps in legislation in Northern Ireland in relation to stalking and to press the then Minister and the Department to bring forward legislation in line with what was in place in the rest of the United Kingdom. Alongside that, the Committee had agreed its key strategic priorities for that mandate, which included domestic abuse, coercive behaviour and sexual crimes, and public protection arrangements. Issues with how the criminal justice system in Northern Ireland handled complaints of stalking behaviour and whether the legislation in place to deal with such behaviour was adequate and appropriate were relevant to both of those priorities.

The Committee subsequently agreed to undertake a review of whether specific stalking legislation was required for Northern Ireland and the potential benefits of having it. The then Minister was very supportive of the review and gave a commitment to work collaboratively with the Committee and to move towards swift implementation of any findings and recommendations, including bringing forward any necessary legislation.

As part of the review, the Committee requested written evidence from key stakeholders, and it commissioned research into the prevalence of stalking in Northern Ireland and the level of prosecutions and the legislative position in other jurisdictions, including the effectiveness of such an approach. In January 2017, the Committee hosted a seminar on stalking legislation in other jurisdictions, which all key justice agencies and representatives from relevant stakeholder organisations attended. The keynote speaker was Laura Richards, founder and director of Paladin,

the world's first national stalking advocacy service. The Committee intended to visit the Hampshire Constabulary's stalking clinic, which is considered a model of best practice and provides a forum for the referral, consultation, case formation and risk assessment of stalking cases by a multi-agency panel.

11.30 am

While at that time the Committee wished to see speedy progress on the review and any subsequent legislation, the collapse of the Assembly did not allow that to happen. Considerable work has been done already by the Assembly and the Justice Committee. In that respect, this is not something new, but it is very much long overdue.

I turn to the work of the present Committee. The need for stalking legislation once again became a prominent issue during the Committee Stage of the Domestic Abuse and Civil Proceedings Bill, when many organisations indicated that there was a clear legislative gap that needed to be addressed. As part of the deliberations on that Bill, the Committee considered whether amendments should be tabled to try to address that gap. It was noted that any amendments to the Domestic Abuse and Civil Proceedings Bill could cover stalking only in the context of domestic abuse. While appreciating that stalking in that context is prevalent and causes immense distress, the Committee noted that stalking behaviour also occurs in other contexts and was of the view that it would be preferable to cover all forms of stalking in the same legislation. The need to introduce the legislation as soon as possible was, however, clear, and, having been previously informed of the Department's plans to introduce the Bill, the Committee sought confirmation of the timescale. While urgent work on the coronavirus legislation and remote working impacted on the original timescale, the Minister has now introduced the Bill, and that provides the Assembly with the opportunity to scrutinise and pass legislation that will make a difference to people's lives in Northern Ireland.

The need for such robust legislation to provide the necessary tools for the criminal justice agencies to tackle stalking behaviour, take into account patterns of such behaviour over time and bring the perpetrators to justice is abundantly clear. Stalking is fixated, obsessive, unwanted and repeated behaviour that often escalates quickly. It is insidious and terrifying for victims, and there is no place for it in our society.

As the Minister has outlined, the Bill contains 20 clauses and is divided into three Parts, and its primary objective is to improve the operation of the justice system by creating a specific new offence of stalking that recognises the experience of victims and the behaviour associated with stalking. It would also create an offence of threatening and abusive behaviour that can be triggered by a single incident. Both offences have stronger and more appropriate penalties that will provide better protection than that provided under the current harassment legislation, reflecting the seriousness of the crimes. Importantly, provision for special measures for all victims of stalking when giving evidence is included together with stalking protection orders. The onus will be on the police rather than the victim to apply for those orders, and they will enable the police to proactively intervene, disrupt stalking behaviours before they escalate and protect victims when there is an immediate risk to them. The

orders can place prohibitions on defendants and require them to undertake assessments or attend perpetrator programmes. Most importantly, there is a stand-alone offence of breaching an order that can attract significant penalties. That is welcome and provides the tools for the courts to act seriously when orders are not adhered to.

At the Committee's meeting on 21 January, it received a briefing from departmental officials on the principles of the Protection from Stalking Bill. During the briefing, members explored a range of issues, including the reasons for specifying the types of behaviour in the Bill and whether that approach adequately covered all such behaviour; the reasonableness test for the conduct; the rationale for basing the new offence on two or more incidents; and the inclusion of a defence where it can be demonstrated that, in particular circumstances, the behaviour was deemed to be reasonable. The Committee also highlighted the need for training for the Police Service to ensure that officers understand and recognise the difference between harassment and stalking behaviours, given previous indications from victims that their complaints had not been taken seriously, and for an awareness campaign to ensure that the wider public understand the new offence and that the criminal justice system can now satisfactorily deal with such behaviour. The consideration that has been given to the establishment of a stalking register was also explored with officials.

I am sure that the Committee will want to explore all those issues and others further at Committee Stage, assuming that the Bill passes its Second Stage today. We will also want to take evidence from the key stakeholders and will be particularly keen to hear the views of victims of stalking to assist us in undertaking detailed scrutiny in order to ensure that the new offence is comprehensive and workable and that the legislative provisions are as effective as possible and fully address any gaps that exist.

While there is at present no accurate assessment of the number of stalking crimes committed in Northern Ireland, given the lack of a specific offence, the effect of such crimes is clear. Stalking can have a profound and lasting impact on victims and cannot be minimised in any way. That is why the legislation is needed. On behalf of the Committee for Justice, I support the principles of the Bill.

Ms Dillon: I thank the Minister for bringing the Bill to the House today. As has already been said, stalking is a deeply insidious crime. People often hear the word "insidious" but do not know what it means; I did not know what it meant when I first heard it. It means when something happens gradually and often subtly but with very harmful effects. It is important that we understand that stalking is an invasive form of criminal abuse, with shocking side effects and consequences for the alleged victims.

Stalking can cause serious harm to an individual and their family. We know that, in some cases, behaviour that started off as stalking has, tragically, resulted in loss of life. That is, obviously, in the very worst cases, but we all know of those cases and where they have happened. Stalking probably became most famous when Jill Dando was the victim of her stalker. The Assembly must commit to doing everything that it can within the law to disrupt stalking behaviour at the earliest opportunity to protect victims and to intervene to deter alleged perpetrators before stalking behaviour becomes entrenched.

Currently, people who end up in court on charges for what would commonly be regarded as stalking behaviour can be charged only under existing harassment and intimidation legislation. We have fallen behind other countries in that regard. Stalking, as a crime, is separate from and can be more serious than harassment. Harassment laws do not accurately capture the heinous crime of stalking, nor do they accurately reflect the intense fear often felt by alleged victims — the fear that their stalker could be watching them or monitoring them at any minute of the day and that their every move is being watched and, sadly, the fear of the unknown and of what their stalker will do next.

In 2016 and 2017, as has already been outlined by the Chair of the Committee, the Justice Minister and the Committee made their own moves to explore the adequacy of existing offences. The Justice Minister commissioned a review of the law on stalking before the Justice Committee initiated its own review. There was then, as there is now, a common understanding that the current laws were inadequate and that the absence of a legal definition has meant that the agencies have been unable to protect and support victims. It is regrettable that we do not yet have a specific criminal offence of stalking, but it is welcome that that is now being addressed. The legislation is essential in order to protect future victims of stalking.

Our party responded to the consultation in 2018, and I am glad to say that a number of our recommendations are in the Bill, including the new offence of stalking and greater penalties than those in place for existing offences of harassment. Crucially, the Bill introduces stalking protection orders and notices and interim stalking protection orders and notices, breaches of which will be made a criminal offence.

I want to highlight the challenges that the PSNI have with the current legislation in dealing with alleged perpetrators. The police are not able to deal with them quickly enough and do not have control of the issues or the power to do anything about them. They have to go to the courts and rely on judges. I can speak from experience, having dealt with a number of cases through my constituency office where alleged victims felt very aggrieved at the outcome when the cases went to court. Inevitably, the PSNI often ended up having to deal with further incidences down the road. There was constant toing and froing, with the PSNI being called out and feeling frustrated. I have no doubt that the PSNI will welcome the Bill, because it will, hopefully, make their job a lot easier in bringing perpetrators to the courts more quickly.

As we discussed on numerous occasions during the progress of the Domestic Abuse and Civil Proceedings Bill, non-molestation orders do not cut it. As I said, they are available only by application to the court, they are often exploited by the abusers, and they are expensive. We have had long discussions in the Chamber and in Committee of the challenges around that, access to legal aid and all of those other things. We cannot allow perpetrators to continue to abuse by misusing the legislation that is supposed to be in place to protect the victims. The stalking protection orders and notices are vital.

As I said, I have dealt with a number of cases. In recent weeks and months, I have dealt with cases through my office. Obviously, I would much prefer that the legislation were in place now to protect those people. It is not, but we are moving in the right direction. I would love to be in a

position in the future where, when somebody comes into my office and says that they are being persistently stalked and that the behaviour is ongoing and unrelenting, the legislation is in place.

Stalking has an impact not only on individuals but on their families. Often, families can be stalked; it is not always just one individual. The impact on families is unbelievable. You could not describe the knock-on effect on both partners in a family where there are two people, the effect on their children and the effect on their mental health. Every element and aspect of their lives is affected, even to the point where they are fearful to be in their place of work. We cannot allow that to go on, so it is really important that we get the Bill through the House as quickly as possible. We on the Committee will certainly do our work as speedily as we can to ensure that this comes through the House as speedily as possible. I urge everybody to support this today.

Ms S Bradley: As the SDLP spokesperson on justice, I, too, welcome the Second Stage of the Protection from Stalking Bill. As far back as 2016, the SDLP brought to the House the amended text, which has already been quoted:

“to develop and table new legislation to enable crimes of stalking to be prosecuted based on the stalker’s behaviour and the effects on the victims.”

I believe that today represents the second stage in that becoming a reality.

The Bill contains detailed provisions and clauses that I look forward to exploring in greater detail in Committee and with colleagues across the House. The Bill includes a statement that it is within the legislative competence of the House, and it is acknowledged that the introduction of the stalking protections may have financial effects in their application by police to the courts and other criminal justice partners. It is also stated that the Bill will have no direct costs to the private or voluntary sectors and may result in modest savings to employers and voluntary sectors. In exploring that, I will pose questions on the detail around the time that a stalking victim may require to engage with the police; for example, the police will have the power to make the application for a stalking order, but that, no doubt, will be based on the evidence that can be presented by the victim. There will be questions around, for example, whether an employer should be compelled to allow a stalking victim reasonable adjustments to their working patterns or time off to bring forward such evidence and to keep that reporting mechanism open.

There is a real need to differentiate stalking from harassment behaviours, and it is evident through many high-profile cases in the media in recent times that that clarity of understanding needs to be refined. There needs to be training to recognise that “nice gestures”, as they have been framed, could form part of that infringement of a person’s civil liberties. It has to be understood that those nice gestures should not be dismissed and should be seen in a larger frame.

The Committee had an opportunity to have some deliberations with Department of Justice officials, and, during that session, it was confirmed to me that there needed to be no time between occurrences of stalking incidents.

The Department also confirmed that a conviction is possible on the basis of online stalking alone. Having reflected on that, I say now that we need to understand the scope of that. Somebody could be convicted having never met the perpetrator of the stalking, and it raises questions about jurisdiction, our powers and the growing number of fake social media accounts that can be used for stalking. It is a bit of a minefield, and we need to explore it fully and properly to do the Bill justice.

11.45 am

I noted that, under the consultation process, the Department engaged with the question of powers of entry to search premises. However, the Department has taken the position that there is no need to adapt any legislation in that regard, because existing laws, as far as it is concerned, satisfy the need to gain entry and make determinations.

As with the Domestic Abuse and Civil Proceedings Bill, the issue of stalking is complex and very nuanced. I look forward to working with the Minister, her officials, colleagues across the Justice Committee and the stakeholders who will feed into it to make sure that we bring the Bill forward in its best possible form. The Bill should not just offer immediate comfort to anybody who is the victim of stalking but take a longer-term view on how to break the habitual use of stalking, and that is where the conversation about the possibility of stalking registers may come into play. I look forward to that work and welcome the Bill’s Second Stage.

Mr Beattie: I thank the Minister for bringing the Bill for its Second Reading. The Minister outlined the Bill very well. The Chair and Deputy Chair of the Committee outlined extremely well some of the areas that we need to look at. I will not go over that; I will address the Bill in general terms. When it goes to Committee Stage, we will see a forensic look being taken at how the Bill will work. We have seen that happen previously, and I am in no doubt that we will see it again.

The Chair was right when he said that the issue first came forward with Mr Frew in 2016. I was on that Committee when it came forward, and I know that he was trying to drive the issue forward in 2016. Shame on us, of course, the Assembly fell, we did not have a Government, and it just stopped dead. We let down victims, when you think about it. We let down victims because we let it just drift on. However, it is fair to say that the Department of Justice carried on the work. It did a bit of stuff, not at the speed that we wanted, but it carried on looking at stalking and brought out the consultation that many people fed into. We need to recognise that.

We all think of it being high-end celebrities and sports stars who are stalked. However, anybody can be in that position and can find themselves being stalked. In fact, many in the Chamber may well find themselves being stalked online on Twitter. We call the anonymous, faceless individuals Twitter trolls. However, you will all know that at some stages on Twitter, when the same person comes up every time, it makes you question yourself, what you are saying, your movements —.

Mrs Long: I am, honestly, not stalking you. *[Laughter.]*

Mr Beattie: I was not going to mention you. Sometimes, we pay lip service to that, but we do have issues with online trolling, which is, in many ways, a form of stalking.

The Bill identifies behaviour that:

“causes ... fear, alarm or substantial distress”,

to the victim and the offence of threatening or abusive behaviour. The Bill is victim-centred, and it is always important that we remain victim-centred. We should never apologise for being victim-centred.

Stalking is complicated. The more you look into the issue, the more complicated it becomes and the more spin-off it has for the way in which our society works. There is the rejected stalker; the resentful stalker; the incompetent suitor; the intimacy-seeking stalker; and the predatory stalker. The strange thing is that many of those stalking behaviours come about because of mental health issues. It is sometimes very easy to use “mental health” as a catch-all phrase. However, it cannot be dismissed and must be looked at. Some of those who engage in stalking have mental health issues.

In 2015, the Office for National Statistics recorded that — I do not have up-to-date figures — 4.9% of women and 2.4% of men experienced stalking. In England and Wales, that accounted for around 1.5 million people.

I did not know that there was a national stalking helpline, but of course there is. If people are not inclined to use the helpline or if it is not promoted, people may not know about it, just like me. Approximately 45% of people who contacted the helpline were being stalked by people with whom they had been in a relationship, and a further one third had a prior acquaintance with the stalker. Predators show persistence, fixation and obsession. Victims feel pestered, scared, anxious and harassed, and nobody should feel like that.

PSNI figures show that incidents of harassment are on the increase, from approximately 3,100 in 2016-17 to 4,200 in 2017-18 — an increase of 35%. It is worth noting that victims suffer around 100 incidents of stalking behaviour before they realise that they are being stalked. While many of those cases do not reach crisis point, it is important to engage early to stop it from getting to that point. The Bill has important provisions for stalking protection orders, fines up to £10,000 and prison sentences, as outlined by the Justice Minister.

I was trying to think generally about stalking in our difficult society and the difficult place we are in, even now with the pandemic. Perhaps online or digital stalking, in their many forms, will be on the increase. Regardless of that, the legislation is extremely timely, and I hope that we can move it forward as quickly as possible. I look to those who raised the issue, and I will support the Minister, her Department and my fellow Committee members in making sure that we get a Bill that is fit for purpose and victim-centred.

There is a societal issue that we need to deal with. That issue may well start with social media and its footprint and presence, whereby we allow people to troll anonymously and make remarks that are not based on facts and can lead to bad situations. I hope that, at some stage, that can be addressed. I will do all that I can to support the Minister in progressing the Bill.

Ms Bradshaw: Naturally, I support the motion and the Bill, which is fundamentally about making people feel safe. We have heard about many high-profile cases in which fixated, obsessive, unwanted and repeated behaviour has not been tackled, at great cost to the victim, sometimes for decades.

I join other Members in paying tribute to the many victims who shared their stories. In doing so, they played a significant role in ensuring that no one will have to go through what they went through. The role of the Suzy Lamplugh Trust, alongside organisations such as Women's Aid and Victim Support, in keeping the issue in the public mind has been vital in delivering legislation elsewhere in the UK, and it has been vital here.

It is essential that we reflect in today's debate, and in the public debate more generally, that legislation like this must, first and foremost, be about protecting the victim. That is no easy task in law. The challenge is not just to define stalking and apply penalties where it occurs, with the aim of stopping repetition, it is to stop it occurring in the first place. In other words, the objective is not to put lots of people in prison for stalking but to stop stalking.

At this stage, it is helpful to emphasise that the common idea of what a stalker is may be too narrow. A very helpful study, albeit from over 20 years ago, ‘Study of Stalkers’, referred to five motivation types: the rejected stalker, who is typically from a relationship; the intimacy stalker, who believes that a relationship is inevitable despite evidence to the contrary; the incompetent suitor, who usually seeks a sexual encounter; the resentful stalker, who generally sets out intentionally to cause distress; and the predatory stalker, who gets gratification from the act of stalking. In other words, the motivations can be wide-ranging. We also need to highlight the potential for stalking to be a hate crime if it is committed against someone because they are from a particular group in society.

I have listened carefully to the arguments for and against addressing stalking primarily with stalking protection orders and have become convinced of the case for them on the basis that their prime objective is the protection of victims. The Minister has set out the conditions that will apply to their implementation. We have heard stories of orders being breached already in England and Wales, where they have applied for a year, and we have also heard stories of stalking continuing from prison. As the Minister said, what will be needed when an order is applied and when a prosecution is secured is training and a commitment to swift action by the police and the courts when conditions are breached.

It is worth re-emphasising that the disruption of stalking behaviours before they become entrenched is a key objective. It is to be hoped that the presence of this Bill alone will make people think twice about whether the behaviour that they are engaging in is stalking: fixated, obsessive, unwanted or repeated. A further advantage of stalking protection orders is that they may require participation in an intervention of some sort to disrupt the behaviour. That is fundamentally what this legislation is about.

Victims have waited too long for this legislation. That was the case when it was introduced in the rest of the UK 10 years ago, so victims here have waited for an eternity. It is essential that we recognise that we do not have further

time to waste and that this vital legislation is put on the statute books as quickly as possible.

One advantage, probably the only one, of having waited for the rest of the UK to move first is that we have been able to see what works in practice and not just in theory. I can see why, in theory, it was felt that the best way to go was to tag the offence of stalking on to the offence of harassment, as was done in England and Wales. However, the figures show that the decision in Scotland to create a specific offence of stalking and another of threatening and abusive behaviour has resulted in better reporting, more convictions and, surely, a greater comparative sense of safety. That seems, therefore, to be the best way to go, and we should all welcome the fact that the Minister has chosen it. I commend the Bill.

Mr Frew: I thank the Minister for bringing the Bill's Second Stage to the House. I also thank the Chairperson and deputy Chairperson of the Committee and other members, including my colleague Doug Beattie, for highlighting the work of the previous Committee. I stress to Members that, whilst we can point to many great actions that our Committees take, I point to the relationship between the Justice Committee and the Justice Minister at that time and the way in which we were working in tandem and in partnership to produce good law. Unfortunately, as many Members mentioned, we were stopped from doing that work.

However, let me place on record my thanks to the members of that Committee and the Minister of Justice at that time, Claire Sugden, who worked with us in conducting a review of what would be good stalking legislation in this country. The Minister was then taking forward the domestic violence and abuse legislation. At that time, I saw real potential for a working partnership between scrutiny Committees and the Ministers that they support and advise. The Minister gave me guarantees that she would pick up the work of the Committee and run with it to produce the Protection from Stalking Bill. I thank the present Minister for tabling the Bill for Second Reading.

12.00 noon

In one of the final acts of this place in 2006, we brought over Laura Richards — the Chairperson alluded to this — for a seminar at which all the players and organisations that feature in the matter were present. I look forward to meeting them all again in the Committee so that we can bring forward what I believe will be a very good and welcome piece of legislation.

I think that it was David Cameron who many years ago first announced that stalking was to be made a specific criminal offence. It is right and proper that we acknowledge that we have failed victims in that we were unable to meet. The legislation comes three years too late. It is very similar to the domestic abuse legislation, and we will strive to work through it and to produce a good piece of legislation.

The move to bring stalking into a specific criminal offence aims to not only stop stalking, differentiate it from general harassment or prevent the fear of stalking and its impact, but to prevent people being murdered. When we talk about stalking, we really need to talk about it using this definition: it is murder in slow motion.

In most cases, thankfully, the perpetrator does not get to that point. However, let us look at who we are dealing with.

Perpetrators of the crime of stalking are fixated. They are obsessive. Stalking is an insidious crime. I have absolutely no doubt that the perpetrators need help. If they are allowed to conduct unchecked the actions that they have set for themselves, it will, in many cases, inevitably lead to murder.

That is how we should look at stalking. Stalking is not harassment. Harassment is not stalking. Harassment can mean many things. I believe that "harassment" is an umbrella term for the way that people can feel harassed. Harassment can take place between two neighbours who fell out 15 years ago over a hedge or a shared boundary. That initial complaint and the actions that proceed from it can be harassment. It is not stalking, which is something completely different. Stalking is insidious, and the perpetrators of it are fixated, obsessed and need to be checked.

One good thing that will come from the Bill is management. The Committee should look at the afterwork, or aftercare, not only for the victims — that is critical — but for the perpetrators, who have to be managed and cared for. Not only that, but perpetrators should be managed and assessed for risk going forward. That is why it is vital that there are criminal offences in the Bill, and I will talk about those in a minute.

There is a reason why we have to talk about stalking as murder in slow motion. This has happened today, but we are all to blame, because we are used to that in our everyday language. For many people, stalking can be the butt of jokes, and that is very hurtful to the victims. It is human nature that we all slip up in our language, and it is human nature that we make mistakes. It was in our everyday language, but we need to stop that, because we are hurting the victims.

The impact of stalking is mighty. I dealt with a case for a constituent who came to me many years ago about a stalking issue with an ex-boyfriend. The young lass — a highly professional, well-kept, well-dressed and confident person — came to my office about a stalking issue. When I see that lady today, many years later, it is to help her to fill in PIP forms, because of the impact of stalking. The young lass was destroyed by an ex-partner, to the point where she cannot hold down a job, cannot look after herself and cannot even get out of bed in the morning because of her fear, nervousness, depression and anxiety. Stalking has destroyed that young girl, and it breaks my heart that I have to help her to fill in PIP forms and go with her to an appeal for PIP. That young girl was on top of the world before that happened to her. Make no mistake: stalking should not be on anyone's lips as the butt of a joke, and it should not be in anybody's everyday language. It is so severe that it could lead to murder or destroy a life. That is what we are dealing with today. We are dealing with stalking: murder in slow motion. Please let no one forget that today or as we move forward.

This crime can close in on you. You could be confident and go to work, but your work could become a prison where everywhere you move, even where you sit, becomes your prison. It could impact your street: your street could become your prison. It could impact your family; your family could be lodged with you in prison. Every time you look to your phone or to your computer, whether at work or at home, you see a window of despair with no way out. That is the impact of stalking. It does not just happen when

you see or sense the perpetrator or see a text that he or she has just sent you. It is there every living second. It is there every conscious second that you are awake, to the point where it affects your sleep and your life. It will destroy you if you are not given help and support, and I hope that the Bill goes some way to providing that.

The Bill creates three offences. I have looked at and assessed those offences. Some of them are undeniable, such as the offence of stalking. I welcome the fact that we now have a descriptor and a description of stalking. It is vital that we have that specified and nailed down in the Bill. Interestingly, it also creates the offence of threatening or abusive behaviour and the offence of breaching an order, which is very important, because there are so many weaknesses with regard to protection orders. We have to nail those down, and I hope that the offence will go some way towards doing that. One of the interesting points that I picked up is that the tariff for the offence of stalking, on conviction on indictment, is:

“imprisonment for a term not exceeding 10 years or a fine (or both)”.

Interestingly, for domestic violence, it is 14 years. I want to pursue that and try to tease out why that differential exists. I am not saying that they are the same offence or the same nature of offence, but we have to look at where the bar is being set. That is critical.

One of the most important lines in this Bill, as it stands, is in clause 1, “Offence of stalking”, subsection 4, paragraph (b) with regard to:

“conduct’ means—

(b) contacting, or attempting to contact, B or any other person by any means”.

There is another definition at 4(d) which is:

“monitoring the use by B or by any other person of the internet, email or any other form of electronic communication,”

That is a very important line, and it speaks to the future, but we will need more than that. We will need to delve into that line and see what it means, because it is no mean feat to tackle that and to nail it down in legislation. That is a massive issue on its own. The use of electronic devices to hurt people, impact their lives, change the course of their life and even blackmail people is real, and it is mighty. It has led to deaths; it has led to suicides. We need to look at that and see how we can strengthen it and make it fit for purpose going forward. We need to delve into that. Whilst I am thankful that it is in the Bill in clause 1, which defines the offence of stalking, and it is a very important line, we may have to look into that and see whether we can add to it because it will be important going forward.

This is a good day for victims — albeit, three years too late. I look forward to the Bill getting to Committee Stage, where we can delve in and do a piece of work on it, as the Committee should do. I have faith in the Justice Committee to do the work on this and, if amendments are forthcoming, they will be in the best interest of the Bill and the victims whom it is meant to protect. I welcome it, and I will leave it there.

Ms Dolan: Social media and smartphone technology, which allows for easy tracking of people’s movements, has fuelled the dramatic rise in the offence of harassment and stalking. There were 234 cases of harassment in 1998-99. However, there were 2,449 cases in 2016-17, a rise of 947%. That equates to almost seven incidents a day in the North of Ireland. One in five women and one in 10 men are likely to be victims of stalking at some stage in their lives. People who end up in court on charges commonly regarded as stalking behaviour can only be charged under existing harassment or intimidation legislation, such as the Protection from Harassment Order 1997. In cases where stalking is prosecuted under harassment law, the penalty may be lenient and not in keeping with the intense fear that the victim has experienced for a prolonged period. Victims of stalking may have to turn to several different legal instruments to seek a remedy, depending on how they are victimised.

The legal framework may complicate criminal prosecutions. Stalking can engage a number of rights under the European Convention on Human Rights and international standards, including the right to life; the prohibition of torture and cruel, inhumane and degrading treatment; and the right to a private and family life, which includes a person’s physical and psychological integrity. All of these articles place positive obligations on the state to protect victims of crime. Additionally, the rights to an effective remedy and no punishment without law may be engaged. It is apparent that there is a gap in the law that has not yet been filled.

We are falling behind other countries in this area. In England and Wales, because the Protection from Harassment Act 1997 did not deal effectively with stalking, it was amended, and two stalking offences were introduced in 2012. More significantly, since 2010, Scottish law has made stalking a specific criminal offence.

Scottish law has made stalking a priority crime, and we should follow its lead. In the Twenty-six Counties, there is no specific law pertaining to stalking, but stalking laws are contained in the Non-Fatal Offences Against the Person Act 1997.

12.15 pm

Last year, I read Allison Morris’s courageous and open account of her experience of stalking in her article in ‘The Irish News’. I will read from it to put stalking into a real-life context. She said:

“At that stage, back in September 2016, I was well used to daily abuse, text messages, emails, Facebook messages, ranting, threatening phone calls. This man was violent, obsessive and controlling, I’d removed that control and he was reacting badly. He arrived outside my office, ranting and screaming, foaming at the mouth with rage, demanding I speak to him. I tried to calm him down, to reason with an unreasonable person ... He had a sandwich in his hand ... and he squashed it into my hair and clothes as cars slowed down to watch ... I went to the bathroom in work, tried to brush the pieces of food from my hair and rang the police.”

The Allison Morris case and the cases of stalking of many other victims that have been referred to by Members across the Chamber sum up how necessary the legislation

is, and I am pleased to see it progress in what I see as another step forward to protecting victims of potentially harmful crimes. I support the overall purpose of the Bill.

Mr Dunne: I, too, welcome the opportunity to speak on the Second Stage of the Protection from Stalking Bill. The moving of this Bill to the Second Stage in its legislative journey is timely and complements the recently completed passage of the domestic abuse Bill. The stalking Bill builds on strengthening our laws to deal with the evil crimes that continue in all areas across Northern Ireland. I commend the departmental officials and Committee officials for their work to date on the Bill and the victims and victims' groups who have helped to shape the Bill so far. I know that there is considerable work still to be done.

The need for action and a strengthening of the law was very much the theme of the responses to the consultation that was launched in November 2018 and closed for responses two years ago, in February 2019. I know from engaging with the PSNI in my North Down constituency that they very much share the view that additional measures and resources are needed to tackle the problem across our local communities. It is widely recognised that our laws in this area need to be strengthened. The Bill gives the opportunity to build on the current Protection from Harassment (Northern Ireland) Order 1997 and bring us into line with the rest of the UK.

As with any legislation, it is important to hear from victims and to listen to and engage with those who work on the front line in supporting those who have suffered and continue to suffer from stalking. The best way to deal with the issue is by making stalking a specific offence. Part 1 of the Bill rightly prioritises that to improve the operation of the justice system and, ultimately, to better support victims. It is important to ensure that stalking conduct does not fall between the cracks because of poorly drafted legislation or a lack of awareness by those responsible for its implementation. Stalking was made a specific criminal offence in England and Wales in 2012, and, in January 2020, police in England and Wales were able to apply to the Magistrates' Court for stalking protection orders, which usually remain in place for up to two years. I very much welcome the second part of the Bill, which will introduce SPOs here. That will support the PSNI and increase the tools available to it and will enable early police intervention, pre-conviction, to address stalking behaviours to protect victims from more serious harm. That intervention will equally be able to be made post-conviction to prevent further stalking. I also welcome the commitment in clause 11 that courts will have the power to impose interim SPOs to provide immediate protection for victims while the main application is being determined. That will reduce any immediate risk of harm. There is also a need to ensure that information is recorded and shared between the PSNI, courts, justice agencies and various jurisdictions, particularly in instances in which stalkers move between areas to carry out their crime.

As has been acknowledged, stalking is a unique crime, and perpetrators often have obsessive behaviours that can develop over time and be difficult to deal with properly. They are often evolving behaviour traits that start at an early stage and can turn out to be very sinister over time.

We live in a digital age, as has been mentioned throughout the debate, and, unfortunately, that often presents many opportunities through the use of technology for stalkers

to target and harass victims through new forms of communication and cybercrime, all of which increases the stress and impact on victims. During lockdown and the restrictions that we have gone through, people are spending more time online and increasing the risk. Unfortunately, that has led to an increase in cybercrime, which can be a form of stalking. That needs to be recognised and captured in the legislation.

I very much welcome the progress to date on such an important issue and look forward to further progress on the Bill in the months ahead and through the work of the Justice Committee.

Mr Blair: I thank the Justice Minister for bringing the Protection from Stalking Bill to the Assembly. Throughout the Minister's tenure, she has paid particular attention to the issue of coercive control. She should be commended for following through on her pledge to endeavour to tackle all forms of harassment. I commend her for her determination to address stalking and to protect victims of persistent, unwanted harassment; indeed, the Minister has been helpful in her responses to my questions on the distressing experiences of one of my constituents and her family. She met those victims and has taken time to meet other victims.

As has been said, stalking is a unique crime driven by the fixation and obsession of the stalker, and each stalking incident is different. It is a long-term pattern of behaviour that can last for weeks, months or even years. Although there have been high-profile examples of stalking and, indeed, judicial outcomes, it has also been a hidden crime for many victims who are afraid to speak out or reach out. It is vital to safeguard and protect victims and survivors of stalking. We must ensure that they have the protection of the law that they need and deserve to feel safe.

Today is important in progressing and evolving the way in which stalking is handled in Northern Ireland and an acknowledgment of the suffering that victims of stalking can face. The Bill is a major step forward for victims of that insidious crime. Victims have had terrifying and debilitating experiences at the hands of their stalker. The Assembly must take action to strengthen the law to protect them by passing the Bill. The Bill also addresses the fact that legislation exists in other parts of the UK, but it does much more than that for the victims of whom I speak.

As a member of the Northern Ireland Policing Board, I will comment that the Bill will make it easier for the police to assist victims of stalking with the real and reassuring prospect of a judicial outcome. It makes it easier for advice and outreach agencies to encourage victims to come forward and seek help and advice. It makes it easier to pursue the perpetrator and assists public safety in doing so.

I fully appreciate that stalking can have a devastating effect on victims and how manipulative and persistent a stalker can be. My colleagues and I are committed to ensuring that victims have the protection of the law that they need and deserve to feel safe. With Alliance colleagues, I support the Bill.

Miss Woods: I welcome the opportunity to speak at the Second Stage of the Protection from Stalking Bill. I sincerely hope that it proceeds efficiently through the Chamber and the Committee towards becoming law.

Victims and survivors of this crime have waited for far too long. Despite the work started previously by the Committee, we remain the only part of the UK without adequate and specific legislation to deal with such a serious and complex problem. That is shameful. Scotland created a stalking offence in 2010, and changes to English and Welsh law were brought in in 2012. The current legislative framework is primarily focused on the Protection from Harassment Act 1997 and is not fit for purpose, so I welcome the fact and am glad that the Minister has introduced the Bill.

Victims often endure years of abuse before a crime is taken seriously. We know that, too often, many existing responses are ineffective in stopping perpetrators and protecting victims. There is much more that we can do to increase the understanding and awareness of stalking throughout society. I want to draw attention to a few matters that are worth exploring in the Committee for Justice and the Chamber in order to raise a few points about where the Bill can be strengthened.

In clause 1(5), the reasonableness defence is clearly copied from the Scottish legislation, Part 2 of the Criminal Justice and Licensing (Scotland) Act 2010. I am interested to hear from the Minister about her Department's engagement with its counterpart in Scotland and its assessment of how effective the Scottish law has been. Have there been any issues with prosecutions as a result of the defence provisions that have been to the detriment of victims? Can any lessons be learned from Scotland? Those valid questions could lead to ideas for strengthening the Bill and its effectiveness, given, as I say, the complexity of what we are dealing with and the issue of reasonableness and the "reasonable person" test, which is difficult.

It is clear that, in order to make the law work, guidance and training will be crucial. I point specifically to that not only because it was important in our deliberations on the Domestic Abuse and Civil Proceedings Bill but because of the lack of understanding and awareness of stalking and harassing behaviour that came through overwhelmingly in the responses to the Department's consultation prior to the Bill being drawn up. Respondents stated that they were not taken seriously by police and that targeted training should be provided; indeed, a 'Review of the Need for Stalking Legislation in Northern Ireland', conducted by Queen's University Belfast, concluded:

"there is a need for training to be provided to police and other criminal justice professionals in order to ensure that they are able to correctly identify and respond to the crime of stalking."

Too often, we have heard from victims that they were told that nothing could be done. I urge the Minister to table amendments to the Bill similar to those on the mandatory training for criminal justice agencies with regard to domestic abuse offences and, insofar as is possible, to encourage training to be provided and sustained for the judiciary, too.

I also note that there is no age limit in the Bill. Unlike the domestic abuse legislation that we have just passed, there are no distinctions in when the offence would apply in the case of children. Again, that highlights how horrendously low the age of criminal responsibility is here. It means that the offence can apply to anyone over 10 years old.

We need to look at that. We also need to look at whether additional safeguards can be put in place to ensure that children who are at risk of harm are properly protected and that children who display harmful behaviour related to the new stalking offence receive appropriate and effective interventions. What about the children and young people who are stalked?

Ms Dillon: I thank the Member for giving way. On her last point about the age of criminal responsibility, I call on the Minister to review that and start a piece of work and discussions with the Committee on the issue.

Miss Woods: I thank the Member for her intervention. I have engaged with the Justice Minister on that. I note that she had brought that discussion to the Executive. I encourage all Ministers who did not respond to the Justice Minister on that matter to do so, and then we can have the debate in the Chamber. I also ask the Minister and the House this question: how many more criminal offences will we introduce before we deal with the issue of the age of criminal responsibility? That needs to be addressed urgently in legislation.

Another area in the Bill is the introduction and operation of stalking protection orders, covered in clauses 6 to 17. Those are welcome. However, I note that we have interim protection orders as well as full stalking protection orders, so what is the rationale for having both? Is the interim order a more immediate way to get protection in place for someone who requires it before a full SPO is in place? Is it because there is no requirement for conviction in order to get one of the orders, or could there be any undue delay? I am also concerned that, under "Power to make orders", clause 8(4) refers to specific circumstances in which an order, under its:

"Prohibitions or requirements must, so far as practicable, be such as to avoid—

(a) conflict with D's religious beliefs, and

(b) interference with any times at which D normally works or attends an educational establishment."

There is clearly a balancing act here with regard to human rights. However, can the Minister tell me whether her Department looked at any other ways to mitigate that problem, possibly through placing a duty on employers or, say, religious organisations to ensure that protection orders do what they are intended to do? What about A's access to religious beliefs, their workplace or education?

In 2018, the House of Commons Select Committee recommended that a national register of serial stalkers and perpetrators of domestic violence be introduced as a matter of urgency and that individuals placed on that register should, like sex offenders, be managed through multi-agency public protection arrangements.

The report also suggested that a more integrated strategy to end violence against women and girls would support a better statutory response to stalking and a more joined-up approach to supporting victims and managing the behaviour of perpetrators. What discussions has the Department had in conjunction with Westminster about such a register and its merits, and what consideration has been given to it?

12.30 pm

How can we fully protect victims against behaviour listed under clause 1(4), for example, with regard to:

“publishing any statement or other material”

or:

“monitoring the use by B or by any other person of the internet, email or any other form of electronic communication”

without engaging the powers that are reserved to Westminster or, indeed, engaging and getting full agreement with online social media operators, for example?

I am aware that we cannot introduce legislation that is under the remit of Westminster, and Ms Bradley and Mr Beattie mentioned reserved powers, but I wonder if the Minister, in her summing up, would outline what engagement the Department has had on that, considering the recommendations of the recently published hate crime review by Judge Marrinan. Could all online stalking behaviours be captured in this offence?

At Committee, we heard that a conviction could be sought under the Bill if all the behaviour were online. That may be the case with purely online harassment and persistent trolling if they are considered to be forms of stalking. We know that stalking behaviour is far more prevalent than what is reported to the police or dealt with in the criminal justice system. In Scotland, before its new legislation was enacted, researchers found that less than half of the 700 respondents had reported their experience to the police. That was despite the fact that more than 25% of the stalking that they experienced involved violence. We face a similar situation with domestic abuse. What is reported is the tip of the iceberg.

Another avenue that I will be keen to explore, hopefully, with the Committee and the Department is reporting and data collection. Much like a number of behaviours that have previously not been legislated for as being criminal, we do not have an accurate picture of the level of stalking in Northern Ireland. Quite frankly, the level of data and information that we collect is appalling.

Harassment data is collected by some criminal justice agencies differently, and it does not specify stalking as a new offence. Much like the arguments that I made during the passage of the Domestic Abuse Bill, we need to know what we are dealing with not just in incidents and offences that are reported to the PSNI but in how data travels the whole way through the criminal justice system. In order to ensure that we know if there are any gaps and if the new offence is or is not working, we should try to capture as much data as possible. We know that data not only drives policy decisions but, in turn, contributes to resource allocations. Again, without going into it too much here, adequate resources must be allocated to the new legislation.

As I have said before on training, agencies must be allocated resources in order to investigate new offences. That was evident in the responses to the consultation calling for specialist police units to be set up, complaints to be investigated fully, provision for victims' services, perpetrator programmes and problem-solving justice options and so on.

I note the budget issues that the Committee was briefed on last week and the financial implications of the Bill. Like others, I am concerned that the more we legislate with no resource or budget attached, the more we risk legislation not working for victims effectively. It shows that we have much to do.

Why is behaviour going unreported? What can we do to encourage people to report? How can we better support them through this? How can we educate on what stalking is, especially as we legislate for it as a specific offence? I hope that the Minister and Department can address some of those needs as we go forward and dovetail with the creation of any new offence.

There will be a need for public awareness, but there will also be a need to educate people of all ages on harassment and stalking. We need education in schools, and we need workplace policies. We also need to ensure that employers and trade unions have guidance and policy on it. We all know of horrific incidents where women have been stalked and then murdered outside their workplace.

Lastly, and crucially, for those listening who have been affected by stalking or wish to get some advice and assistance, please reach out. It may be very scary to do so, and you may be fearful of doing so, but there are people and organisations out there that can help.

Stalking can be a life-or-death situation, and the Bill has the potential to save lives. Giving victims and survivors the protection that they need is long overdue. We must now ensure that it is fit for purpose, in law as quickly as possible and properly implemented.

Mr Allister: As some have said, stalking, by its very nature, can be an insidious offence; it can also be a cowardly offence where someone lurks for the purposes of stalking. Therefore, it is right that it is adequately legislated against in our criminal law.

In coming to the Bill, I wish to address some of the general principles in it and to seek clarification on some specifics. Straight away, that takes me to clause 1(1)(b):

“A’s course of conduct ... causes another person to suffer fear, alarm or substantial distress”.

In some legislation, such as the Public Order (Northern Ireland) Order 1987, there is a definition of fear. What does fear mean in this Bill? What if, for example, an investigative journalist was to follow someone for the purposes of challenging them or to watch their movements? Is the fear of being exposed by a journalist enough? That journalist might ultimately have a defence under clause 1(5). However, as the Bill is drafted, something like that could be stalking. Therefore, should it not say, as the GB legislation says, “Fear of violence”? Section 4(a) of the Protection of Harassment Act 1997 also talks about fear, but it expressly says, “Fear of violence”. Surely that is the fear that the stalked person will see invoked within themselves. Therefore, I think that there is a need to be more specific when we talk about “fear”.

In the following subsection, we come to something that I have talked about before in the House, to no effect, which is the imposition of the reasonable man test. That is where there is no fear, but where someone, in their wisdom, thinks that there should have been fear, and therefore a box is ticked. I think that the House knows my views about

the Department's, and, indeed, the House's, propensity to rewrite the very essence of criminal offences in that regard. Indeed, clause 2, which is an alternative offence, approaches this in a much more sensible way. Clause 2(1)(b) it says that:

"The behaviour would be likely to cause a reasonable person to suffer fear".

That is highly preferable to the convoluted notion that, where there is no fear, someone else can superimpose their own view that there should have been fear.

In looking at the contrast between clauses 1 and 2, we see that "reckless" is a component in clause 2(1)(c) but not clause 1. Why not? Should there not be a parallel reference in clause 1(2) to A's recklessness? I think that there ought to be.

I come to clause 1(5), which is where the person who has been charged can:

"Show that the course of conduct ... was authorised ... was engaged in for the purpose of preventing or detecting crime, or ... was reasonable in the particular circumstances."

That might be your journalist. However, when it says to "show", to what standard is that? Has the defendant to show that beyond all reasonable doubt, or do they show it to the civil standard of the balance of probabilities? I suspect that it is the latter, but there is nothing to say that it could not be the former. That could usefully have some light shone upon it. We are dealing with a serious criminal offence for which you can collect a tariff of 10 years, so I think that these things need to be clear.

I note that clause 2 is an alternative in the sense that though charged under clause 1 you could be convicted under clause 2. I have to say, though, that clause 2, in a sense, is a different genre of offence. It could involve threatening or abusive conduct, which is not required in clause 1. I suppose that there is no reason why it could not be an alternative, but it seems to me to be very much a freestanding offence on its own.

What I really want to deal with this in this contribution is the stalking protection order. As I read the Bill, a person could be successively subjected to a stalking protection order but never prosecuted or convicted of any offence. If I am wrong about that, I would like the Minister to point out where I have fallen into error. It seems to me that clauses 6 and thereafter embrace stalking protection orders but do not make them conditional upon criminal proceedings being under way in respect of a stalking prosecution or a conviction already attained. They seem to have a life and existence all of their own. They have the dangerous potential that someone could be subjected to successive stalking protection orders, running for years, without the state ever having to trouble to prosecute them. That is not something that I would be comfortable with, all the more so since I believe, in reading the Bill, that a stalking protection order is a civil-type remedy, in that you would only have to prove the grounds on the balance of probabilities. I say that because of clause 12(2), which says:

"Any application under section 7, 10 or 11 to a court of summary jurisdiction is to be made by complaint under Part 8 of the Magistrates' Courts (Northern Ireland) Order".

Part VIII is the civil proceedings Part of the Magistrates' Courts Order. It seems to me — again, the Minister can tell us if I am wrong — that a stalking protection order can be obtained on evidence not to the criminal standard but merely to the civil standard and that they can be attained successively for years on end without that person ever being prosecuted in the courts for the actual offence of stalking. Is that not verging on an abuse? I would have thought that it is.

I would like one further clarification from the Minister. Clause 7 talks about applications for these stalking protection orders. Is that an ex parte application? Do the police simply come along and ex parte make the application, or is the person against whom they are making it also entitled to be present and to be heard, or is it a two-stage process? What is it?

We need some clarity as to how those stalking protection orders will be sought.

12.45 pm

We also need clarity on whether there is a definitive right of appeal against a stalking protection order. Clause 10 states:

"The Chief Constable or the person against whom a stalking protection order is made may apply to a court of summary jurisdiction for an order varying, renewing or discharging the stalking protection order."

It is not set out in the legislation, as it is in the GB legislation, that there is a definitive right of appeal. Section 7 of the Stalking Protection Act 2019 — I invite the Committee to look at that in due course — expressly states:

"A defendant may appeal to the Crown Court against—

(a) the making of a stalking protection order,

(b) the making of an interim stalking protection order,

(c) the making of an order under section 4 on an application by a chief officer".

Why are we being diffident in this legislation about spelling out the fact that there is, and must be, a process and right of appeal? To whom is the appeal made? In GB, you have a right of appeal to the Crown Court. Here, under this Bill, there is a request to discharge such right of appeal as you have to the Magistrates' Court, which is the very court that made it. There seems to be no anticipation that you can appeal to a higher body. That is something that seriously needs to be looked at in respect of the drafting of the legislation.

I make the point again that those orders can be for successive periods of up to two years. It would be very bad law to allow that to stand with no reference to the fact that, during that process, the person would need to be taken for prosecution. Therefore, either you make it conditional or time-limited to a criminal prosecution or, I fear, it is open to the abuse of repeated use, and all that to the lesser civil standard.

Then, of course, it becomes a criminal offence if you breach the preventive order. Then you can go to prison for five years. You can have an order put on you preventing you from stalking. You do not need to be prosecuted for

stalking. You do not have the right of a trial before your peers to determine whether you were stalking. However, if you breach the preventive order, which seems to be put on you only to the civil standard being met, you can then be prosecuted for breaching that order. There is something there that does not add up. That needs to be addressed.

In GB legislation — I believe that it is section 6 of the 2019 Act — the duration of the preventive order can be specified. Here, according to clause 9(1)(b), it can be “until further order”. Clause 9(1)(a) states that it can be:

“for a fixed period ... of at least 2 years”.

That seems to be highly punitive without any of the protections that come with the requirement to move, at some point, to a prosecution.

Something is slipped in at clause 14(2)(c) that is not in the GB legislation. This is about the notification requirements. It says that a person who is subject to a stalking protection order, or an interim one:

“must, within the period of 3 days ... notify to the police the information set out in subsection (2).”

What is that information? It is the person’s name and home address, and then we propose to add something that is not in the GB legislation, which is:

“any other information prescribed by regulations made by the Department.”

What could that be? Why would we need that if the sole purpose of the provision is simply to assist in the identification of the person? That is why you need and must have their name and address. Yes, any such regulations could be subject to affirmative resolution in the House. I think that, if I recall correctly, that is covered. Yes, it is in clause 14(9), which states:

“Regulations are not to be made under subsection (2) (c) unless a draft of them has been laid before, and approved by a resolution of, the Assembly.”

That is a protection, but my question is a more fundamental one: why are we looking for that in the first place? It does not seem to have been thought necessary by Westminster in its legislation, so why are we seeking to put it in? It holds out the possibility of a creeping infringement of people’s rights, and these are people who, I remind you again, have not been convicted. These are people who are subject to preventative orders without a conviction. The House should tread carefully in that regard.

In the same vein, we come to clause 15. Clause 15(3) tells us:

“When a person gives notification under section 14(1), (3) or (4), the person must, if requested to do so by the police ... allow that officer”

to take their fingerprints. This is someone who has not been convicted of anything and has not even been charged with a criminal offence, yet we say that a police officer can take their fingerprints, photograph them or do both. It goes on to say:

“The power in subsection (3) is exercisable for the purpose of verifying the identity”.

If someone fails to give their fingerprints, they can be jailed for five years. I would dearly like the House to insert a very important word into clause 15(4). We should say that the power in subsection (3) is exercisable “only” for the purpose of verifying the identity of the person. It is a step much too far to give a right to take and retain fingerprints and photographs of someone who is subject to a civil remedy, which is a prevention order, rather than someone who is subject to a criminal prosecution. That is just going too far. If you fail to do that, you have committed another criminal offence.

I say to the House that there is much tidying-up to be done in the Bill to make it the sort of legislation that is respectful of fundamental freedoms and liberties, and there are matters, particularly pertaining to protection orders, that the Committee should address with some vigour.

Mr Carroll: I welcome the opportunity to speak on the need for new stalking legislation and the Bill presented by the Minister. I begin by thanking the victims of stalking and their families who have spoken up publicly about what happened to them and how the current law has failed them. Without their voices and stories being shared, the true scale and nature of the issue, as well as the failure of institutions to take it seriously, may never have been recognised. As is often the case, women in particular are forced to speak up, even when that may feel traumatic and intrusive, before the issues that impact on them disproportionately are addressed, whether that is domestic abuse, the disgraceful and inexcusable lack of abortion services, which is maintained by the Executive, or the issue in front of us.

As I said when the Minister introduced the Final Stage of the Domestic Abuse and Family Proceedings Bill, I have little faith that the change needed to tackle the wider issues of misogyny and inequality for women, which give rise to many of these crimes and experiences, will come from within these four walls. However, we can be certain that such change is hindered by the way the Assembly and Executive have perpetuated such inequalities by denying women bodily autonomy, stripping them of financial autonomy through universal credit measures and so on.

We need a holistic approach to how the lives and experiences of women in our communities can be improved so that they can be enabled to feel safe and live freely. Therefore, I am sure that the Minister will agree that there is an onus on the House to ensure that this new legislation does not allow women to fall through the cracks or have their experiences devalued, and that goes beyond just this legislation. There is a job to do in tackling the issues of misogyny and inequality.

Clauses 6 to 17 enable the issuing of protection orders, as has been mentioned, and interim stalking protection orders, which, it seems, would be important to ensure that victims feel safe and that perpetrators are deterred while a full order is being considered.

One issue that many victims of stalking raise is the lack of understanding by the police of the dangers and nature of stalking. That was acknowledged in the consultation responses to the Bill. That not only allows behaviour to escalate, putting victims at further risk, but leads to an understandable lack of belief in a system that fails victims. I hope that the Minister can, in her closing remarks, set out what measures can be taken to ensure that, when victims

come forward to the police, they are not left feeling that their experience is not being taken seriously.

Clearly, the issue of stalking relates not only to an unfit law but to a culture within the PSNI and society generally of minimising the risks of stalking. Therefore, action on both is needed to address that situation. I would like to hear what measures the Minister proposes to take to address those fundamental issues.

Clause 5 amends the Magistrates' Courts (Northern Ireland) Order 1981 so that perpetrators of stalking or abusive behaviour lose the right to a jury trial. I wonder whether the Minister could explain the rationale for that and whether it is restricted to so-called minor incidents or incidents viewed as minor, and how that would be adjudicated. Generally, we would have issues with non-jury trials. Without further explanation in the explanatory and financial memorandum, that needs some clarity.

Clause 1(5) states that an adequate of stalking or harassment would be that the perpetrator:

“(a) was authorised by virtue of any statutory provision or rule of law [or],

(b) was engaged in for the purpose of preventing or detecting crime”.

I am sure that the Minister is aware of the recent “spy cops” Bill, which generated a furore among victims of the police officers responsible for infiltrating not only groups on the left but paramilitary groups locally, engaging in unacceptable behaviour ranging from abuse to more serious offences. In many cases, women were victimised by some of those officers, whose actions were deemed to be within the rule of law and for the purpose of preventing crime. In what circumstances does the Minister believe that an officer preventing a crime could use that as a potential defence for stalking or harassing behaviour as outlined in this Bill? Under which law or statutory provision does she foresee the potential to use that defence?

Finally, I would like to ask the Minister whether the consultation responses to this Bill and those to the Domestic Abuse and Family Proceedings Bill have changed her mind on the need for a commissioner and a targeted strategy for women and girls. It is my understanding that that role could be accommodated within this legislation but is not.

I appreciate the inclusion of a clause stating that guidance will be issued to the Chief Constable on exercising the functions of the Bill. Given the failure to understand these issues or take them seriously currently, and the impact that that has had on victims, I stress that regular scrutiny of and subsequent reports on how this law is being implemented are imperative. Someone tasked with doing that and other issues would help that cause. We cannot find ourselves 10 years down the line, if the legislation is not doing what it says on the tin, debating how well intentioned, thoroughly researched and consulted upon it was.

1.00 pm

Mrs Long: As I mentioned at the beginning of the debate, progressing the legislation is a key priority for the Department, for me and for the Committee, which, I know, has taken an active interest in the matter historically and

will again as the Bill passes to it for scrutiny, hopefully today.

I thank all Members for their constructive and positive engagement. As the Bill moves through its stages, I hope that we can continue in that spirit to ensure that this important legislation reaches the statute book as soon as possible and starts to deliver for the people across Northern Ireland who suffer from what is a debilitating and insidious crime. Stalking can be psychologically and physically damaging to victims, with delusional and obsessive offenders often going to extreme lengths to contact, follow and monitor their victims.

I want to turn, if I may, to some of the comments that were made during the debate. It is important that we try to address some of them, although many of them will obviously be addressed more fully and in slower time as the Committee takes on its work. I thank the Chair, Paul Givan, for setting out the historical work of the Committee. It is good to know that that work will provide a good foundation for scrutiny of the Bill. He was, of course, correct to identify delay since 2016, and I am committed to working with him and the Committee to ensure that the Bill moves forward swiftly. We may not have been able to influence the outcome for three years, but we can now take things forward with speed.

The examples provided in the Bill, to which Mr Givan referred, were missing from the harassment legislation, making it harder to utilise in cases such as this. The range of behaviours can be considered illustrative of stalking but is neither exhaustive nor prescriptive, to avoid any gaps or any defences that are based on them; in fact, the format is similar to the approach that we took in the Domestic Abuse and Civil Proceedings Bill. We also have a catch-all of behaviours at clause 1(4), and I think that there is something there to pick up on later with the Committee.

The Chair and other Members also raised the issue of having a stalking register. At this point, I do not have plans to introduce a register for stalking perpetrators, but I am keeping that position under careful review and will be keen to hear how the views of the Committee pan out as it scrutinises the Bill and takes evidence on it. I want to set out, if I may, my thinking on that. I am aware that our counterparts in England and Wales and Scotland, who have had stalking legislation in place for some years, have no current plans to introduce such a register. My focus is on ensuring that we make better use of our existing systems. The police already maintain databases that hold details of those convicted of harassment and fear-of-violence offences, and they will record the stalking offence once it comes into force. That will enable the police to manage risk and share their details across criminal justice and other relevant agencies. The Bill will also introduce stalking protection orders that will place notification requirements on perpetrators, and that provision will also enable the police to manage any risk. I hope that that answers the concerns that Mr Gordon Dunne raised and some of those that Miss Rachel Woods raised.

I thank the Deputy Chair for her comments and her commitment to moving the legislation through its stages as swiftly as practicable. I share her concerns about the impact of stalking on victims and their lives. It can be incredibly debilitating and can make life intolerable, making the victim a captive of the stalker and of fear. By providing people with the confidence to come forward and through

stalking protection orders, we can offer immediate and swift intervention in a way that has not previously been possible.

Ms Dillon and Paul Frew rightly raised how stalking was different from harassment and how that would be defined. That is critical to people understanding the difference between the two. While harassment is primarily seen as a dispute over an issue, stalking is different and is more focused on an individual. In stalking cases, there is a pattern of unwanted, fixated and obsessive behaviour that is intrusive. An acronym has been devised by the College of Policing and is used in guidance for police in order to recognise the traits of stalking whilst investigating an offence. That acronym is “FOUR” — fixated, obsessive, unwanted and repeated. It is important that people are aware that those elements are in place as they try to take those issues forward in the justice system.

Sinéad Bradley asked a number of questions, along with others, including one about additional cost to the criminal justice system as a consequence of the Bill. It is considered that a significant proportion of the costs associated with the current related offences of harassment and fear of violence will simply transfer to the remit of a new stalking offence once it is in place, as, often, the harassment offence is the only opportunity that people have to pursue a case in court. The introduction of stalking protection orders will have some financial effects for their application by police to the courts, and my officials are working closely with criminal justice partners in the assessment of a full financial business case in that regard.

Sinéad Bradley and Rachel Woods raised the issue of training, which is incredibly important. Any change in the law will not simply be a solution to this horrendous crime. Training for all criminal justice partners will be an integral and essential part of successfully implementing the new legislation. Following the outcome of the stalking consultation and in preparation for the new legislation, my Department hosted a successful event for operational partners and voluntary organisations in order to keep awareness of stalking high on the agenda. Keynote speakers from the College of Policing, the Crown Prosecution Service and a stalking advocacy shared their knowledge, training and expertise, which led to the event receiving very positive feedback from our partners. My officials will continue to build on that with our operational partners and plan to hold a similar event — a virtual one this time — before the legislation comes into force.

Members rightly raised concerns about time frames and delays. I assure them that, whilst the Assembly was not working for three years, the Department was. That is reflected in the fact that this is the third piece of legislation from the Department that has progressed to its Second Reading in the House. We will continue to press ahead with legislation where that is required. When it comes to the timescale for the implementation of the legislation, we anticipate that the offences will come into force upon Royal Assent. Stalking protection orders will require some lead-in time for training, which may be three to six months after Royal Assent. To be clear on Rachel Woods's point, we have no powers to direct the judiciary with respect to training. That is something that has to be taken up by the judiciary itself, because it is entirely independent of us and would not welcome our interference.

Sinéad also asked about powers of entry in respect of stalking offences and whether we believed that those powers were already in place. We believe that powers of entry and search are in place for the stalking offence and the offence of threatening and abusive behaviour, which are indictable offences. Those powers are contained in Part III of the Police and Criminal Evidence (Northern Ireland) Order 1989, which deals with powers of entry, search and seizure. The consultation document set out a comparison of the powers used in other jurisdictions and asked for views on whether we needed a power of search. The consultation also highlighted that, were we to create a summary-only offence such as they have in England and Wales, our legislation would have to specifically provide that power to enable the police to apply for a warrant to enter and search premises. In Scotland, both offences were indictable, and, therefore, provision for entry and search was automatically provided. That is the case with our offence.

Doug Beattie and Paula Bradshaw rightly highlighted the motivations that can drive people and their stalking behaviour and the impact that it has on those who are victimised. Mr Beattie also mentioned some of the key statistics, and it is important to take a moment to reflect on them. The police's most recent recorded crime by offence statistics from November 2020 show that, in 2019-2020, there were 10,062 reported harassment incidents in Northern Ireland. Harassment incidents include malicious communications. The overall figure for 2019-2020 was broken down as harassment accounting for 4,668 incidents; malicious communications accounting for 4,790 incidents; with intimidation accounting for the remaining 604 incidents. That represents a 90.8% increase on 2018-19 and is one of the highest levels on record since reporting began in 1998-99. To give more weight to those figures, in 2015, under the Protection from Harassment Order, 126 people were convicted of harassment, whilst, in 2019, 141 were convicted. In 2015, 31 people were convicted for a breach of a restraining order, and that rose to 85 in 2019. In 2015, there were 17 convictions resulting in a custodial sentence for harassment offences, rising to 30 in 2019.

Mr Beattie also raised the question of whether new legislation would make internet trolling an offence. Current legislation in Northern Ireland allows for prosecutions in relation to protecting people from harassment or bullying, whether directly or in the form of cyberbullying or trolling. The new stalking legislation will define conduct that includes monitoring the use of the internet, email or other forms of electronic communication. Harassment and bullying are already criminal offences in Northern Ireland, whether perpetrated directly in person or in the form of cyberbullying. The maximum penalty for harassment is two years' imprisonment, which may be increased to seven years where there is a threat of violence or 10 years where a person threatens to kill another person. As previously outlined, the new stalking offence will carry a maximum penalty of 10 years.

Specifically in relation to trolling, article 3 of the Malicious Communications (Northern Ireland) Order 1988 makes it an offence to send indecent, offensive, threatening or false letters or articles with intent to cause distress or anxiety, and that attracts a penalty of a fine of up to £2,500. Section 127 of the Communications Act 2003 makes it an offence to use public electronic communications networks

to send a message or any other matter that is grossly offensive or menacing and provides for a penalty of a maximum of six months' imprisonment and/or a fine of £5,000.

While I am satisfied that there are a range of offences that can be used to tackle and prosecute offensive online behaviour in Northern Ireland, I am always open to suggestions for how the laws in that area can be strengthened. I am, however, mindful that internet misuse generally and social media abuse specifically are not areas that are unique to Northern Ireland; indeed, in some places, they are not devolved to Northern Ireland where it is a communications-related issue. I am working hard with the Home Office and with the Department for Digital, Culture, Media and Sport. As you know, that Department has a White Paper on online harms, and I am keen that we grasp those issues collectively. I also think that there is a certain weight to be gathered from working cooperatively with other jurisdictions, as much of what is required to protect people, particularly from online trolls who have unverified accounts, really comes as a result of how the platforms manage their business. It requires a cooperative approach; indeed, I know that, in the EU, considerable work is going on about unverified accounts, and there is a lesson for us all in being able to work with them.

I am slightly disappointed that, without scrutiny or evidence, Mr Frew indicated that the online elements of the Bill needed to be made fit for purpose. I hope that he will approach the Bill with an open mind, as considerable work, including work with victims and stakeholders, has gone into shaping the Bill, and I would not want that to be disregarded. However, he also asked a pertinent question with respect to how the new penalties in the Bill compared with those in the Protection from Harassment Order. The Bill will introduce greater penalties for the new offences than those currently provided for in harassment legislation. The current penalties for the offences of harassment and fear of violence include, first, the article 3 offence of harassment:

“on conviction on indictment” —

that is trial by a jury in a Crown Court —

“to imprisonment for a term not exceeding two years, or a fine, or both; or

(b) on summary conviction,” —

heard in a Magistrates' Court with no jury —

“ to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum” —

of £5,000 —

“or both.”

Secondly, there is the article 6 offence of putting people at fear of violence:

“on conviction on indictment, to imprisonment for a term not exceeding [seven years], or a fine, or both; or

(b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum”,

which is £5,000.

In comparison, you will note that the penalties in the Bill go further than the harassment offences. The new offence of stalking, which is comparable to the offence of putting people in fear of violence, will increase the sentence to a maximum of 10 years, compared with seven years on conviction on indictment.

On summary conviction, the sentence increases to 12 months, compared with six months. I hope that that is helpful.

1.15 pm

I turn to the new offence of threatening and abusive behaviour, and, again, it is comparable to the harassment offence. We will see the sentence increase from five years, compared with two years, on conviction on indictment. On summary conviction, the sentence, again, increases to 12 months, compared with six months.

A number of other Members, including Rachel Woods and Gerry Carroll, raised the issue of a women and girls' strategy. I remind people that is not only women who can be stalked. Whilst there is a perception that that is the case, we need to be cautious, as an Assembly, to remember that other people can be stalked and that women and girls can be perpetrators of stalking. We need to be careful about conflating the two. However, setting that aside, the issue of a women and girls' strategy is not strictly a matter for the Department of Justice. It is a matter for the Executive, as a whole, to take forward, and it is not simply about justice strategy. As Members will be aware, I take the issue of women and girls in the justice system very seriously. I hope that they will respond to the consultation on a strategy for women and girls in custody that is out at the moment. It is important that we recognise the different motivations and rehabilitation methods that are necessary for dealing with women and girls in the justice system. The lead on the wider issue of how we deal with women and girls falls to other Departments.

The issue of the minimum age of criminal responsibility was also raised. On many occasions, I have made my position on that clear in the House. We have one of the lowest ages of criminal responsibility in the Western world, and I believe that it is too low. I think that we need to look at raising it to a more reasonable figure. My predecessor, David Ford, tried to do that during the passage of his Bill. The initial intent was to raise it to 12 years of age, which is still incredibly low, and for it to rise to 14 years of age, and that was rejected. As Members have noted, I have written to Executive colleagues again to engage them on the issue, and I still await those responses. I encourage Members who feel strongly about the issue to write to members of the Executive and to encourage them to take the matter seriously and to respond appropriately. I believe that, at 10 years old, a person does not have sufficient understanding to know the consequences of their actions in the same way. Whilst, in many cases, the justice system will allow for that, I believe that 10 years old is incredibly young. When we look at those who offend at that very young end of the scale, we often find that those young people are actually victims, and we need to deal with them in a very different way from adult offenders.

The issue of collecting data on offences was also raised. I hope that I have addressed how we will go forward with that. It is not possible for the Department of Justice to collate data on offences that do not currently exist. It

would be for other agencies and research projects to do that. However, for example, the Department monitors harassment, and I have given the figures today for how the harassment situation breaks down, in order that we get some feel for where stalking may lie within that.

Again, other Members raised the issue of education and how we educate our young people on healthy relationships and attitudes to women and girls, in particular. I do not disagree with anything that has been said about that. It needs to happen. It is the primary responsibility of the Department of Education to reform relationships and sex education (RSE) and to make sure that people have more constructive attitudes to women and girls.

Ms Dillon: I thank the Minister for taking an intervention. Does the Minister agree that we need a uniform approach right across our education system? Currently, we do not have that. Schools get to decide what a healthy relationship looks like, and that is not healthy.

Mrs Long: I completely agree. We need uniform and non-judgemental RSE education, so that young people have the opportunity to explore, with their teachers and peers, what healthy relationships and healthy attitudes towards different genders and sexualities look like. It is really important that that happens as part of the structure of education in an age-appropriate way.

The Gillen review of the law and practice in serious sexual offences highlighted that there was an issue with societal attitudes that needed to be tackled using a cross-Executive approach and an educational process. My Department continues to work with the Department of Education to ensure that we can deliver on those elements. It is hugely important that we learn from the reviews that we have taken forward as to how we can have better educated young people who are equipped for their future and able to spot the warning signs when it comes to abusive, coercive or stalking behaviour.

Rachel Woods mentioned the Scottish experience. Officials have engaged throughout with the Home Office and the Scottish Government about offences in their jurisdictions. Our offence is shaped by the experience gained during operationalisation of the offence and its implementation. Scotland has seen a year-on-year increase in stalking offences since the introduction of the legislation. We have learned from that experience in shaping the legislation before us.

I now turn to Jim Allister's queries about the Bill, particularly on stalking protection orders. These orders are designed for the police to use to disrupt stalking behaviours before they become entrenched or escalate in severity and to protect victims when there is an immediate risk of harm. They are intended as a disruptor and would normally follow on from a complaint from a victim. However, the police would apply for the orders, taking the onus off the victim. It would require the victim to have engaged in that complaint but not necessarily to have consented to such an order being sought. In order to make an application to the Magistrates' Court, however, a police officer must be satisfied that the defendant has carried out acts associated with stalking, that they pose a risk of stalking to another person, and that the order is necessary to protect the other person from that risk.

An interim order can be in advance of prosecution or of a fixed duration. Appeals are to the County Court, and

clause 10 allows for any defendant to seek a variation to or discharge of an order. I am happy to meet the Member to address those specific concerns in more detail if it would be helpful, because I realise that he has a particular interest in that regard.

Mr Allister: Will the Minister give way?

Mrs Long: Yes.

Mr Allister: I would be happy to take up that invitation. To clarify, am I correct in saying that a stalking protection order can be made on a single act without a course of conduct, such as would be required for the criminal offence? The course of conduct is not required. Am I correct in saying that an order could be made without the accused, or the subject of the order, ever having the opportunity to be heard and that that order could last, by repetition, indefinitely?

Mrs Long: I think that the Member has taken the case in extremis and assumed that it would apply all at one time. For example, if someone had committed only one act, it is unlikely that, in extremis, they would have an ongoing order applied against them if there were to be no repetition of that behaviour and no breach of the order.

It is worth considering the fact that clause 10 allows for the defendant to seek a variation to or a discharge of the order. When an order is made as an emergency provision in order to protect an individual from threat of harm and risk from stalking, that is subject to the individual being able to appeal against it to the courts. I am happy to meet the Member and go through those concerns in more detail to provide him with the required reassurance.

I am aware of the impact on victims, many of whom have very bravely come forward and shared their personal accounts with me. They are the driving force behind the Bill. I know that many Members will feel the same because they have engaged with their constituents. John Blair mentioned the experiences of his constituent, whom I have met. I spoke to her in detail, and I cannot be anything other than moved and, frankly, depressed by the treatment of those who have been subjected to stalking over a protracted period and felt that the law was not there to protect them.

Jemma Dolan spoke about the high-profile case of Allison Morris, whom I also met. We discussed her experiences at the hands of a stalker. Having met those victims, I am acutely aware of the devastating consequences of stalking on people's lives. They are living in fear daily. That happens not only when the stalker is present but when they walk out of their door and out of their workplace, when they go out with friends and scan the room to see whether the stalker is there or whether the stalker might arrive. They are constantly on their guard, constantly fearful for their safety and constantly worried about their reputation, which, often, is also a line of attack from those who stalk. That affects not only the individual; but often abuse is hurled at their family to try to control their behaviour or get their attention. It is important to recognise that the legislation also covers stalking by proxy, where someone opts to harass family members to have an impact on an individual.

People are living in fear daily. Stalking has serious, long-lasting and devastating impacts on the individuals whose confidence is shaken and whose lives are turned upside

down. Put simply, stalking destroys lives. This is our chance to intervene to help victims.

I want to leave you with a quote from a victim:

“I was terribly afraid, maybe because I was unable to predict how far things would go before someone could stop him. He acted like a person who had lost his mind, and I didn’t know when or where the next attack would happen. I didn’t feel protected enough.”

This is our opportunity to ensure that no other victim ever feels that they are not protected enough.

Question put and agreed to.

Resolved:

That the Second Stage of the Protection from Stalking Bill [NIA Bill 14/17-22] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Protection from Stalking Bill. The Bill stands referred to the Committee for Justice. I ask Members to take their ease for a few moments before the next item of business.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

1.30 pm

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021

Mr Swann (The Minister of Health): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on this debate. Before I invite the Minister to commence the debate, I remind Members that there has been an arrest related to a gathering over the weekend. I do not want to inhibit discussion on the motion, which asks the Assembly to approve legislation, but, in accordance with my responsibilities under Standing Order 73, I caution Members to be particularly careful that they say nothing in their contribution to the debate that may prejudice the outcome of any criminal proceedings. Members who deliberately flout the sub judice rule will be asked to resume their seat.

Mr Swann: Today I am bringing forward for debate the first amendment to the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations 2021, SR 2021/3.

With your permission, Mr Principal Deputy Speaker, I will set the context and briefly summarise the statutory rule. The current set of restrictions was introduced on 26 December in order to address the escalation in COVID-positive cases and hospitalisations that had been predicted in the modelling just before Christmas.

There were also enhanced restrictions between 8.00 pm and 6.00 am from 26 December until 2 January, with an accompanying power for the PSNI to direct persons home where they were engaged in prohibited activity or were intending to be so engaged. Those amendments were previously debated in the Chamber, and I am grateful to the junior Ministers for leading on those debates.

At the time that the amendments to the regulations were made that brought into effect the current restrictions, it was the intention of the Executive to maintain those restrictions for at least six weeks, that is, until 5 February 2021. At an Executive meeting on 5 January, I gave an update on the state of the epidemic at that point. That demonstrated that the case numbers had risen significantly over the Christmas period and that the reproductive rate of the virus, the RT value, had risen to the upper end of the modelling limits and was close to 1.8, based on the recorded case numbers. That was accompanied by a significant increase in COVID-positive deaths. It was clear that there had been a substantial increase in virus transmission as a result of the behaviours during the pre-Christmas relaxations and Christmas social interaction and mixing. That was in line with the modelling projections that the Executive considered during December.

The restrictions that had been in place since 26 December were not yet having a significant impact on the indicators of disease. It was expected that their impact would be apparent in the data during the following one to two weeks. In the meantime, there was significant and growing

pressure on our hospital system and on critical care. Those pressures were expected to continue to escalate and intensify against the backdrop of a system already under extraordinary and protracted strain.

In order to ensure that our health and social care system could manage the predicted peak levels of disease and given the level of infection circulating in the community at the time, the Executive agreed that enhanced restrictions should be introduced with effect from Thursday 7 January in order to bear down on the rate of virus transmission. The amended regulations that we are debating give effect to the changes that the Executive agreed at that point, which was the first week of January.

The amended regulations SR2021/3 included the amendments that I will detail. General restrictions on movement were introduced, similar to those used during the first lockdown in March last year, but they were adapted to take account of those activities not currently permitted. Indoor and outdoor gatherings were restricted to six persons from two households, with some exceptions, which is a reduction from the previous 15-person limit. Gatherings in private dwellings were restricted, both indoors and outdoors, to one household or to one household and its linked household to a maximum of 10 persons. That aligned the restrictions on outdoor gatherings in private dwellings with the restrictions on indoor gatherings in private dwellings. The exercise provision was amended to permit exercise alone, with your own household, a member of your own bubble or one other person. The power for the PSNI to direct persons home was reintroduced, as it was previously in place from 26 December to 2 January only.

Those regulations came into operation at midnight on 7 January and remain in place today. Whilst they are all individually important, the importance not just in effect but in simplicity of the legal “Stay at home” message cannot be overstated.

Mobility data in the weeks before Christmas clearly suggested that the “stay at home” and “work from home” guidance was not being adhered to sufficiently and that the level of adherence was far from that which was experienced during the first lockdown in March last year. In addition, I had regularly suggested to colleagues that a high-visibility policing operation through an increased presence of vehicle checkpoints, for instance, would send a clear message to the public. I believe that the restrictions were a measured and proportionate response to the information that was available at the time.

The trajectory of the epidemic since their introduction has demonstrated that the restrictions are having a positive effect on infection rates. However, we are not yet where we need to be, and there is absolutely no room for complacency. The restrictions continue to be necessary today if we are to protect the health of our population. Hospitals continue to operate at a very high level of occupancy, and it will take some weeks and months for that to work through. We need to drive down the level of the virus circulating in the general population to a greater degree to allow the health service to regain its capacity to treat COVID and non-COVID patients alike. That is why, informed by the latest modelling and projections for the disease, the Executive agreed subsequently, when the regulations were reviewed in the third week of January,

that the current restrictions should and would be extended for a further month, until 5 March.

I hope that that provides the House with a summary of the context in which the regulations were made and an outline of their content. I commend the regulations to the Assembly.

Mr Gildernew (The Chairperson of the Committee for Health): The Health Committee understands all too well the impact that the pandemic has had not only on our health service and its staff, as referred to at the outset of the Minister’s remarks, but on all our people right across the North and, indeed, right across the island.

I am conscious, as we discuss the regulations this afternoon that, taking the combined figures from NISRA and the figures from the Twenty-six Counties, 6,134 people have lost their life to COVID. Every one of them is an individual, family and community tragedy, and I send sympathy and condolences to everyone affected.

The past 11 months have been difficult for everyone, and I thank the vast majority of people who have followed the restrictions that have been put in place. It is with great difficulty that the Committee has considered the statutory rules that place restrictions not only on what we can do but on our interactions with family and friends. However, we understand that we need to do all that we can to reduce the pressure on our health service and its staff, who are working under extreme pressure. We are also thankful for the continued roll-out of the vaccine programme, which provides us with hope that there will be an end to the restrictions.

This specific rule came into operation on 7 January and makes a number of provisions, including restricting gatherings, introducing restrictions on movement from home, and introducing a power to direct people to return home. The Committee was briefed by the Department on the rule on 28 January. The Committee received very late notice of the briefing and the rule, and accompanying papers had to be tabled at the meeting, giving members minimum opportunity to consider the rule.

I have previously outlined on prior regulations the urgency with which the regulations are being made and the resulting lack of prior engagement. The Committee has enquired about efforts to analyse the impact to ensure that future regulations are informed by such learning. Indeed, that issue was raised directly with officials at the briefing on 28 January. I ask the Minister to ensure that the Committee receives the rules in a more timely manner, alongside an analysis of the expected impact that the easing or putting in place of restrictions would have. That will provide assurance that lessons have been learned and that restrictions are being eased or put in place appropriately.

At the briefing by officials on 28 January, the Committee sought clarity on a number of issues, including the rules for indoor gatherings under regulations 5 and 5(5)(a). A number of members also sought clarity on the rules for click and collect and highlighted concerns about an uneven playing field between small independent retailers and multinationals. The Committee was advised that the Executive were further considering the issue, and I would be grateful if the Minister could outline progress on that matter.

As previously discussed, members have concerns about the limitations of post hoc scrutiny and the continuing approach of legislating without formal consultation and impact assessment. It is acknowledged, however, that this opportunity for debate allows Members to place their views on record and, we trust, inform subsequent regulations.

I will now make a couple of brief remarks as Sinn Féin's spokesperson for health. First, we recognise that these restrictions are necessary and are designed to stop chains of transmission. We also understand that these powers would not be necessary if there was not a pandemic. However, there is a growing understanding that a cycle of lockdowns and easements is not sustainable and has negative consequences.

The developments with vaccines are hugely welcome and provide scope for hope that the worst days of this can be behind us. However, we all recognise that, given the current situation with new variants across the world, there is no certainty with vaccines. We need to maintain the other public health measures, reinforce and increase the strategy of find, test, trace, isolate and support, and that needs to be kept in parallel with positive developments around the vaccines.

Mr Principal Deputy Speaker: Before I call the next Member, Mr Buckley, I want to inform Members that I have Mr Buckley, Ms Hunter, Ms Bradshaw, Ms Ní Chuilín, Mr McNulty and Mr Carroll on my list. If any other Member wishes to speak or participate in the debate, they should, please, rise in their place, and I will add them to my list.

Mr Buckley: I will start this debate, as we all have in the weeks that we debate Coronavirus regulations, by placing on record my sincere thanks to all of the healthcare professionals who continue to play their part in controlling this virus and tending to those who have succumbed to it. It goes without saying that they continue to face considerably high pressure points across hospital sites in Northern Ireland and, indeed, the United Kingdom.

The regulation before us today is a statutory rule to amend the date that the Department of Health must review the need for the restrictions and requirements imposed by regulation 3 of the principal regulations to:

"on or before 18 February 2021".

The rule also amends the expiry date, detailed in regulation 15 of the principal regulations, to "midnight on 5 March 2021".

In debating the health regulations, it is key to note, as the Minister has said, that restrictions have helped to bring infection rates down, but we must be ever mindful of the impacts across society that continued lockdowns and restrictions are having. We must remain vigilant and do what we can to ensure that we control the virus, but we must also look at those other sectors and how we can best support them.

I take great heart, as will many Members, from the vaccination programme. I will, again, place on record my thanks to the Minister, his Department and Patricia Donnelly for the efficient manner in which the vaccination programme is being delivered in Northern Ireland. We hear plenty in the Chamber about what has been done wrong or right with regard to COVID-19. We all have different gripes about certain aspects. I will not shy away from saying

that I do as well. However, we can look at the vaccination programme with a real sense of pride that the United Kingdom has been a world leader in the vaccination roll-out. We only have to look at the debacle last week around the AstraZeneca debate across Europe, and we can be thankful that the United Kingdom had sufficient supply chains in place. Northern Ireland has reaped the benefits of membership of the United Kingdom whereby our society is being vaccinated at a record-breaking speed. I hope that the difficulties pertaining to the European Union and the roll out of the vaccine can be solved soon to ensure that we can get general society back to some form of normality.

There is more work to be done on the vaccination programme. We need to continue to have conversations about those at-risk sectors and how we can bring society back to normalisation. I think of the teaching population across Northern Ireland because of the untold impact on our young people throughout COVID-19. Members across the Chamber will agree that it has been devastating.

Unfortunately, we will truly see those difficulties only in the years ahead when it may be too late to intervene.

1.45 pm

Mr Principal Deputy Speaker, I am mindful of what you have said about looking at the regulations and the power that was put in place for police to send people home. It is appropriate to note that it is important that we have the debate today on the policing of COVID restrictions. Without doubt, the COVID regulations have been a difficult matter to police, and difficult adjustments have had to be made in how they are dealt with. The police have had to operate in ways that we never thought that they would, and they have had to intervene in situations in which they never thought that they would. Undoubtedly, the incident on the Ormeau Road at the weekend was difficult for the PSNI, especially given the need to respect the fact that there were grieving families remembering a horrible, historical atrocity of the Troubles. That should be at the forefront of our minds. However, my thoughts are also with the regular and routine officers who have had to deal with a situation that is new to them and to society. They have had to intervene and get involved in matters, which, in their normal-day policing, they would never envisage.

Mr Principal Deputy Speaker: I ask the Member to resume his seat, briefly. I remind the House that Standing Order 73 states:

"A member shall not, in any proceedings of the Assembly, refer to any matter in respect of which legal proceedings are active (within the meaning of section 2 of the Contempt of Court Act 1981) except to the extent permitted by the Speaker."

I urge Members to tread carefully.

Mr Buckley: Thank you, Mr Principal Deputy Speaker. I will, and I will make no specific reference to the individual who was arrested or to that ongoing matter. However, as has been set out in the House in this morning's Matter of the Day, it is right that the House debates it, because it is in the context of the coronavirus regulations that we must.

It is disgraceful that we seem to have an element of policing by social media pressure and perceived political pressure in relation to the policing of COVID regulations, in general, and, particularly, to events at the weekend. I

do not say this lightly, but we have seen weak, lily-livered leadership from senior PSNI officials in how the COVID regulations are being dealt with. There is an irony to the PSNI receiving phone calls from the deputy First Minister, Michelle O'Neill, in relation to the policing of coronavirus regulations, given that, among most, she was a chief rule breaker at the Bobby Storey funeral. It is something that the House has to take reference of. We have to look at it, because, if we are sending PSNI officers to enforce the regulations and to have conversations with members of the public on how they must abide by them, it is important that there is a consistent approach. Unfortunately, that, sadly, has been missing — I think that Members across the House will agree with that — and it has sown seeds of confusion and led to a level of distrust in relation to how the PSNI operates on these matters.

I want to talk about the need for financial support and to prepare the road map for the reopening of our economy. That has been debated in the House time and time again. I hope that the Minister can shed some light on the click-and-collect services, in particular, and on finding a way for independent retailers to receive the support that they need to get through this difficult time. In last week's debate, I mentioned the need for us to recognise that there is an unlevel playing field in relation to the independent small retailer and the large multinational. It is an issue that the House should have had a grip of some time ago. Last week, the junior Ministers outlined a working group. Perhaps the Minister can give us an update on that. It is essential for public confidence that we fund those independent retailers if they are to remain closed or we look to a limited form of click and collect that can facilitate those businesses to sell stock that is withering on the vine. Its value is going down day and daily by the retailers' inability to sell. We really need to look at ways in which we can support those retailers. We need to look at providing further economic packages to different sectors that have been affected by COVID-19 so that they can thrive post COVID-19 and return to our high street in a way that befits them.

As the Minister mentioned, restrictions have had a positive impact on infection rates, but my fear has always been about the impact on other elements of our society. As I said, restrictions have had a tremendous impact on our children and young people and their families, and sometimes there has been an inability to cater for their educational needs as would have been normal in everyday teaching.

The last time that COVID regulations were debated, we had a considerable discussion, but it is time to have a conversation about laying the groundwork for rebuilding and restoring normal services. I particularly mention cancer services. Throughout the COVID-19 pandemic, I have been really touched by seeing people suffer. They are suffering, as I mentioned, perhaps through fear of presenting to GPs or because of difficulties pertaining to COVID-19. They also fear coming to the door of an A&E because they do not want to overwhelm an already busy health service. We need to get the message out there that our services are open for those who are suffering from cancer.

Cancer detection is still lagging behind normal levels. The Northern Ireland cancer registry, in its December update, stated that, from 1 March to 5 December 2020,

the number of patients with a pathology sample indicating cancer was 19% lower than the average number for the same period in 2017-19. Based on the monthly trends of patients with a pathology sample indicating cancer, there was an estimated shortfall of 1,300 patients from March to November 2020 compared with the expected number. Some of those missing patients may have had clinical diagnosis only. We need to have this discussion. It is important that we try to restore non-COVID services as quickly as possible so that those vulnerable people can have the service that they deserve.

It is time that we had this conversation, albeit we are not yet out of the woods with COVID-19. As the Chair noted, I also look at the worrying developments with variants, particularly the Brazilian and South African variants. Perhaps the Minister can allay the fears of the House today on the effectiveness, efficiency and efficacy of the AstraZeneca vaccine in particular, and others, for those variants and how we can adjust our pathway to recovery. I hope that we can begin the conversation on how to plot and chart a road map to recovery, in particular for our schools, our economy and our health service. It is important that we give people hope. Many people look forward to that in 2021, albeit it has not come at the pace at which they thought it would.

It is now essential that we look beyond the blunt instrument of restrictions. I understand how restrictions have a positive impact on infection levels, but, equally, the idea that restrictions kill the virus and that, if society abides by restrictions for a certain time, it will go away is a myth. We have all seen the repeat cycles.

It is important that we look to a road map to recovery that supports and enables sections of society that have been grossly impacted by the restrictions and regulations, while noting, as I do, the impact that restrictions have on infection levels.

Mr Principal Deputy Speaker: As there are literally just five minutes until Question Time, I propose to suspend the sitting until 2.00 pm. The debate will continue after Question Time, when the next Member to speak will be Ms Cara Hunter.

The debate stood suspended.

The sitting was suspended at 1.55 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

The Executive Office

Mr Speaker: I advise Members that question 7 has been withdrawn.

Zero-COVID Strategy

1. **Mr Carroll** asked the First Minister and deputy First Minister whether they have considered the merits of implementing a zero-COVID strategy. (AQO 1512/17-22)

Mrs Foster (The First Minister): Over the past year, we have worked continuously to put measures in place to curb the spread of the virus in Northern Ireland. A zero-COVID-19 strategy would require a five-nations approach to collectively close our borders with other countries. Our response as an Executive and our recovery from COVID-19 will continue 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. The restrictions implemented are there to help reduce the spread of coronavirus and to help manage the pressures on our health and social care system.

In making decisions, the Executive consider three key criteria: the most up-to-date medical and scientific evidence; the ability of the health service to cope; and the wider impacts on our health, society and economy. Every proposal to change restrictions that comes before the Executive has been reviewed by the Chief Medical Officer (CMO) and the Chief Scientific Adviser (CSA). They attend Executive meetings and give their advice directly to us.

Following the increase in coronavirus cases, the Executive agreed the current restrictions on 17 December. We moved quickly to put in place measures to reduce the spread of the virus and to help manage the pressures on our health and social care system. We have continued to keep the restrictions under review and took the decision on 21 January to extend the restrictions until 5 March, and we will review them again on 18 February. The single most important action that we can all take is to stay at home.

The Executive place a particular emphasis on people and families, as we know how important they are to everyone. Any future Executive decisions will, therefore, be informed by the impact that they may have on us as individuals, families and the wider communities within which we all live, and they will be necessary and proportionate. Since the current regulations were put in place on 26 December, we have been encouraged that the majority of people are adhering to them and are doing their utmost to help to limit the spread of COVID-19. That can clearly be seen in the falling R number and the reduction in the number of positive cases. However, the pressure on our hospitals will remain for some time, and, as such, we cannot be complacent.

Mr Carroll: It is widely regarded that the Executive's handling of the pandemic has been catastrophic, when compared with countries that have had a low number

of deaths and have returned to some normality as they have developed a zero-COVID approach. Many hope that lessons will be learned, but I remain unconvinced.

If the pandemic can be thought of as a cancer, Professor Mark Shrimme said that governments have adopted an essential oils approach: perfunctory, with half measures and wishful thinking. That is true here. Given that, will the First Minister commit to engaging with those who are advocating for a zero-COVID strategy and commit to adopting one on this island with her counterparts in the South?

Mrs Foster: I thank the Member for his questions. We have not been taking advice from quacks, as I think that he is indicating. We have been taking advice from the Chief Medical Officer and the Chief Scientific Adviser and, indeed, from the Scientific Advisory Group for Emergencies (SAGE) in the United Kingdom. As I indicated in my substantive answer, a zero-COVID approach would work only on a five-nations basis. I am pleased to see that we are working in that regard with the quarantine, and, hopefully, that will help with the problems with international travel.

Mr Gildernew: It is clear that COVID-19 does not recognise borders, which speaks very much to the need for enhanced collaboration and working together. Will the First Minister outline the practical benefits of all-island cooperation in managing our response to the public health emergency?

Mrs Foster: I would be absolutely delighted if we could have cooperation on data sharing from the Republic of Ireland's Government. We have been very disappointed about the way in which that has been approached. We were told that there was a problem from the Attorney General of the Republic of Ireland, and then we were told that there was a problem with the Information Commissioner. I think that if we want to try to make sure that we deal with COVID in a proper way, we should be sharing the information. We will raise the issue again with the Republic of Ireland's Government, but I have to say that, in our last meeting, I was very disappointed that Simon Coveney, the Minister for Foreign Affairs, again hid behind some reason or other why it could not be done. It is a straightforward matter. The Minister of Health has been looking for this information for almost 11 months. It is about time that it was sorted out.

Ms Hunter: First Minister, what is your assessment of the mental health impact of lockdowns, and what cross-departmental approach will be taken to mitigate it?

Mrs Foster: It is something that we are very conscious of, particularly for our young people with the closure of schools and the fact that they are not having the interaction with their peers that they are used to having. We are also concerned about the isolation of older people and the fact that they are not having the contact that they would usually have.

As the Member will know, we set up a cross-departmental mental health group, under the chairmanship of the Minister of Health, in February or March of last year, shortly after we came back into Government but before COVID hit us as a nation, and it is important that we continue to work through that. I know that the Minister of Health is aware of the mental health crisis that, unfortunately, awaits us after we have dealt with COVID

issues. We are doing all that we can to support people through COVID, but we recognise that more funding will need to be made available after the COVID pandemic has passed.

Mr Chambers: Unfortunately, we may have to live with COVID for many years to come and we will all have to continue to make personal sacrifices. What mechanisms will be put in place to address future localised outbreaks?

Mrs Foster: The Member will remember that we began with localised restrictions. Unfortunately, that did not work because we are quite a small jurisdiction, so any movement of people spreads coronavirus. Therefore, we found ourselves having to take a nationwide approach to restrictions. I think that testing will be a useful tool. I note that in England, all employers with more than 50 employees can now apply for rapid-testing kits and can follow that up with polymerase chain reaction (PCR) tests. Therefore, it is something that we need to consider, particularly for employers engaged in food preparation and for places where COVID spreads rapidly, often in an asymptomatic way with people not realising that they have it. Testing will form part of a strategy, as will the vaccine, which continues to be rolled out in Northern Ireland in a very professional way. I pay tribute to the work of the vaccination team for everything that it is doing in Northern Ireland.

Shared Island Fund

2. **Ms Brogan** asked the First Minister and deputy First Minister how the strategic priorities of the shared island fund will complement the delivery of a new Programme for Government (PFG). (AQO 1513/17-22)

Mrs Foster: The shared island fund is an Republic of Ireland (ROI) Government initiative, with €500m to be made available through to 2025. The fund provides capital funding for investment on a strategic basis in collaborative Northern Ireland/Republic of Ireland projects that will support agreed cross-border cooperation. The Executive are working with the ROI Government, including through the North/South Ministerial Council (NSMC), to consider where the shared island fund may contribute to our emerging Programme for Government outcomes and where it may deliver mutual benefit in both jurisdictions. We also discussed the fund at the North/South Ministerial Council institutional meeting in December, and our officials are working with their ROI Government counterparts to explore how the fund might operate and where it would contribute to our Programme for Government priorities.

We have discussed with the ROI Government some of their priorities for such investment. These include infrastructure initiatives, such as the A5, the Ulster canal, the Narrow Water bridge and cross-border greenways, including the Sligo to Enniskillen greenway; achieving greater connectivity, including, for instance, examining the feasibility of high-speed rail connections; new investment and development opportunities in the north-west and border communities; supporting cooperation between both jurisdictions in research and innovation; and exploring a joined-up approach to environmental issues to tackle climate breakdown and the biodiversity crisis.

Ms Brogan: Does the First Minister agree that targeted investment and collaborative working between the Executive and the Dublin Government are key to delivering

future opportunity and prosperity along the border corridor?

Mrs Foster: We were disappointed that, when the shared island fund was announced, there was no communication with the Executive about how it would be brought forward. It was announced without consultation with the Executive. However, we will continue to speak to the Republic of Ireland Government, through the North/South Ministerial Council, to see whether we can have our Programme for Government outcomes align with the objectives that they have set out in their shared island agenda.

Mr Catney: I welcome the commitment from the Irish Government to invest in the all-island infrastructure. I note that, at the recent NSMC, funding was confirmed for the Ulster canal, which runs through my Lagan Valley constituency. Can the Minister provide an update on the Executive Office's commitment to the Executive's funding of flagship projects, as promised by New Decade, New Approach?

Mrs Foster: The Member may be disappointed to know that phase 1 is actually from Upper Lough Erne in my constituency to Castle Saunderson. However, I recognise that, if it were to roll on to completion, it would go right across into his constituency.

Phase 1 of the restoration comprises 2.45 kilometres of new navigation from Upper Lough Erne near Quivvy lough, along the River Finn, to a new boating destination at Castle Saunderson. He may know that Castle Saunderson is run by Scouting Ireland and is a very good initiative. That was opened in late 2019. As a result, we are now moving on to phase 2 of the restoration, which includes approximately 800 metres of canal and associated towpath, and construction of a canal basin and amenity area in Clones, which is very close to my constituency. The remaining section of the canal restoration will connect Castle Saunderson to Clonfad and thereby link the town of Clones to Lough Erne.

This is obviously a long and complicated piece of work. I recognise the interest in it right across Northern Ireland. We are happy to keep the House updated on how this moves along. It has the potential to be a nice piece of tourism infrastructure in an area that, frankly, does not have much tourism infrastructure, so it will be welcome.

Mr Allister: First Minister, given the genesis of the shared island fund, do you not think that, in part, it is a sugar-coating of an ambition to absorb, ultimately, this part of the United Kingdom into a 32-county Republic? You refer to its being processed during the North/South Ministerial Council. Where does that now sit with your publicised intention to, rightfully, not fully function the North/South institutions in protest against the thrashing of the east-west relationships through the protocol?

Mrs Foster: As I have already said, the shared island fund was, somewhat ironically, set up without any consultation with the Northern Ireland Executive. It is the shared island fund of the Republic of Ireland Government. That is the first thing to say. The Member will also be familiar with Sir Peter Hendy's ongoing Union connectivity review. Sir Peter is consulting on how the United Kingdom can be made more connected. He is looking at issues such as the A75 and the A77 in Scotland and the difficulties in that road infrastructure, which I am sure that the Member is familiar with from when he takes the boat to Cairnryan. A lot of

work is being done on connectivity, which I welcome. It is important that we are connected right across the British Isles, and I will continue to work on that.

Programme for Government: Update

3. **Mr Lyttle** asked the First Minister and deputy First Minister for an update on the development of a new Programme for Government. (AQO 1514/17-22)

Mrs Foster: The Executive are fully committed to the development of an outcomes-based Programme for Government as the basis for tackling entrenched and complex social problems and improving quality of life conditions for all. The COVID pandemic has demonstrated very clearly the interconnectedness of economic and social policy and has sent a powerful reminder to us all of the need for a whole-of-government approach to public service planning and delivery.

Our new Programme for Government puts collaboration and inclusivity to the fore, building on the commitment and unity of purpose that we have in the Executive to work in partnership with wider society to improve the well-being of all.

We launched the public consultation for the programme on 25 January, and it will run for eight weeks. We hope to be in a position to have a final version of the framework agreed by the Executive by around the end of April, with a view to bringing forward a complete programme incorporating key actions and strategies before the summer.

2.15 pm

Mr Lyttle: I thank the First Minister for her update on work on the Programme for Government. What accountability structures are in place to report on progress on the Programme for Government outcomes? Does she support the establishment of an Assembly Programme for Government Committee as proposed in 'New Decade, New Approach' to enhance cross-departmental reporting and accountability on outcomes?

Mrs Foster: As I said, we hope to have the Programme for Government consulted on and coming forward by the end of April. That is the target date, and we very much hope to meet that. We accept that, given the COVID restrictions, that is somewhat difficult, but that is the target at present.

The commitment to establish an Assembly Programme for Government monitoring Committee is set out in 'New Decade, New Approach' (NDNA), but it is a matter for the Assembly to create such a Committee. We in TEO will, of course, provide any support that may be needed from the Executive or our officials who lead on the Programme for Government development process, but it is entirely a matter for the Assembly.

Mr McGrath: What will be the principal policy areas in the new Programme for Government?

Mrs Foster: As the Member knows, we have set out an action plan that we had consulted on. We are looking at our children and young people to make sure that they have the best start in life. Our young people, in particular, have been under incredible pressure since the COVID pandemic came to Northern Ireland, so we want to put an emphasis on children and young people. We also want to work and

live sustainably, looking to build back better from the pandemic and protect the environment. We want to have an equal and inclusive society where everyone is valued and treated with respect. We want to ensure that we all enjoy a long, healthy and active life and that everyone can reach their potential, which is an important point, given what we have come through. We want to ensure that our economy is globally competitive, regionally balanced and carbon-neutral; that everyone feels safe; that we all respect the law and each other; and that we have a caring society that supports people throughout their life. Those are the key elements of the Programme for Government that is out for consultation.

Mr Stalford: Given the vast scale of the public debts that are being run up, it is essential that we have a strong economy coming out of the COVID restrictions. Will the First Minister outline for the House whether building a strong economy will be the central feature of the Programme for Government?

Before I sit down, I congratulate Mr Middleton on his recent appointment.

Mrs Foster: On behalf of Mr Middleton, I thank the Member for that comment. I have made an absolutely brilliant appointment.

As I said, one of our key statements of societal well-being is that our economy is globally competitive, regionally balanced — that is incredibly important — and carbon-neutral. What the Member spoke about is important. When we talk about our economy, we are talking about a macro thing, not about individuals. However, our economy is made up of small and medium-sized enterprises, all of which have been under incredible pressure during the COVID-19 pandemic. Some of them may not survive the COVID pandemic, despite the fact that we have tried to help them with our schemes. When we look at the economy, we are looking at survival as well as recovery. That is something that we are keenly aware of. We look forward to working with all the representative bodies to help to get Northern Ireland back to where it should be. We were on the cusp of being globally competitive. We were doing so well in some of our new sectors, such as cybersecurity and financial technology, and we really need to get back there. Therefore, it should be central to our new Programme for Government.

Mr Nesbitt: Thinking of the deputy First Minister's remarks yesterday about the police and, the previous week, Gregory Campbell talking about the skin colour of those participating in 'Songs of Praise' and the reaction to it, what is the First Minister's assessment of the damage that such comments do to the ambition to create a society in which everybody is valued and treated with respect?

Mrs Foster: Yes, that is absolutely critical. We must have a caring society. I sometimes despair at some of the things I see on social media. People talk about being kind to each other, but that is sometimes not what I see on social media or, indeed, in society, and I regret that. We want to create a caring society that supports people throughout their life. For my part, we are totally committed to the racial equality piece, if the Member is speaking about that. Our next meeting of the subgroup is this Wednesday. I very much look forward to engaging with that group of representatives and to listening to the members and hearing their concerns.

COVID-19 Task Force

4. Ms Kimmins asked the First Minister and deputy First Minister to outline their Department's role in the COVID-19 task force. (AQO 1515/17-22)

Mrs Foster: The Executive's COVID-19 task force (ECT) has been established as a necessary step change in the Executive's response to the evolving nature of the pandemic. The ECT is led by the interim head of the Civil Service (HOCS), who has convened a strategic oversight board that meets regularly. The task force will report monthly to the Executive. The Department provides a project management function for the task force, including practical coordination, support and alignment of the overall response to the pandemic across key operational Departments. Local government, the PSNI and other public-sector agencies are also involved in key work streams and projects.

The ECT brings together four main work streams led by senior officials in the relevant Departments. Our officials lead a number of initiatives in support, including a weekly meeting of all Departments, local government and the PSNI to look at the common challenges and solutions. Our officials contribute to a number of the work areas under each work stream. For example, we have officials supporting adherence to self-isolation and how it can be improved, face coverings and the preparation of an overall pathway out of the current restrictions. The Executive information service also plays a key role in the strategic communications for the task force. Most recently, our officials have been leading on the overall response to the risks posed by international travel.

Ms Kimmins: I thank the Minister for her answer. Will the Executive's COVID-19 task force also play a role in planning for long-term economic recovery, and will it complete a reset of how we do economic business?

Mrs Foster: I thank the Member for her question. The four work streams are protection, recovery, adherence and strategic comms. On recovery — not just the short-term recovery but the longer-term recovery — I think that the Executive Office is on record as saying that we want to build back better so that we can take into account all the experience from the past year and that we want to work together to have a fair economy moving forward, one that is regionally balanced and takes account of some of our outstanding industries. I have already mentioned some of them: fintech, cybersecurity, advanced manufacturing and all the industries in which there is great potential. Our recovery strategy will very much focus on those sorts of industries.

Mr McGrath: Last week, at the Executive Office Committee, we received an update on the high street task force. While that task force is very much connected to the recovery from COVID, can I get an assurance from the First Minister that it will also remain a separate entity? It will be required beyond COVID, because many of the problems that the high street faces predate the arrival of COVID and will be here for a long time.

Mrs Foster: Yes, I am happy to confirm that that will be the case. We felt that it was important for that to be part of the task force now, because our high streets are fundamental to our recovery, particularly for our smaller towns and villages. That is why we felt that it should come

into that structure, but I absolutely take the point that this is a more fundamental issue that will go on for longer than the recovery from COVID. There are digital challenges arising from use of the internet, and all the things that we have talked about on occasions will have to be worked through. I very much look forward to working with all the representative groups and trying to find sustainable and long-term answers for our high streets.

Ms Bradshaw: First Minister, you will be aware that, last week, the UK Government went out to tender for managed isolation hotels close to airports and ferry terminals. Given the changing nature of the list of banned countries, with countries moving on and off it, will the task force move forward with tendering for provision in Northern Ireland?

Mrs Foster: I thank the Member for her question. We have set up a task-and-finish group in the Executive Office to deal with that very issue. The Department of Health, the Department for the Economy, the Department for Infrastructure and the Department of Justice also attend, along with the Central Procurement Directorate. We continue to engage with colleagues in the Cabinet Office as a four-nation discussion and, of course, with officials from the Republic of Ireland's Government.

Work is ongoing on a number of issues, including procurement and commercials, hotel rooms and services, transport, security and welfare services. All need to be identified, as does where we can put them in place. Regulations will be subject to confirmation of whether it is to be an immigration-based solution, which seems to be the way we are going, and whether amendments to health regulations need to be made.

We need to have key communications and engagements with the carriers. At the moment, we do not have any carriers bringing people in from that list of red countries, as the Member understands, but we need to be ready in case that happens. We also need to have a plan for how, if that comes to fruition, we enforce.

At present, if people come in through London or Dublin, the quarantining will be in London and Dublin, and people will then move on into Northern Ireland. We hope that the Irish Government will put those arrangements in place, and we will engage with them at an official level to make sure that we have a line of sight in relation to all that.

UK Government - Northern Ireland Executive Joint Board

5. Ms Bunting asked the First Minister and deputy First Minister for an update on the work of the UK Government-NI Executive Joint Board, as committed to in 'New Decade, New Approach'. (AQO 1516/17-22)

Mrs Foster: Two meetings of the Joint Board took place in 2020. The meetings took an overview of NDNA implementation in the context of the COVID-19 pandemic as well as focusing specifically on health and social care transformation, low-emission public transport and the potential for a meeting of the United Kingdom's Board of Trade in Northern Ireland to promote economic recovery. The next meeting of the Joint Board will take place later this month.

Ms Bunting: I declare my membership of the Policing Board. At the board meeting on Thursday, the Chief Constable indicated that the current draft Budget would

mean a reduction in the number of officers and in recruitment. Will the First Minister seek to prioritise the NDNA commitment to increase police numbers, as it should benefit the whole of society?

Mrs Foster: I very much welcome the Member's question. I spoke to the Secretary of State this morning about the fact that it had been indicated that there was not the funding for the extra police officers. He and I will continue to have conversations about that. It is critical that, instead of a reduction in police numbers, we see an increase in the number of police officers on the ground. That is critical to confidence in policing and to making sure that everyone in society is protected and feels safe, so, absolutely, we will continue to raise that issue with our Government, and I am sure that the Justice Minister will raise it with the Finance Minister.

Mr Durkan: Another New Decade, New Approach commitment on which I would like an update is the commitment to an addiction unit in Derry, the need for which has, sadly, become even more acute in the course of the pandemic. I await an answer from the Health Minister on that, but will the First Minister and deputy First Minister please take the opportunity to reaffirm their commitment to that badly needed and sadly needed unit as a matter of urgency?

Mrs Foster: I thank the Member for raising the issue. I was struck by a piece on, I think, Radio Ulster last week on the need for addiction services. My colleague Gary Middleton has raised the issue with me on a number of occasions. As the Member rightly says, it is a New Decade, New Approach commitment. Therefore, we need to include it in our discussion about prioritisation in New Decade, New Approach.

2.30 pm

As he knows, there is a whole range of commitments in 'New Decade, New Approach', and some of them will not be able to be facilitated during this mandate. As the five parties in the Executive, we have to have a discussion about those that need to be prioritised. I have to say that I agree with him that funding for that addiction centre needs to be a priority.

Mr Speaker: That ends the period for listed questions. We will now move on to 15 minutes of topical questions. Before I call Sinéad Bradley, I advise Members that topical question 8 has been withdrawn.

Racism, Homophobia and Discrimination

T1. **Ms S Bradley** asked the First Minister and deputy First Minister, given that the Executive Office and the office of the joint Ministers hold responsibility for the equality and diversity policy, whether the First Minister agrees that those of us who are in public life have a particular responsibility to take care with our words and whether she will state, unequivocally, that racism, homophobia and any other form of discrimination have absolutely no place in our modern society. (AQT 951/17-22)

Mrs Foster: I thank the Member for her question, and I absolutely concur with her. There is no place at all for any of the issues that she mentioned. I said in response to Mr Nesbitt's question that we are trying to build a society where everyone feels comfortable in Northern Ireland.

Whatever your ethnic background, sexual orientation, religion or politics, you should be able to feel comfortable living and working here in Northern Ireland.

Ms S Bradley: I thank the First Minister for those words. I hope that she will use this opportunity to distance herself from the comments that were made by her party colleagues Gregory Campbell and Nelson McCausland over the weekend. Will she call on them to issue a public apology?

Mrs Foster: I thank the Member for her supplementary question. Of course, I have heard some of the commentary on the issue over the weekend. Gregory will speak for himself later, and I understand that he will do that this afternoon. As someone who enjoys 'Songs of Praise' every Sunday and the diversity that is exhibited therein, that is not a sentiment that I identify with.

Speaking not as the First Minister but as the DUP leader, let me be very clear about this: as a party, we are totally and absolutely committed to racial equality. As I indicated, the next meeting of the racial equality subgroup will take place on Wednesday. I very much look forward to engaging with the members of that subgroup.

Peace and Reconciliation

T2. **Ms Bradshaw** asked the First Minister and deputy First Minister, given the tensions in the Chamber and in wider society over the past week, what they can do to put peace and reconciliation back into the heart of the work of the Assembly. (AQT 952/17-22)

Mrs Foster: It is important that everybody in the Chamber exhibits leadership on peace and reconciliation. Of course, given that we have five parties in the Executive, we will have differences of opinion on a range of issues, not least on constitutional issues. It is important that we continue to have this place so that we can have those conversations and that constitutional politics has primacy in everything. When people have concerns, it is important that they are not skimmed over or ignored but are brought to the place where they should be heard. It would be worse if things were ignored and not given a voice and those who had those concerns felt completely alienated from the democratic process. It is important that everyone has a voice in Northern Ireland, and the place to have that voice heard is here in the Assembly.

Ms Bradshaw: Thank you for your answer, First Minister. I wonder, therefore, when you will sign off and publish the report from the Commission on Flags, Identity, Culture and Tradition.

Mrs Foster: As the Member knows, that work has been completed. The report came to us on my birthday, so the date sticks in my mind, and I know exactly when it came to the Executive Office. The junior Ministers are taking forward a piece of work on the report and will meet the authors and bring it forward. It is not that we have not signed off on the report; it is not for us to sign it off. It has been brought to us as a piece of work, and the junior Ministers are now taking that forward.

Public Appointments: Restrictions

T3. **Mr Frew** asked the First Minister and deputy First Minister whether the First Minister sees any reason for a difference between the restrictions on special adviser roles and other public appointments. (AQT 953/17-22)

Mrs Foster: No. Restrictions on special advisers — particularly if the Member is talking about convictions that they hold — should apply to all public appointments. I understand that my colleague, the Minister of Education, is looking into that at present.

Mr Frew: Is the First Minister aware of the legislative options open to the Executive or the Assembly?

Mrs Foster: As I said, the Minister of Education is looking into the matter and will bring a paper to the Executive. In my last answer, I talked about giving voice to people, and it is important that I give voice to a gentleman whom I spoke to on Friday afternoon, John Radley, one of Paul Kavanagh's victims. He is, frankly, struggling to come to terms with the fact that a mainstream political party would appoint someone with five life sentences to an education authority to look after the well-being of our young people. He told me plainly that his life had been ruined and that he had to live with that every day. That was a very powerful conversation. It is incumbent on us not only to listen to that voice but to act as well.

Port of Larne: Update

T4. **Mr McGlone** asked the First Minister and deputy First Minister whether their office has evaluated the situation at the port of Larne in order to provide a further update on the position. (AQT 954/17-22)

Mrs Foster: As the Member knows, that is the responsibility of the DAERA Minister. As I understand it, he has received a risk assessment from the Police Service of Northern Ireland and is working through it. He will come to the Executive with a report on the issue tomorrow morning.

Mr McGlone: I thank the Minister for her response. Is she concerned that the spurious allegations that were flung about in relation to a security risk at the port would, in any way, damage its commercial viability?

Mrs Foster: The Member may call them spurious, but, as I understand it, there were enough concerns for people to act to make sure that the staff were safe. Of course, it should always be the priority that our staff are protected. After carrying out its own investigations and communicating with the Police Service of Northern Ireland, Mid and East Antrim Borough Council has released its staff back to the port of Larne. I understand that the Minister of Agriculture will come to the Executive with his plans tomorrow, as it is right that Executive colleagues have the chance to consider what he has to say first.

Article 16

T5. **Mr Stalford** asked the First Minister and deputy First Minister, in light of the fact that, two Fridays ago, the idea of the European Commission as some sort of benign organisation with our interests at heart was exposed for the fallacy that it is, when it threatened essential medical supplies not only coming into Northern Ireland but to the rest of the United Kingdom, whether his Rt Hon friend agrees that that intolerable situation cannot be allowed to continue and that the European Commission cannot be allowed to treat us in such a way ever again. (AQT 955/17-22)

Mrs Foster: The Member is right; it was a bit of a Freudian slip from the European Commission, and we saw its true face. It was protecting its bloc and not looking to what

was right for the citizens of the United Kingdom. It was very badly judged and was wrong in so many ways. Using a mechanism that, we were told, would be used only in extremis to stop vaccines coming into the United Kingdom through Northern Ireland was baffling beyond bafflement. It is up to the European Commission to make its own judgement, but, before Friday week ago, we were told that article 16 could be used only in extremis. It is clear that that is not the case when it comes to the European Commission.

Mr Stalford: Now that the cat is out of the bag and article 16 has been invoked by the European side, I remind my Rt Hon friend of the Prime Minister's comment that:

"We're a UK government. Why would we put checks on goods going from NI to GB or GB to NI? It doesn't make sense."

May I encourage the First Minister to urge the Prime Minister to perhaps try putting the Unionist back in Conservative and Unionist Party?

Mrs Foster: I say to the Member that of course it does not make sense. The Prime Minister made a number of promises to the people of Northern Ireland, chief amongst them, of course, that there would be unfettered access, not just from Northern Ireland to Great Britain but from Great Britain to Northern Ireland. That is clearly not what is happening under the protocol, so the Prime Minister needs to use all legal instruments at his disposal to deal with these issues. That is what we are calling on him to do. He has a duty, as the Prime Minister of the entirety of the United Kingdom, to act in the interests of all of his citizens. Therefore, it is incumbent on him to act in the very near future.

Stormont House Agreement

T6. **Ms Ennis** asked the First Minister and deputy First Minister whether the First Minister agrees that the failure of the British Government to legislate for the legacy aspects of the Stormont House Agreement, which they signed up to over six years ago, is extremely disappointing, failing victims across our society, and is totally unacceptable (AQT 956/17-22)

Mrs Foster: I thank the Member for her question. As she knows, legacy is a very contentious issue, and, while she may talk about an agreement that was signed up to six years ago, she will also recall that a consultation was undertaken by the then Secretary of State for Northern Ireland, Karen Bradley, and that there was a huge amount of resistance to the Stormont House arrangements in that consultation. Therefore, we have to take into consideration the views of the victims in all of this. Of course, there is little point in setting up a system if the people you are attempting to help are the people who have rejected it.

Ms Ennis: Just over two weeks ago, 3,500 bereaved families, relatives of these people, signed an open letter through Relatives for Justice, calling on the British and Irish Governments to fulfil their legacy commitments. Will the First Minister join me in supporting them in this open letter?

Mrs Foster: I support the victims who made their voices very clear in the consultation, and I think that everybody in this House should listen to all of those voices because they are very, very strong.

Protocol on Ireland/Northern Ireland: Task Force

T7. **Mr Chambers** asked the First Minister and deputy First Minister whether there would be support across the Executive to lobby the UK Government to establish a task force to deal with the persistent problems that have arisen as a result of the Northern Ireland protocol, given that many parties in the House have fully supported its implementation. (AQT 957/17-22)

Mrs Foster: I do not think that there is any doubt that, on any objective understanding of the operation of the protocol, it has caused huge problems for many people across Northern Ireland, not just businesses but citizens who are just looking for parcels to be delivered or who perhaps are ordering pot plants or seeds from Great Britain or who want to travel to Scotland with their dog for the weekend. A huge number of problems have arisen as a result of the protocol, so I think that it is incumbent on everybody to recognise that this is not just teething problems but that actually there are huge problems with it that need to be addressed.

Mr Chambers: Thank you, Minister, for that. Are you confident that solutions will be found to deal with the problems that the protocol is currently causing all of our citizens?

Mrs Foster: I say this to you, Mr Chambers. I am an optimist. You have to be an optimist if you are going to be in politics in Northern Ireland, otherwise you become a very bitter and twisted individual. Therefore, it is important that we try to find solutions. That is what I am focused on, and I hope that it is what everybody is focused on.

High Street Task Force

T9. **Dr Archibald** asked the First Minister and deputy First Minister for an update on the high street task force. (AQT 959/17-22)

Mrs Foster: As I said in my answer to Mr McGrath, the high street task force is now not being subsumed into but is being conjoined with the task force that is looking at COVID. We did that because we fundamentally felt that, if we were planning the recovery out of COVID, part of that should be the high street task force because, of course, it is not just about recovery for the high street but about survival. We felt that it was very important that the two pieces of work were joined together.

Dr Archibald: I thank the First Minister for her response. Even before the pandemic, it was clear that our high streets were rapidly changing. Obviously, that is now being accelerated, and we do need to be planning strategically for the future to better use our towns and cities where people can afford to live, work and socialise. Does the First Minister agree that environmental sustainability needs to be a core principle that the task force incorporates into its work, through, for example, promoting active and public transport, carbon-neutral buildings or green spaces that people can enjoy?

Mrs Foster: The Member hits on a very important point: this is not just a matter for the Department for the Economy or the Department of Finance, as some people think. It is a whole-of-government approach to the high street. For example, the Living over the Shop piece will be for her colleague in DFC. There is the Department for

Infrastructure piece on public transport, and it is about making sure that people have places where they want to live in the centre of towns, villages and cities. A whole-of-government approach is needed to address our problems on the high street. Of course, they predate COVID, particularly the online challenges that we have. However, if we are imaginative and innovative, we can find new ways to bring life back into our high streets.

2.45 pm

Mr Speaker: Members, time is up. I ask Members to take their ease for a moment or two, please. Thank you.

Justice

COVID-19: Trial Backlog

1. **Mr Clarke** asked the Minister of Justice for her assessment on the backlog of cases waiting for trial, due to the COVID-19 pandemic. (AQO 1525/17-22)

4. **Mr T Buchanan** asked the Minister of Justice what measures her Department is taking to reduce the backlog of 521 Crown Court cases that are currently awaiting trial. (AQO 1528/17-22)

Mrs Long (The Minister of Justice): With your permission, Mr Speaker, I will answer questions 1 and 4 together.

The Crown Court deals with some of the most serious and sensitive cases in the justice system, and, therefore, it is vital that justice is dealt with in a timely way. Speeding up justice is one of the biggest challenges facing the justice system and is a priority for the Department, criminal justice partners and the Criminal Justice Board.

The Northern Ireland Courts and Tribunals Service (NICTS) carried out extensive modifications to eight courtrooms at venues across Northern Ireland to facilitate COVID-secure jury trials from August 2020. In order to increase capacity for Crown Court trials, two further courtrooms in Laganside Courts are being modified. The first becomes operational this week, with the second expected to be operational in early March. Three further jury courtrooms will become operational in Antrim, Dungannon and Newry, early in April. Following those works, a total of 13 jury trial courtrooms will be available, and that exceeds the average number of trials held at any one time pre-COVID.

Courtrooms have been reconfigured, with glass and Perspex screens erected to allow proceedings to take place safely. Hand sanitation stations and social-distancing signage has also been erected throughout the NICTS estate to guide users. Each venue has its 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 the Public Health Agency (PHA), not to attend should they have COVID-19 symptoms or if they have been advised to self-isolate.

My Department has also secured the use of additional external venues, sometimes referred to as Nightingale courts, to increase capacity further. For example, the

International Convention Centre, previously known as the Waterfront Hall, has been deployed for jury assembly and other court business to free up capacity in Laganside Courts.

Mr Clarke: I thank the Minister for her long and very full answer. That has to be welcomed. Given that it is almost a year since the start of the coronavirus pandemic — no one in the Chamber can be blamed for that — there is a direct knock-on impact on the solicitors, the barristers and, indeed, on many occasions, those who are standing trial. What financial support has been given to solicitors and barristers, given that their businesses have suffered for the past 12 months because of the pandemic?

Mrs Long: Solicitors and barristers were allowed to claim for work on cases on which they were able to continue to work, albeit the cases could not continue through the courts, and they could do so earlier. We had an interim scheme in place for solicitors and others to which they could apply, in addition to the hardship arrangements already in place with the Legal Services Agency (LSA) to bring forward payments. However, uptake was incredibly low, because the measures that were already in place through the normal LSA arrangements seemed to prove adequate for most cases, but undoubtedly some people will have struggled.

It was important for the Department to ensure that there was a good flow of resources to those legal practitioners on cases that had already started. It is vital for the operation of the justice system that we return to a full complement of practitioners after COVID. It is important that, during the period in which the courts were not sitting, people could access additional flexibility and support, even though the uptake was incredibly low.

With courts now sitting more normally and business being conducted remotely and in other ways, payments to the legal profession should now be resolved in that practitioners should be able to undertake the majority of their normal work. A sharp uptick in some kinds of work has been noted, in solicitors' offices in particular — for example, people intending to move house who had saved up additional money during the COVID crisis and had decided to make that move.

Mr T Buchanan: I thank the Minister for her response and for the ongoing work. With months of delay that are now running into years, this issue is having an adverse effect on the mental health of victims. Given the length of the process, some are pulling out to try to regain a normal life. That is an indictment on the Department. What encouragement can the Minister give to victims who feel that the process is letting them down?

Mrs Long: There is very little evidence of attrition, such as the Member suggests. If he is aware of this, it would be helpful if he could bring that to the Department's attention. With respect, I do not think that it is an indictment of the Department; in fact, it is the contrary. What I set out today is to the credit of the Department, given the work that has been done to ensure that we have been able to restore and sustain court cases, particularly those that are more sensitive, and to proceed with them.

To put it in context, prior to the COVID lockdown, there were around 8,000 criminal cases in the court system. However, with the closure of some courts during the first lockdown last spring, that rose to about 12,800 cases by

September — a rise of 59%. With the reopening of more courts since August, more cases have been disposed of than received by the courts, and, consequently, the caseload has reduced. The most recent real-time management information indicates that the figure now stands at around 10,500 cases, which is a significant achievement, given that we have been battling against the effects of COVID. It must be borne in mind that, since March 2020, monthly recorded crime has been lower than recorded for each corresponding month of the previous year. We continue to work with criminal justice partners to ensure that we can reduce that. The Member will be fully aware that, when it comes to the scheduling of cases, it is not a matter for the Department of Justice; it is a matter for the independent judiciary. If he has particular concerns that those are not being scheduled in a way that is appropriate or that is causing distress to victims, he should raise that with the Office of the Lord Chief Justice rather than the Department of Justice.

We are aware that any delay in the court system causes stress to victims. That is why Victim Support NI has been particularly active. It recently presented to the Criminal Justice Board and discussed how, despite COVID, we can ensure that we continue to offer the best possible support to those who are passing through the justice system.

Ms Ní Chuilín: There have, historically, been delays in the judicial system, and the Minister may be aware that the Bar Library has said that disclosure in legacy cases is one of the main causes of those delays. Will the Minister give an update on what she intends to do to reduce the delays in those cases going to court?

Mrs Long: There are a number of elements to what the Member said. First, on delay in the justice system, she will be aware that I have already brought the Criminal Justice (Committal Reform) Bill to the Assembly. That should remove part of the committal process and allow for direct committal for a significant number of offences, which will free up a lot of time and improve the speed of turnaround in the court system. Prior to COVID, we had seen a distinct and significant improvement in the performance of the justice system on court times, so we started from a better place than might have been the case.

The issue of disclosure in legacy cases will, in the main, fall to organisations outside my role and remit. There are, for example, issues around the digitisation of police records and other things, and the Chief Constable is taking forward a project with the Policing Board to prioritise resource to ensure that those records are held in a format that means that they are easy to access and easy to disclose for further investigation.

I reiterate that it is important that all investigation is conducted in a way that is timely and does not add unnecessarily to the stress that victims are under or, indeed, to the shadow that hangs over the accused in such cases.

Hate Crime

2. **Ms Dolan** asked the Minister of Justice whether any of the recommendations of the independent review of hate crime legislation will be included in her upcoming Justice (Miscellaneous Provisions) Bill. (AQO 1526/17-22)

Mrs Long: In recent days and weeks, we have seen how the actions of a small number of people have exposed discontent in some communities, which is manifesting itself in intimidation and hate. There should be no room for the perception that expressions of hate or hate crime in any form, including the instilling of hatred or fear through the use of words, behaviours and the display of certain materials, is acceptable.

The Justice (Miscellaneous Provisions) Bill does not contain any provisions arising from the independent review of hate crime legislation. Given the breadth and scale of the recommendations in the hate crime review that relate to proposed legislative solutions, it is not possible to bring any of them forward for inclusion in the Justice Bill in the time available before its drafting is finalised and it is introduced to the Assembly. That is planned for April 2021. The Department's legislative programme is kept under constant review, and it is my intention that a stand-alone Bill to deliver the legislative requirements arising from the review will be developed for introduction to the Assembly in the next mandate.

Members will note that Judge Marrinan's report recommended that all hate crime and hate speech law:

"be consolidated into a new Hate Crime and Public Order (Northern Ireland) Bill."

Such a Bill would, of course, exclude any issues pertaining to law on reserved matters. My officials have commenced work to consider all the recommendations in the hate crime legislation review report, with a view to informing a departmental response in due course. That work will also include consideration of any recommendations that can be progressed in the short term where legislation may not be required.

Ms Dolan: I thank the Minister for her answer. Does she anticipate that all the recommendations will be included in the Bill for the next mandate?

Mrs Long: It would be inappropriate for me to give a public response to that because I have not yet given my formal response and gone through the normal processes. As I said when the report was presented to me, there is very little that one can argue with in the recommendations made by Judge Marrinan. There are some questions about overlap with other work ongoing in the Executive. For example, he talks about the responsibilities of Departments to deal with the outworkings and visible representations of sectarian hate crime in our society, and, as the Member will be aware, the report by the Commission on Flags, Identity, Culture and Expression sits with the Executive Office. I would like to see that work published and to have a discussion on it at the Executive so that we are in a position to decide how and when it will be taken forward. Obviously, it will inform progress on sectarianism as part of the overall hate crime programme. As I said, there was very little in that report that one would disagree with.

Mr Carroll: Given the recent disgraceful comments by the MP for East Derry, does the Minister have any concern that one party in the Executive has a public representative with such reprehensible, poisonous and dangerous views? Is she concerned that if that party does not take swift action against that MP, it will send a terrible message to all victims of hate crime?

Mrs Long: I am aware of the particular comments to which the Member refers. They were not only reprehensible and racist, they were quite bizarre. Anyone who has any understanding of the history of gospel music will be aware that it often comes from the trials and tribulations of those who were sent to the US as slaves.

Therefore, it is a tradition of singing and music that has grown up from that background. To suggest that there was anything at all to do with Black Lives Matter (BLM) or any other kind of positive discrimination in the fact that the best singers were through to the competition and those most experienced were judging it is a mistake.

3.00 pm

The Member is correct that the test will be in how parties deal with those issues in their own ranks. I am afraid that, as political leaders, we have work to do to show leadership in our own organisations and ranks about what is acceptable and what is not. Of course, people have the right to freedom of speech, but that does not come free of responsibility and consequences.

Mr Givan: The Minister touched on the point about freedom of speech at the close of her remarks. There is much in the report that I will be able to support, but the Minister will be aware of some concern, particularly from a Christian perspective, that the recommendation to repeal defences for freedom of expression in the Public Order Act 1986 is of significant concern, given that 97% of individuals say that they should be retained. Comments from Ivan Hare QC, a human rights specialist, that there is an absence of key freedom of expression provisions akin to those in England and Wales, have caused alarm. Will the Minister recognise that it is important that there is freedom of expression but that it absolutely needs to be regulated in a way that does not incite hatred or acts of crime?

Mrs Long: I agree with the Member that there has to be a space in any civilised and democratic society for freedom of expression and for people to be allowed to express their views. That will often, as the law already states, amount to views that are offensive to some and undesirable to others, and we have to recognise that that is part of living in a community where not everyone agrees. However, it is important that, when it comes to developing the law in that space, we look carefully at the balance of human rights. One of the reasons why it is best that we take the hate crime legislation forward as a package is that we can look at the checks and balances that are there to ensure personal freedom so that people's article 9 rights of religious freedom under the European Convention on Human Rights (ECHR) are not in any way compromised by our desire to ensure protection for those from minority groups who may find themselves subject to hate speech.

As someone who shares Paul's faith, I understand that those of us of a Christian faith have a duty beyond that which the law imposes to use our rhetoric and language carefully and sensitively in respect for the person, the dignity of every individual and every human created in God's image. I hope that he recognises that the vast majority of Christians would not find themselves in contravention of hate crime speech simply for holding forth their faith in a temperate and measured way.

Ms Armstrong: Does the Minister agree that, while her Department develops proposals to strengthen our

legislation on hate crime, as was recommended by Judge Marrinan, as she said, much can be done across government on hate more generally, for example by ensuring diversity and inclusion and delivering on the racial equality strategy?

Mrs Long: The Member is absolutely right. A considerable amount of work can be done not only in the DOJ but beyond it and across the Executive on how we tackle hate crime and do more work on diversity. I will take the opportunity to highlight some of the work that is being undertaken, particularly in the criminal justice system, to address attitudes that contribute to hate. My Department is developing a diversity calendar that will feed into the wider Northern Ireland Civil Service (NICS) diversity plan, and that will support the commitment of the head of the Northern Ireland Civil Service to make a positive impact by promoting diversity and inclusion in our workplaces.

The Prison Service promotes equality issues among staff and prisoners and holds awareness events on LGBT, cultural and disability issues on a routine basis. The Northern Ireland Courts and Tribunals Service offers a generic form of training on witness and victim empathy and awareness. However, COVID-19 has had an impact on the format of that training by redirecting it from classroom-based, face-to-face learning to an online e-learning course that is still in development with the NSPCC and Victim Support NI. We hope to have that rolled out very soon.

The key role of the Department's racial equality champion is to support the delivery of the 'Racial Equality Strategy 2015 - 2025'. That has included close engagement with the racial equality subgroup, which is coordinated by the Executive Office and consists of representatives from the minority ethnic sector. As racial equality champion, they have promoted awareness of the racial equality strategy in the Department, emphasising the importance of racial equality and good race relations as well as being the senior point of contact for issues relating to racial equality.

In addition, my Department, in partnership with the Northern Ireland Policing Board, provides funding to policing and community safety partnerships (PCSPs) to deliver community safety initiatives and to support community confidence in policing in the 11 council areas. Those have included a range of measures to address hate crime. It is essential that diversity be addressed across the criminal justice system and that our structures reflect the totality of our community in Northern Ireland.

Prisoners (Disclosure of Information about Victims) Act 2020

3. **Mr McGlone** asked the Minister of Justice whether she will introduce commensurate legislation in Northern Ireland following the enactment of the Prisoners (Disclosure of Information About Victims) Act 2020 in Westminster. (AQO 1527/17-22)

Mrs Long: I have met the families of Charlotte Murray and Lisa Dorrian, who are searching for ways to find Charlotte and Lisa's remains. I have commissioned a focused review of the position to consider all possible options. It will be a number of years before Charlotte Murray's killer can apply for release on licence to the Parole Commissioners, and there are no other prisoners in Northern Ireland who would be affected by a change in the law at present. However, I wish to give this important matter the consideration that it

deserves before deciding on the best way forward, and I have undertaken to do so in conjunction with both families, because I very much want them to be satisfied with the outcome.

Mr McGlone: Gabhaim buíochas leis an Aire. Thanks very much, Minister, for that and for mentioning those specific cases. Can the Minister confirm from that limited stakeholder review, which has been mentioned previously in the Assembly and which, I presume, has been carried out, what the subsequent steps will be?

Mrs Long: The first and most important thing is that we should not rush into making legislation on any issue. What is legislated for in England and Wales, for example, is not always an appropriate fit for our circumstances here. I have been struck by the dignity of the families and their appreciation of the complexity of the problem that we face. Work on a process of engagement with the families and other key stakeholders, not only the families, to determine the most effective way to address this is under way. It includes, for example, the Parole Commissioners so that we can take their views on how any law might operate in that space. I hope to report on my conclusions on a way forward in spring this year.

As evidenced by the passing of the Domestic Abuse and Civil Proceedings Bill, the introduction of the stalking Bill and my reviews of the law on non-fatal strangulation and consent not being a defence to serious harm, I am committed to delivering a significant programme of work under the domestic and sexual violence abuse strategy, working with statutory and voluntary sector partners. I hope that this will form part of that overall work.

Ms Kimmins: I understand that the issue of non-disclosure of information about a victim is one that must already be considered by the Parole Commissioners when assessing prisoner suitability for release on licence. Can the Minister clarify how much weight that carries in those assessments compared with other considerations such as good behaviour?

Mrs Long: As the Member will appreciate, the Parole Commissioners are completely independent of the Department of Justice, and the weighting that they give those matters in any case is a matter entirely for them. However, it is fair to say that there are a number of considerations when it comes to the law in that regard. The first is that the first time that a person applies for parole in such a case is a long time after the original murder. That means that victims would have to live for a long time before they could see the legislation used. There are points throughout the justice system, whether it is at the point of conviction or sentencing, where it may be more appropriate to find the correct levers to extract information in advance on where a victim's remains are held, and I think that that would bring a quicker resolution for many victims. Where that is not successful and where we are unable to do so, I believe that the Parole Commissioners have a role to play. Obviously, their priority is to assess whether someone poses a significant risk of harm to society and whether that harm can be safely managed in society. You will appreciate that the disclosure of remains, while it will inform their decision, may not be the main influencing factor in whether someone is released from prison. There will be an assessment of harm and risk.

Rape Crisis Centre

5. **Ms Hunter** asked the Minister of Justice what consideration her Department has given to a rape crisis centre in Northern Ireland. (AQO 1529/17-22)

Mrs Long: Like many, I welcomed the recent establishment of the rape crisis centre by our voluntary sector partners to provide services to women and men who have been affected by rape or serious sexual assault in adulthood. The services provided are complementary to a range of services provided by my Department in conjunction with our statutory and voluntary sector partners for those who have been affected by sexual violence and abuse. That includes a 24-hour domestic and sexual abuse helpline, sexual violence counselling services funded by the Department of Health and provided by Nexus NI, and independent sexual violence advocates. I also welcome the vital work taken forward by the Rowan sexual assault referral centre, which offers a range of important physical and emotional support services for children, young people, women and men. The services are available to anyone who has been sexually assaulted or raped, whether in the past or more recently. The Rowan service is equally funded by the Department of Health and the PSNI, and it supported nearly 900 service users in the last financial year.

In addition, work is under way on a multi-agency basis to implement the Gillen review. It involves a significant body of work that will transform the law and procedures in relation to serious sexual offences and will deliver significant improvements for victims. It includes the new remote evidence centres in Belfast and Craigavon, which will soon allow vulnerable child victims and other witnesses to provide evidence more remotely from court buildings. In addition, by 1 April this year, adult complainants in serious sexual offence cases will be able to avail themselves of expert legal advice from sexual offences legal advisers, ensuring that they understand their rights and can make informed decisions. Further changes are in train, and we have been working with partners across Justice with key priorities, including measures to address delay and work to develop a comprehensive, wrap-around approach to victims who are children and ensuring that, logistically, our courts provide appropriate facilities that respect the unique challenges posed in such cases and ensure a supportive environment.

Ms Hunter: I thank the Minister for her detailed answer. In 2020, over 3,000 sexual offences were reported to the PSNI, 960 of which were incidents of rape in the North. The steps being taken to support victims and survivors are welcome news. Will the Minister outline any conversations that she has had with the PSNI or the Education Minister on providing sexual consent education to contribute to the prevention of further sexual assaults in Northern Ireland?

Mrs Long: I touched on this briefly this morning, but I am glad to set it out in more detail. Obviously, the Gillen review raised a particular issue around the need for better education on consent and relationships and sex education in general. There is ongoing work at official level to take that forward. I have written to the Education Minister to look at the potential of us meeting to discuss further progress that may be made. That is important because it will be crucial to the prevention of sexual assault. We need to tackle some of the toxic ideas that people have around

sexual relationships. We need to give people confidence around consent and what that looks like. It is really important that we do that in a consistent, holistic and non-judgemental way across the school sector. Without that, it leaves young people in a vulnerable position with respect to their understanding of the law.

Ms Dillon: I thank the Member for bringing the question to the House today. Minister, you have just touched on education. As I outlined this morning, my concern is that schools decide on what type of education they give around healthy relationships, and I do not think that that is a good way of delivering it. Is there any thinking outside the box on how we can do it to ensure that there is a uniform way to educate all young people about what a healthy relationship looks like? For example, there was a really good campaign called the "PANTS" campaign. It explained to very young children how to protect themselves, which was excellent. I spoke to my child about it. She was only three years old, but she understood what I was talking about. It is really important to get the information out to young people and teenagers.

Mrs Long: The Member is absolutely right. I have seen the campaign, and it is very useful to explain to children in simple language that they understand what it is to have bodily autonomy, what it is to have privacy, what is inappropriate touching and what is not, not to make children fearful of the world around them but to make them equipped. Unfortunately, not everyone is to be trusted, and children need to be aware of that, sadly, from a very young age. Doing that in an age-appropriate and sensitive way is hugely important in giving young children confidence.

There is an issue around how we take this forward, and I certainly want to work in support of the Minister of Education. It is important that we have a consistent approach, look at the curriculum around relationships and sex education (RSE) and how that impacts on issues like domestic violence, stalking, abusive and coercive relationships and on key issues around sexual abuse, sexual violence, bodily autonomy and, indeed, people's right to say no to sexual contact.

It is also important that that is non-judgemental education. There are many young people of different sexuality and gender in our education system, and we need to be sure that those young people are equipped for adult life and able to form healthy, stable and safe relationships.

3.15 pm

Mr Robinson: Could a centre be located in the north-west of the Province?

Mrs Long: At this stage, the Department has no plans to locate a centre in any particular location. Most of the issues involved are sensitive and difficult and require specialist support, so it is important that people are able to access that support, and that it is a specialist centre that will provide on an all-of-Northern Ireland geographical basis. It is also important to look at what we are doing around the roll-out of remote evidence centres, for example, to help vulnerable victims and witnesses. That is an important piece of work, and it is one that, over time, we intend to extend to all our courthouses where jury trials are held.

Mr Speaker: That ends the period for listed questions. We move now to 15 minutes of topical questions.

Non-essential Cross-border Travel: Fines

T1. **Mr Harvey** asked the Minister of Justice, in light of the announcement by the Irish Government that people from Northern Ireland will be fined for crossing the border for non-essential travel, whether she intends to implement a similar measure here. (AQT 961/17-22)

Mrs Long: I thank the Member for his question. He will appreciate that it is not appropriate for me as Justice Minister to comment on the enforcement actions in relation to COVID-19 restrictions of an Garda Síochána in another jurisdiction. There is no applicable restriction in the current health protection regulations that would enable or require the PSNI to perform similar checks. The health protection regulations are the responsibility of the Department of Health, and any amendments to the regulations are a matter for the Executive, based on recommendations brought forward by the Health Minister that have been informed by the Chief Medical Officer and Chief Scientific Adviser. As the Member knows, it is currently not an offence here to cross county boundaries, whereas, in the Republic of Ireland, it is an offence to cross county boundaries. To be clear, that is the offence that is being enforced in the South. Rather than an enforcement on crossing the border, it relates to the county boundaries, although they are, obviously, contiguous in many cases.

Mr Harvey: I thank the Minister for her answer. The Irish Government are issuing €500 fines for those travelling to airports and ports for non-essential purposes. That is evidently to curb international travel and to keep Irish citizens safe. Will the Minister commit to a similar scheme here?

Mrs Long: The Member will be aware that I was at the Ad Hoc Committee a number of weeks ago, after having reviewed, by request of the Executive, the penalties and offences that we apply in Northern Ireland around COVID-19. It was agreed that we would not put any offence in the regulations with respect to travel but would place it in guidance that people should not travel more than 10 miles from their home for exercise. Outwith that, there are no restrictions on the distance that people can travel. The focus has been on trying to ensure that people stay as close to home as possible, by choice, and leave their home only when it is essential to do so.

Mr Speaker: Question 5 has been withdrawn. I call Linda Dillon.

Sean Graham Bookmakers: Police Ombudsman's Report

T2. **Ms Dillon** asked the Minister of Justice to confirm whether she has had any conversations with the Office of the Police Ombudsman in relation to the outstanding report on the murders at Sean Graham's bookies, given that although, on four separate occasions, the families and victims have been told they will get the report, they are still waiting on it. (AQT 962/17-22)

Mrs Long: I have a number of conversations with the Police Ombudsman with respect to legacy cases. However, it is for the Police Ombudsman, who is completely independent of my office — I realise that Members get frustrated when I tell them that on a regular basis — to manage that case and to manage any disclosure of the report to the victims. It is not for me to

prejudge. However, I am sure that she will have watched Question Time today, as everyone else will have done, and heard Members' concerns about that. No doubt, she will want to act on that.

Ms Dillon: I thank the Minister for that. I absolutely accept that the ombudsman's office should be independent, but it is a concern when a family has been told on four occasions that they will be getting a report but have still not received it. Will the Minister confirm whether she has received a commitment, or even an indication, from the British Government, the NIO or the Secretary of State that they intend to implement the Historical Investigations Unit (HIU) and all the legacy mechanisms that were agreed in the Stormont House Agreement by the five parties and the two Governments and which were consulted upon with victims and wider society?

There were 17,500 responses to the consultation, which, anybody would agree, is quite a statement in itself.

Mrs Long: The Member knows my position and that of my party when it comes to this issue. She is also aware from my previous statements that I have raised the issue on many occasions with the Secretary of State and the UK Government more generally. Unfortunately, in direct answer to her question as to whether I have had any reassurances, the answer is no.

Antisocial Behaviour

T3. **Mr McGrath** asked the Minister of Justice whether she agrees that antisocial behaviour can cause a significant and persistent problem in communities and is best addressed through a cross-sectoral approach, with community safety at its heart. (AQT 963/17-22)

Mrs Long: I completely agree with the Member. Some of the work that the PCSPs do, for example, on effective work on the ground, bringing in the Housing Executive, the Department for Infrastructure and other bodies responsible for the delivery of services in those areas, can be of great assistance in bringing people together with the police, the councils and others to find resolution. It is important that people, particularly at the moment, are able to live free from antisocial behaviour. We have seen a marked increase in the level of antisocial behaviour reported to the police. Some of that is to do with people being at home more often than at other times and being aware of disruptive behaviour in their neighbourhood that is difficult to live with. It is important that people can live in peace.

Mr McGrath: Will the Minister commit to an urgent review of antisocial behaviour in Downpatrick, where arson, assaults and interruption to business have occurred during the COVID period? Is the Minister prepared to commit extra funds to the community safety work in the area, if that is needed?

Mrs Long: Initially, we would want the council and the police to come to the Department about a review of a neighbourhood. If they feel that resources are restricting their ability to respond, we want to hear that, and we will listen very carefully to their case. The Member will be aware, as will all Members, having seen the draft Budget, that there is very little wriggle room on what we might be able to do. However, the community safety partnership in the area ought to be aware of the situation and will

hopefully be able to prioritise as it rolls out its funds and programmes over the next number of years.

Lord Justices: Community Background

T4. **Mr Allister** asked the Minister of Justice, albeit that she has no role in the appointment of our judges, whether she has any concerns that, in the upper tier of our judiciary, there is not a single Lord Justice with a Protestant community background and whether she thinks that that is healthy in this era when cross-community confidence is so important. (AQT 964/17-22)

Mrs Long: The Member has raised this issue with me in the past. Equitable provision across our community is absolutely important, and inclusion should be at the heart of all the services that we provide in the Department of Justice. However, we know that, in order to become a higher-tier judge, one needs considerable experience and that a merit-based appointment system applies. Therefore, I am very cautious about wanting to read anything into a small number of appointments that could fluctuate from being entirely Protestant to entirely Catholic or, indeed, to anything else.

I am also very uncomfortable, frankly, with judging people's perceived religious background without their having assented to that. Many of us do not appreciate being placed in boxes or pigeonholed when it comes to assessing our religious or community background. The judges may well fall into that category.

Mr Allister: I wonder whether the Minister would be so sanguine if there was not a single Catholic among the Lord Justices. Has she discussed the issue with Lord Chief Justice and conveyed the fact that cross-community confidence for the judiciary is very important?

Mrs Long: The Lord Chief Justice is well aware that confidence in the judiciary, not just cross-community confidence but confidence for everyone in our community, is important. I do not think that I need to teach the Lord Chief Justice how to suck eggs.

The Member wonders whether I would be so sanguine were it to be the case that all the higher-tier judges were Protestant. I would be every bit as sanguine because, of course, I recognise and respect the fact that the judiciary does a professional and impartial job, which is not influenced by anyone's community background.

Frankly, it is a dangerous road to go down, as the Member seems to be doing, particularly for someone in the legal profession, to suggest that, because of their religious background, they are any less capable of being entirely impartial and commanding full cross-community support.

Memorial Services: Lockdown Cancellation

T6. **Mr Frew** asked the Minister of Justice, given the fact that the police fall under her remit, the fact that we have passed draconian legislation that the police have to enforce and the fact that many organisers of annual memorial services have cancelled them this year, does she agree that it is time that she made a statement to advise groups, in the coming weeks and, perhaps, months of lockdown, that they should not hold such services. (AQT 966/17-22)

Mrs Long: I never fail to be shocked that members and, indeed, a former Chair of the Justice Committee can misunderstand my role so fundamentally. I am not the Minister for policing. Let me be clear about that. I am the Minister of Justice. Policing issues are dealt with by the Policing Board, where oversight is by the Chief Constable, who is responsible for operational decisions, and by the Office of the Police Ombudsman, which investigates any complaints against police officers. My role in policing is simply to provide adequate legislation and funding for the police. It is not my role to interfere with their decisions.

When it comes to the issue that the Member raises about whether people should be gathering, I cannot be clearer, having brought the regulations that deal with those issues through the House on behalf of the Health Minister: I advise anyone to avoid gathering in public for any reason at this time, not because it is a burden on the police but because it is a risk to their own health and well-being.

Mr Frew: I certainly agree with the Minister that the regulations and law are inadequate at this time. She talks about advice and what should and should not happen with regard to the COVID regulations. However, she is part of the Executive who form the legislation. She shares that role with Members of other parties. It seems to be the case that members of other parties — in particular, Sinn Féin — were involved in some shape or form with the memorial service on the Ormeau Road. Can the Minister enlighten the House as to her advice to the political parties with which she sits on the Executive on organising or attending those events during lockdown?

Mrs Long: First, I did not say that the current law was inadequate; I said that it was adequate with regard to the provisions on what people ought to be able to do.

Although the Member is skirting around the issue, it is clear that he wants me to comment on the events that took place on Friday afternoon; so I will do so. I want, first, to acknowledge that I understand that recent events have caused serious distress to victims and survivors, as well as to the community more widely. It is vital that, despite the events of last week, we reaffirm collectively our shared commitment to delivering the aim of safer communities, where we all respect the law and each other, including with regard to COVID. I am committed to working with the Chief Constable, the Policing Board, political parties, victims and survivors, their representatives and the wider public to try to rebuild some of the trust and make good some of the damage that has been caused over recent days and weeks. All politicians and political leaders should be in that space at this time. I am sure that the Member will agree that the Policing Board has a crucial role to play in enhancing community confidence in policing and respect for adherence to the law. I work with my Executive colleagues to ensure that adequate legislation and regulations are in place to give guidance to people on the strictures in the COVID regulations.

These are unusual times. The context in which we live is difficult and challenging, no more so than when we deal with bereaved victims and grieving families. Instead of trying to use the incident as a political battering ram against one's opponents, it would be wise to think for a moment about the families and their grief, and the difficult job that the police have to do in such complex circumstances, and be more measured in the approach that we take when it comes to discussing those measures.

3.30 pm

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

Community Tensions and Antisocial Behaviour

T8. **Mr Newton** asked the Minister of Justice, given that, in reply to Mr Frew, she used the words “safer communities” and referred to the fact that “we are living in difficult and challenging days”, and the fact that she will be aware of the community tensions and antisocial behaviour that have arisen in the constituency that they represent, whether she is intent on supporting, in any additional manner, those who are working at the sharp end to try to quell the situation. (AQT 968/17-22)

Mrs Long: First of all, what happened in our constituency last week — the Member alluded to only one instance — was a very visual and very high-profile incident that was absolutely reprehensible, and I said at the time that it was absolutely disgraceful. Intimidation of anyone in our community by anyone in our community is not acceptable. There is no excuse for it. Those who are fuelling those tensions and are behind those acts of intimidation, frankly, ought to be taken off the streets, and I hope that they will be.

With respect to those who are trying to quell the tensions and to bring good order, I have already met the Chief Constable and discussed with him at length the particular issues that people face in that constituency and that are relayed to me as a constituency MLA day on day. How he responds to that policing challenge, again, is an operational matter for him, as Chief Constable, but he certainly is aware of the issues and the tensions. My officials have already been in touch with people in and around that interface area to see whether they are struggling in order to not only try to understand better the ongoing issues but to try to provide the kind of support that we talk about in the tackling paramilitarism programme for building more resilient communities that can resist the influence and coercion of paramilitary organisations.

Mr Newton: I thank the Minister for her answer. Rather than just contacting the police, I was thinking that those who are working at the coalface, if I can use that expression, in order to try to address the situation, need additional support on top of what they normally receive.

Mrs Long: We have received no request for such support, but I know that, through the PCSPs and my Department in the work that it does already in that neighbourhood, a lot of support is available to local people. However, if more can be done, I want it to be done, and I am more than happy to extend the offer of a meeting with the Member if he feels that there are areas where the Department may have some ability.

As you would expect, I caution against suggesting that the police are not also working at the coalface in that community, because they are, and they very much support those who want to ensure that there is stability and, indeed, lawfulness in that community. I grew up there, and I was very distressed to see the events there last week.

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

Agriculture, Environment and Rural Affairs

Mr Principal Deputy Speaker: I ask those Members who are leaving the Chamber to do so, and I ask everyone else to resume their seat, please.

Question 7, standing in my name, has been withdrawn. Before I call Mr Kelly, I welcome Minister Lyons to his first Question Time as Minister of Agriculture, Environment and Rural Affairs.

Curlew Population

1. **Mr G Kelly** asked the Minister of Agriculture, Environment and Rural Affairs what plans his Department has to protect the declining curlew population. (AQO 1540/17-22)

Mr Lyons (The Minister of Agriculture, Environment and Rural Affairs): The Member highlights that the breeding populations of curlew have declined significantly in our lifetime. A range of legislative and policy measures is in place to protect curlews. They are fully protected under the Wildlife Order when they are nesting. They are also protected in a number of areas of special scientific interest (ASSIs); for example, some of the islands in Lower Lough Erne and Lough Neagh are designated for curlew and other breeding waders. Curlew are also protected in the planning system: advice from officials in Northern Ireland Environment Agency (NIEA) to planning authorities is to avoid and mitigate any potential impacts to curlew, including on a suitable habitat that they could utilise, from land development and associated activities.

My officials are involved in undertaking the third UK special protection area (SPA) network review under the birds directive, along with the other UK nature conservation agencies. As part of the review, officials have considered protection for significant breeding curlew sites in the Northern Ireland SPA network. Sites at Lower Lough Erne and the Antrim hills support nationally important populations of breeding curlew and have been identified as potential additions. Once advised to do so by my officials, I will consider proposals to protect the areas supporting the remaining significant breeding curlew populations in Northern Ireland.

In addition, there are a number of areas where the Department is undertaking specific actions to support curlew or is providing support to others to do likewise. The College of Agriculture, Food and Rural Enterprise (CAFRE) Greenmount hill farm at Glenwherry is an education, training and knowledge and technology transfer resource for students and farmers. As part of this function, and in partnership with a range of stakeholders, an area of 75 hectares of wet grassland is being managed to suit the needs of the three targeted priority species of wading birds — curlew, snipe and lapwing. This management has, after an absence of 20 years, resulted in curlew returning to the Greenmount hill farm in 2016 and successfully rearing 14 chicks since then.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers up to now.

That was very comprehensive, so he may have answered some of the next questions that I ask. He will be aware, from a report by the National Parks and Wildlife Service, that the curlew population is down 96% and the worry is that it will be extinct within a decade. The Minister went through a comprehensive list of areas that are being assisted. I presume that the Minister is aware that the South — and, as he mentioned, Britain is doing something similar — appointed 30 officers to identify sites, and he discussed why sites have been identified. Is there any movement on that, or does the Minister intend to appoint more research officers to check that?

Mr Lyons: First, it is absolutely correct that the decline of the curlew population is a cause of concern. The Member highlighted the numbers: an 82% decrease since 1987, with only 250 pairs remaining. That is why we have taken the action that we have taken so far and why we have ensured that the NIEA also takes their future into consideration when planning applications are being discussed. If more resources are needed, that is, of course, something that we are happy to consider, given the perilous state of the curlew population.

In some good news, I was notified that there was a pair at Larne promenade in recent days. So, once the restrictions are lifted, I am sure that Members will want to flock to Larne to see it for themselves.

Mr Principal Deputy Speaker: Flock. Flock, indeed. *[Laughter.]*

Mr Butler: I welcome the Minister to his new role. I know that he will do a good job in keeping the seat warm for Minister Poots.

Minister, a wildlife licence is required if one wants to disturb or remove protected wildlife for reasons of damage to agriculture, livestock and fisheries. How is the damage assessed and how many of these have been issued since January 2020?

Mr Lyons: It is not something that I am specifically aware of. However, the environmental farming scheme is also in place to make sure that help is there to protect these birds. I am more than happy to come back to the Member in writing on the specific details that he raises. I hope that that is helpful.

Deposit Return Scheme

2. **Mr Durkan** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the merits of introducing a deposit return scheme for single-use drinks containers. (AQO 1541/17-22)

Mr Lyons: In February 2020, we committed to Northern Ireland's continued participation in the development of UK-wide proposals to reform the packaging producer responsibility system and the introduction of a deposit return scheme (DRS). The plan is to consult on these schemes this year. Powers are being taken in the Westminster Environment Bill to provide for a deposit return scheme for Northern Ireland, alongside England and Wales. Such a scheme can significantly increase the recycling and recyclability of single-use drinks containers. A deposit return scheme could also result in a substantial reduction in the amount of littering in Northern Ireland. Germany, Norway and the Netherlands, for example, have achieved collection and recycling rates of 98%, 97% and

95% respectively for plastic drinks bottles. The options for the scope of material and size of container, deposit level and model of a DRS will be presented in the forthcoming consultation.

Mr Durkan: I thank the Minister and wish him well in his new role. It is certainly no reflection on him when I say that I hope that he is not in post for long. I sincerely wish Edwin Poots a full and swift recovery.

As Health Minister, Edwin Poots recognised the value of cross-border, North/South collaboration. Is the Minister aware of any discussions that have taken place with the Irish Government on the coordination of a deposit return scheme across the island?

Mr Lyons: First, I thank the Member for his kind words. I do not intend to be here too much longer either. I can assure him that I will leave with grace when the time comes. I will not incite crowds to attack Dundonald House in the hope that I can stay longer.

The Member makes specific reference to the cooperation that has existed with the Republic of Ireland. It is not intended that we take forward the scheme on an island-wide basis, and that is for a number of reasons. First, we are doing a UK-wide scheme because that will be consistent with the packaging that will be in place. There is also the issue of waste collection, which is different. In the Republic of Ireland, waste collection is managed more by private firms, whereas, here, the councils deal with that. However, my officials have met counterparts in the Republic of Ireland to discuss the schemes and identify any issues.

Mr Buckley: I, too, welcome the Minister to his post and wish Edwin Poots every success in his recovery.

Minister, this is of great interest to me. I was interested in your response, particularly your reference to the case study of Germany, where the refund scheme has been extremely successful. I know from speaking to the industry that there is a great gap in the conversations being had between departmental officials, the plastic manufacturing industry and the recycling industry. Is there a point at which we can formulate a working group to ensure that we maximise our recycling capacity for single-use plastics?

Mr Lyons: The consultation document that will go out will consider all these issues. The Member will also be aware of the work that my predecessor has done in relation to single-use plastics. We are all aware of the damage that those can cause and of our need to increase recycling rates across the board. It is right that all these things are taken into consideration.

Mr Chambers: Minister, I would like to be associated with all the good wishes to you.

There are so many single-use drink containers, from plastic fruit juice drink containers to milk containers. Does the Minister anticipate that the full range of these cartons will be included in any future scheme?

3.45 pm

Mr Lyons: Yes. That will all be part of the consultation. I think that, from everybody's point of view, if we are going to introduce such a scheme, it should be as wide as possible so that we can get to where we want to be and achieve maximum recycling rates.

Mr McGuigan: I welcome the Minister's comments, and I would, obviously, welcome a deposit return scheme. We are currently in an environmental crisis. You may be aware, Minister, that I have tabled a private Member's Bill on single-use plastics. I would certainly welcome the Minister's view on and support for a total ban on single-use plastics.

Mr Lyons: It is worth noting that the Northern Ireland Civil Service, led by DAERA, is presently implementing a plastic reduction action plan to end the unnecessary use of single-use plastic across the Northern Ireland Civil Service and government estate. DAERA is on track to achieve that by the target date of October 2021. Suppliers are presently identifying alternatives to the disposable items that are currently in use, and a staff awareness campaign across all departments has commenced. That is important; people want to see that leadership.

In relation to further legislation on the issue, my predecessor advised the Assembly in November 2020 that he had asked DAERA to look at introducing restrictions on nine common single-use plastic items along the lines of bans proposed elsewhere in the UK. To meet the commitment in 'New Decade, New Approach' to tackle plastic pollution, we will propose further measures to control plastic waste, including legislation on plastic caps and lids, labelling, recycled content and reductions in single-use plastic cups and food containers.

Mr Principal Deputy Speaker: I call Ms Clare Bailey.

Ms Bailey: My question was just answered, Mr Principal Deputy Speaker. Thank you very much.

Mr Principal Deputy Speaker: Grand. Mr John Blair.

Mr Blair: My question was also answered, Mr Principal Deputy Speaker.

Mr Principal Deputy Speaker: Excellent. The Minister is on a roll.

Fish: UK Stocks

3. **Dr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs what analysis has been carried out on agricultural sectors dependent on stocking and restocking fish to and from the rest of the United Kingdom. (AQO 1542/17-22)

Mr Lyons: My Department has carried out extensive work in that area, including the realignment of operational processes in support of a small but important number of businesses that depend on product movements with other parts of the UK. That trade includes live fish and fish ova for trout farming, the supply of ornamental fish for trade in pet shops and garden centres, and the long-established eel fishery in Lough Neagh.

Trout farming depends on the movement of live ova. Northern Ireland has a positive disease-free status, which allows exports from specialist producers locally to different producers across the world. My Department is able to provide disease-free certification of locally produced fish to enable those exports with the process depending on the requirements of the receiving country. My Department is able to provide certification to allow movement to the EU as there is access to the relevant processes and databases. Although we receive relatively small consignments locally moving in the opposite direction, we

are able to authorise inward movements that meet healthy fish requirements and are accompanied by adequate health certification. In the case of inward movements from GB, consignments are inspected at the point of entry.

Ornamental fish are largely an Asian product that is initially imported to GB. Onward consignments arrive for trade locally and further transport into the Republic of Ireland. Clearly, processes need to be revised given the point of entry to the EU regulatory zone. My officials from veterinary science and the fisheries inspectorate have engaged with colleagues in DEFRA, the Centre for Environment, Fisheries and Aquaculture Science, and the Animal and Plant Health Agency to develop a process that facilitates trade while mitigating fish health and welfare issues as a result of the increased inspections required.

Dr Aiken: I thank the Minister and welcome him to his position. Not so long ago in this very Assembly, the Minister was standing in for Minister Poots and we had a question about aquaculture and issues to do with the importation of fish. The Minister, at that meeting, stated that there were no issues to be concerned about. Is he aware of the concerns that eel fisheries currently have about the importation of elvers to restock Lough Neagh and the implications of not being able to import them from the River Severn, which will have a significant effect?

Mr Lyons: Yes, we are all aware of the challenges with eels at the moment, as trade of eels in and out of the EU has been prohibited by the EU scientific review group since 2010. That prevents the trade of eels from Northern Ireland to Great Britain and from Great Britain to Northern Ireland. I find the requirements unnecessary, and the movement of eels from Great Britain poses no risk to Northern Ireland. It is, in fact, not necessary and completely unacceptable.

Mr O'Toole: It is worth noting, as we consider these matters, that 80% of the market for Lough Neagh eels is in the European Union. On that note, Minister, sadly, food producers in Great Britain are finding themselves shut out of the European market. Whether it is Somerset cheddar, Scottish langoustines or Welsh lamb, they are struggling to get it into continental Europe, and, sadly, it is really hurting their business. However, the good news is that we have replacement products for all those things in Northern Ireland. Minister, what is your Department doing to maximise opportunities for our food producers to replace those products from Great Britain that, sadly, we are losing out on? Under the protocol, we have unfettered access that they do not have. What is your Department doing to maximise those benefits?

Mr Lyons: The Member mentions that 80% can go into the EU, but I am concerned about the 20% that goes into Great Britain. I do not want us to be cut off from that market. I want that to be there, which is why, instead of trying to find alternative markets, as we should always try to do, I want to make sure that our biggest market is there and that we can continue to trade into it.

Mr Allister: I am sure that the Minister will not want to be as slippery as an eel in answering this question. Can he update the House on the position, as of now, in relation to DEFRA inspectors, under the protocol, at our ports? Does he commit, as a unionist, to playing no part in aiding the partitioning of this United Kingdom and, therefore, not putting officials back at those ports?

Mr Lyons: The Department has received a threat assessment from the PSNI, which is being considered by the Department along with our own risk assessment and potential mitigations that can be put in place. I do not want those checks to have to take place. I want to see free, unfettered trade between Great Britain and Northern Ireland. Those staff were taken out as a result of the threats that were made and on the basis of safety, but I want to make sure that we can find a political solution to the problems that we face. The Member said last week in the Assembly during a Matter of the Day that there is no excuse whatsoever for those threats, and I hope that he will join me in wanting to find a political solution to the problems that we face so that we do not keep people out on the basis of threats.

Mr Blair: I welcome the Minister, as others have done, to his first DAERA Question Time. I will go back to aquaculture. What steps is the Department taking to restore marine ecosystems? For example, will the Minister consider implementing a similar scheme to the UK's £500 million Blue Planet Fund?

Mr Lyons: I do not have any additional information on the issue that the Member raises. Of course, we all understand the importance of our marine wildlife and of supporting it when we can. If there are specific measures that he wants me to raise, I am more than happy to consider them.

Ms Bailey: At a recent Committee meeting, we were informed that up to 80% of baby eels from the lough are removed for stocking eel fishery farming. What are the Minister and the Department's thoughts on that decline of 80%, and what are we doing to address that? Is it sustainable?

Mr Lyons: That has not been highlighted to me as an issue, so I can only assume that it is done in a sustainable way. Of course, I can find more information on that for the Member.

Organic Food

4. **Mr Dickson** asked the Minister of Agriculture, Environment and Rural Affairs what engagement he has had with the UK Government on streamlining the process for organic foods entering Northern Ireland from Great Britain. (AQO 1543/17-22)

Mr Lyons: I thank the Member. I am aware, of course, of the additional requirements being placed on local businesses on the import of organic products from Great Britain to Northern Ireland. I oppose those restrictions within the UK internal market, especially if the product is retained for use within the UK. Those restrictions cause economic harm to Northern Ireland business.

Under UK domestic law, Northern Ireland is required to adhere to EU rules and regulations for organic products as a result of the Northern Ireland protocol. Although the EU has recognised GB organic standards as equivalent, organic certificate of inspection checks are required for organic produce that is imported from GB for businesses that produce, prepare, store, import or sell organic products.

My officials have been working closely with their counterparts in DEFRA with the aim of alleviating the difficulties that are arising from those additional checks and administration. I will also write to Michael Gove and

George Eustice to raise these issues and seek a timely, pragmatic resolution.

Mr Dickson: Welcome, Minister, to your first Question Time and thank you for your answer. I am encouraged by the work that you are doing and, indeed, by the comments that you just made on seeking political solutions to the difficulties that we face in the import and export of goods to and from Northern Ireland. You, Minister, along with your predecessor, also have a statutory duty to perform your functions. I am sure that you would not wish to be in breach of the ministerial code by dragging your feet or working against them.

Mr Lyons: I am not quite sure whether there was a question in there, Mr Principal Deputy Speaker, but it is absolutely correct that I am not dragging my feet on anything.

Mrs Barton: Minister, I welcome you to Question Time and wish Mr Poots all the best in his recovery.

Is there any progress on removing the barriers to bringing pedigree breeding cattle into Northern Ireland from Great Britain? That has been a problem.

Mr Lyons: Yes, I am aware of that. It is yet another problem associated with the Northern Ireland protocol, and discussions are going on between my Department and relevant Departments in the UK. Some of the changes are unacceptable. It is not only frustrating from a trade and constitutional point of view but some of them are just absurd and unnecessary, and that is why we need to see change.

Mr McHugh: Uimhir a cúig. Ceist 5.

COVID-19 Funding Bids

5. **Mr McHugh** asked the Minister of Agriculture, Environment and Rural Affairs what additional funding bids he has made following the Minister of Finance's recent statement that significant COVID-19 funds are available. (AQO 1544/17-22)

Mr Lyons: I think that that is question 5, Mr Principal Deputy Speaker.

My Department has made one further bid of £9 million following the Minister of Finance's recent statement that significant COVID funds were available. That funding will be used to support the creation of a reserve in the Forest Service.

I continue to explore all options. However, in scoping additional spend within the Department and other organisations, delivering spend by 31 March is extremely difficult within the parameters set out by the Department of Finance. That is a major issue in making additional bids, given the risk of not spending.

It should also be noted that, earlier this year, the Executive agreed an allocation of £25 million to DAERA for market interventions in the agri-food sector. That was the most comprehensive allocation made by any UK or EU Administration across the agriculture and horticulture sectors during the coronavirus emergency. It was based on a strong economic rationale of providing financial assistance to agricultural and horticultural businesses to enable them to deal with short-term disruptions that would substantially impact on otherwise viable businesses. My

Department is now focused on ensuring that that money is fully spent in this financial year.

Mr McHugh: Go raibh maith agat, a Aire. Minister, thank you for your answer. Like others, I welcome you to the elevated post of Minister of Agriculture. I also wish Mr Poots a speedy recovery.

Minister, on Friday of the week past, I was contacted by a third-level student from a rural area. As a result of very poor broadband connectivity, that person had spent nine hours attempting to upload an assignment. An A-level student and a GCSE student are in the same household. All three are attempting to use a facility that is totally and absolutely inadequate to meet their needs in relation to education and so on.

Will you consider providing an additional scheme for rural dwellers as defined by the Rural Needs Act in order to provide them with devices and/or an improvement in broadband?

4.00 pm

Mr Lyons: If there is an issue with devices for educational purposes, it falls to the Department of Education. I am constrained insofar as the money that is allocated has to go towards losses that have been incurred as a result of the COVID-19 pandemic and by the tight timescales that now exist. If there are particular measures that any Member wants my Department to look at, I would be more than happy to do that, but we are obviously working within those constraints.

That said, I am glad that we have been able to provide so much support, which, as I said in my opening answer, is more than in any other part of the UK or the European Union. I hope that that goes some way to help those who have been affected by the COVID-19 pandemic.

Mr McGlone: I welcome you, Minister. I wish Edwin well and hope that he makes a speedy recovery and, indeed, that he will be back at his desk.

On the overall finances, we know that Westminster has refused to step in to replace the £15.3 million of ring-fenced EU TB eradication moneys. There is also the reduction of £34 million in rural development funds over the next three years. Those moneys are pivotal and crucial to many of the rural areas that we represent. Can the Minister advise what efforts are being made by the Department to replace those moneys?

Mr Lyons: I know that my predecessor worked with colleagues in the other devolved Administrations in writing to the UK Government to make them aware of their concerns about the issues that the Member has raised. I am more than happy to keep the Member updated as we get more information on that.

Mr Principal Deputy Speaker: That ends the period for listed questions. We move on to 15 minutes of topical questions.

Belfast and Larne Ports: PSNI Threat Assessment

T1. **Ms Ni Chuilín** asked the Minister of Agriculture, Environment and Rural Affairs, after welcoming him to his post and wishing Edwin Poots all the best in his recovery, whether he can provide an update on the PSNI's

assessment of the situation at Belfast and Larne ports following the temporary suspension of checks on products of animal origin as a result of alleged threats against and intimidation of staff. (AQT 971/17-22)

Mr Lyons: Yes. The Department received that updated threat assessment towards the end of last week. As the permanent secretary set out in his evidence to the AERA Committee on, I think, last Thursday, there will be further engagement with staff and trade unions following that threat assessment and the Department will finalise the risk assessment in line with its responsibilities under health and safety legislation and find potential mitigations.

Ms Ni Chuilín: I thank the Minister for his response. Does he agree that it is completely unacceptable that vital public services that will impact not just on people but on industry were withdrawn as a result of intimidation and criminal action? Will he ensure that information on the issue is kept up to date and that any information about the threats last week is shared not only with the Committee but with the House?

Mr Lyons: It is important that we put on record that threats are wrong. Threats are always wrong, and nobody should be stopped going to their place of work. Unfortunately, such threats were all too common in the past as well. Over the last 30 or 40 years, people were threatened while they were going about and doing their jobs. It was wrong then, and it is wrong now. It is important that we take precautions and put the safety and well-being of our staff first and foremost. That is what we have done.

Belfast and Larne Ports: Resumption of Services

T2. **Mr O'Dowd** asked the Minister of Agriculture, Environment and Rural Affairs when he will carry out his duties and ensure that services at Belfast and Larne ports are restored, given that, despite the PSNI's assessment that there were no credible threats, he, as Minister, keeps referring to "these threats", albeit the fact of the matter is that the information given to the Assembly and to Mid and East Antrim Borough Council was based on half-truths, misinformation and erroneous facts, with workers used as pawns in a very cruel game (AQT 972/17-22)

Mr Lyons: I assure the Member and the House that I am carrying out my duties. That has absolutely always been the case. The safety of staff has always been first and foremost in my mind, and it would be wrong to say otherwise. We have put a clear process in place. There were concerns, and there were threats. The graffiti that was put up was taken as a threat, and concerns were expressed. It was only right that we took precautionary measures and made sure that additional mitigations were in place. I do not see the problem with wanting to make sure that the full threat assessment was done, that we do our own risk assessment and that we put in place any necessary mitigations.

Mr O'Dowd: I have no problem with anyone ensuring the safety of their workers. My concern is that, while it is a fact that there was no credible threat, as stated by the PSNI, and a lie got halfway round the world before the truth got its pants on, those workers being removed suits your political agenda. Rather than dealing with facts, Minister, you are allowing non-existent threats to carry forward a

political agenda, contrary to your statutory duty and the ministerial code.

Mr Lyons: That is absolutely disgraceful. Throughout all this, from the comments that I made in the Chamber last week to the permanent secretary's comments and in the answer that I have given today, I have clearly demonstrated that staff safety comes first and that we put a process in place. I have not interfered with that process; we have let it run its course. There are ongoing discussions with the PSNI, and there will be discussions with trade unions and other staff. That is an entirely appropriate response to what has gone on.

Hightown Incinerator

T3. **Dr Aiken** asked the Minister of Agriculture, Environment and Rural Affairs whether he will continue to express the concerns expressed by his predecessor about Arc21 and incineration, particularly in relation to the completely unneeded Hightown incinerator. (AQT 973/17-22)

Mr Lyons: I have not yet received a briefing on the matter, nor have I had any conversations about it with the previous Minister. I am more than happy to consider all the facts and the evidence and the need for it, if any. Then, if there are decisions that I need to make in relation to it, I will, of course, do so on the basis of all the evidence.

Dr Aiken: I thank the Minister for his answer. Will he join me and other Members from South Antrim in having discussions with No-ARC21 so that he can further inform himself about the serious issues involved? We will be delighted to facilitate that with him.

Mr Lyons: I do not know how much longer I will be in place, but, as with all invitations, I am more happy to consider them as they come in.

Belfast and Larne Ports: Risk Assessment

T4. **Mr Catney** asked the Minister of Agriculture, Environment and Rural Affairs, after welcoming him to his post and expressing his hope that Edwin makes a speedy recovery, whether he, not to labour the point, has received a risk assessment or an update from either his Department or the PSNI on the alleged threats against DAERA staff at Belfast and Larne ports, particularly because he comes from an area where the first thing that was put up when a business was attacked was an 'open for business, business as usual' sign, which is what he wants to see at the ports. (AQT 974/17-22)

Mr Lyons: I thank the Member for his question. By way of update, I hope that I have set out that the threat assessment was received; officials are having further engagement with staff and trades unions; and we will finalise a risk assessment in line with the Department's responsibilities under health and safety legislation. We will then ensure that whatever mitigations are necessary are put in place.

Mr Catney: Minister, I hear what you say. Many in the House and beyond are concerned that your predecessor took action that was not proportionate with the security advice received from the PSNI. Can you confirm that, in line with the police assessment, staff will return to work to undertake their important roles, minimising the disruption caused by Brexit?

Mr Lyons: I think that the permanent secretary set out clearly the process and what took place in the days or hours leading up to the decision that was taken. I will not be bound by any timescale but will let the process that we set out at the start take place, and I think that that is entirely appropriate.

Puppy Smuggling

T5. **Mr Newton** asked the Minister of Agriculture, Environment and Rural Affairs, after congratulating him and wishing Mr Poots a speedy recovery, what steps he is taking to address the issue of puppy smuggling, given that he will be aware that it is a significant activity from the Republic to Northern Ireland and from Northern Ireland to Scotland. (AQT 975/17-22)

Mr Lyons: I thank the Member for raising the issue not only now but for the concern that he has shown for this for some time. Operators of puppy farms aim to get maximum profit for minimum effort and do not care about the living conditions or, indeed, the welfare of their dogs. I am also aware that the sale of the dogs sometimes involves travel through Northern Ireland ports. My Department has recently established a multi-agency forum to tackle puppy smuggling. The forum has met twice in the past two months and contains representatives from my Department, councils, PSNI and harbour police. In addition, my Department continues to carry out checks at ports in Northern Ireland to ensure that dogs being moved through ports have the relevant paperwork and are in compliance with welfare-in-transport regulations. The Department's website and the nidirect website contain a range of information on buying and caring for a puppy, including a guide that goes along with that.

Mr Newton: I thank the Minister. That is, indeed, good news, and I am absolutely certain that that will be welcomed by all who are involved in the care of pups.

Minister, there is another step that, I think, needs to be taken, particularly in the health situation that we are in, where it has become extremely popular to buy a pup. I expect that you might agree, Minister, that there is a need to educate the public in how they might go about buying a pup, about the aftercare of the pup should it take ill, the source of the pup — who they have bought the pup from — and the responsibilities of that source.

Mr Lyons: I entirely agree with what the Member has said. I had already set out that DAERA has produced its 'Buying and Caring for a Puppy' guide. The guide sets out advice on finding a responsible breeder or seller, and it was supplied to the Northern Ireland Education Authority in 2018 for placing in its teaching resources library for the use of teaching staff. I hope that that is being used, and I encourage the Member to get in contact with schools in his constituency so that they can be aware that that resource is available. It is absolutely right that this is not just about trying to stop problems but trying to prevent them in the first place. That is the most important thing, and I appreciate his raising that issue of education.

Lough Neagh Fishermen's Cooperative

T6. **Mr Buckley** asked the Minister of Agriculture, Environment and Rural Affairs, given that he may know that, a number of weeks ago, he highlighted dangerous activity on Lough Neagh, via videos that put life at risk,

on the part of bailiffs operating under the remit of the fishermen's cooperative, to confirm that his Department is taking the issue seriously and that the issues will be investigated. (AQT 976/17-22)

Mr Lyons: I thank the Member for raising the issue. I believe that he also wrote to me on this. It is absolutely right that, where those concerns are expressed and issues such as those that he describes take place, they are fully investigated. It is my understanding that one of my officials had been made aware of that and had engaged in conversations with those involved. I am more than happy to keep the Member updated about the outcome of those discussions.

Mr Buckley: I thank the Minister for his answer. There is a long litany of concerns about the fishermen's cooperative's activity on Lough Neagh. I would appreciate it if the Minister, via his departmental officials, keeps me and other Members informed about the ongoing investigations as they develop.

Mr Lyons: The Member has very much put that on the record. My officials will take a note of it, and we will keep him updated.

4.15 pm

Mr Principal Deputy Speaker: That concludes questions to the Agriculture Minister. We will shortly return to the debate on the health protection regulations, when the next Member to speak will be Ms Cara Hunter. I invite Members to take their ease until then.

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

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021

Debate resumed on motion:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]

Ms Hunter: I thank the Minister for being here today. I welcome the opportunity to speak again on the health protection regulations, specifically, regulations 12, 17, 19 and 22. Those restrictions are, perhaps, among the most difficult. They greatly impact on our daily life and our everyday movements. It is very regrettable that we remain in a similar situation, 11 months into the pandemic, both with the virus itself and continued cycles of lockdown.

Of course, the restrictions are not put in place lightly, and we support the Executive and the Minister in the difficult decisions that they have had to make to protect lives and to beat the virus. The sacrifices made by the public over the past number of weeks have not been in vain. We are now beginning to see, slowly but surely, an improvement in the figures. There is now a lower number of daily cases of infection and a lower R number than at the start of the year, and, along with the fantastic process for the roll-out of the vaccine, we can all take heart from the developments.

Despite that positive news, we still have some way to go. I continue to urge the public to adhere to the restrictions and the guidelines. We continue to recognise the gravity of the public health crisis and the continued immense pressures that NHS and front-line staff face day in and day out. As a member of the Health Committee, I am also aware of the pressures on all staff, right across the health system, as a result of the crisis.

It has been a long and difficult winter. As we approach the one-year mark since the first lockdown last March, it does not seem to be getting any easier to adapt to this way of life. Hopefully, once the current phase of restrictions is lifted in the coming weeks, we will never have to return to such a way of life.

As I have done in previous debates on the health protection regulations, I want to mention the impact that the regulations have had on mental and emotional well-being. The lack of contact with family and friends, and the need to stay at home, which the restrictions require and enforce, has been one of the most difficult and, in some cases, painful experiences of the pandemic over the last year. The sense of isolation and loneliness that many people have experienced must be dreadful, particularly for those in the elderly community, the disabled and those living in rural areas, who may have already found themselves cut off and isolated, regardless of the pandemic. I continue to press the Minister of Health and his Department to act and work now to put a plan in place to deal with the anticipated mental health crisis as we come out of the pandemic.

Last week, we discussed the Health Committee's recent report on care homes. In that debate, across the House, we all reflected on the difficulties that care homes have experienced. The report brought home to me the stark realities of what life has been like for residents and families, and, indeed, the effect on people not being able to visit, see, touch and hug loved ones.

I want to make a point relating specifically to regulation 19 from the perspective of my constituency of East Derry. I have been contacted by a number of constituents and residents at the seaside resorts of Portballintrae, Portrush and Portstewart. They are frustrated to see people coming from far and wide to stay in their holiday homes, and I deeply understand their frustrations. I reiterate that no one would ever seek to stop or limit anybody's right to exercise, but I ask that the public stay in and around their own areas for fear that they inadvertently spread the virus. In normal times, tourists and visitors are very welcome in our towns in East Derry. These towns are very dependent on the tourism market. Hopefully, those days of having tourists are not too far away, but, for now, I urge people to adhere to the guidance on travel.

A number of constituents have voiced to me the importance of team sports and regular gym attendance for their mental and emotional well-being. I hope that, as lockdown lifts, the Department and the PHA will continue to engage directly with the gym industry and sports groups to ensure that health and safety can be adhered to and that these important aspects of our lives can safely resume as soon as possible.

I conclude with a question to the Minister. Could staff who carry out COVID-19 testing be considered for priority vaccination as they are front-line workers in a high-risk group? As far as I am aware, they are on zero-hour contracts and have deep concerns that, should they contract the virus, they would not receive sick pay.

My party and I support these regulations. Like all Members, I regret the need for such stringent measures at this time. I can only hope that the end is somewhere closer in sight.

Mr Chambers: During the run-up to the Christmas period just past, the Executive had a huge challenge to balance the ongoing transmission of COVID with the desire to facilitate a Christmas celebration of sorts for all of us. The relaxations were widely welcomed by the community, but they resulted in a negative impact on transmission rates. It was inevitable that a robust reaction was required to counter that, and what we have before us today is that robust reaction. It is commendable that, in line with these regulations, the main Churches made the huge gesture of voluntarily cancelling acts of public worship. The virus and the resulting regulations have changed everyone's way of life. Individuals and families are making huge sacrifices to comply with restrictions that are designed to protect everyone's well-being and to relieve the pressure on our NHS.

At least 95% of our citizens are fully complying, but some are still ignoring the restrictions. It is regrettable that, in many cases, ignoring the regulations has involved those who were responsible for helping to craft them.

The disruption to our daily lives will be lifted or relaxed in response to a slowdown in transmissions and hospital admissions. That is in our hands. The efficient and speedy

roll-out of the vaccine will make a huge contribution to getting us back to normal, but our daily behaviour is still crucial. The recent welcome downward trends should not be taken as an excuse to let our personal or collective guard down.

All of us in the House are being lobbied by various sectors to be allowed to reopen. Gym sessions are very important to those who enjoy the health and well-being benefits of a visit to the gym. A robust campaign has lobbied us to support a reopening of those establishments. I must confess that a visit to the gym is not as important to me at the moment as a visit to the barber, or as a visit to the hairdresser would be to my wife. All personal service businesses have spent money on their efforts to make a visit to their premises as safe as possible. However, the barrier to being able to get the public back into those businesses is the need to minimise travel that may have the potential for accidents, which could lead to more pressure on our hospitals.

Earlier this afternoon, the First Minister reiterated the need for us to stay at home. That advice is a cornerstone of the regulations. The big prize for our sacrifices will be not only a reduction in the number, or elimination, of deaths to the virus but getting the important programme of elective surgery back to normal.

In conclusion, earlier, a Member referred to the regulations as being a blunt instrument. Nobody could argue with that description. In normal times, no one in a democratic society would, in any shape or form, add their name to supporting the restrictions that we are living under. They are, indeed, a blunt instrument. In this case, however, they have saved lives, the number of which we will never be able to quantify. For that reason alone, we should all have no difficulty in supporting the restrictions before us.

Ms Bradshaw: Again, we find ourselves discussing regulations long after they began to apply. In this instance, we are looking at a version that is fundamentally closer to the regulations that came into force last March. The main headline in these regulations is to "Stay at home". That is an order, and it may be enforced.

We probably need to ask ourselves how we are still getting hundreds of cases every day, given that the numbers being reported are for the period after these regulations came into force. In other words, they represent infections in a period throughout which a "Stay at home" order has applied in law. In such circumstances, how are infections taking place? That is a question to which the Minister should have an answer. In recent weeks, we have heard little about the contact tracing that might answer that question. If infections are happening in the home, how is the virus moving between homes when a "Stay at home" order is in place? If infections are happening in offices, do all those offices need to have people in them? If infections are happening in shops, do we need to implement improved social-distancing measures?

I commend the vast majority of people who are staying at home except for essential journeys, because this is an exceptionally grim time of year in which to do it. I hope sincerely that the advances made by the vaccination programme are helping people to keep their spirits up, but that is a difficult task. I also applaud the workplaces that have ensured that staff can work from home. I know of many instances in which it has not been straightforward to

make that a reality. I am impressed particularly by those shops that have invested in having staff on hand at the entrance to try to ensure that the guidelines, such as one person only, are adhered to.

As has so often been the case during the pandemic, we continue to operate in an information vacuum. Where are the ongoing problems that are causing infections? I hope that the Minister can provide us with not just an outline but details of what contact tracing is telling us and therefore what precisely those who provide the public health advice have been asked to consider for the coming weeks. Arising from that, I hope, Mr Deputy Speaker, that you will allow me leeway to touch on the amendment No. 2 regulations, which indicate that a review will now take place ahead of potential changes on 5 March.

That is why we need to hear from the Minister how exactly that will be managed and what information will feed into consideration of the next steps.

4.30 pm

There is a balance to be struck between, on the one hand, holding the current line until, at the very least, all the clinically vulnerable have been vaccinated and perhaps beyond that in order to give the vaccination programme itself the maximum chance of succeeding, and, on the other hand, enabling the limited opening of lower-risk and high-benefit locations. The most obvious amongst those are schools, but I accept that that is not a matter to which the Health Minister can give a direct answer. Other facilities include leisure centres, general retail, gyms and libraries, which are essential to mental well-being and can be managed in a way that limits risk markedly.

I ask the Minister what information is being considered for the now-imminent review of the restrictions. Would it not be advantageous if Members and, indeed, the public could see that information? Otherwise we will be even more limited in our scrutiny role than we are already by having to debate these regulations so long after they already apply.

Given the relative absence of information and the ongoing difficulties that are caused by so many of them, it is with some reluctance that I commend the regulations in the hope that we have seen the last peak of infections. There will be something very wrong if we have not.

Ms Ní Chuilín: I, too, welcome the opportunity to speak on the health regulations. Like those who have spoken before me, I have concerns about them. Paula finished on the point that people have supported the regulations with goodwill and all the best intentions, but there are concerns about Members' ability to scrutinise them after the fact. I know that the Minister will appear before the Committee on Thursday, so perhaps he will be able to pick up on some of the questions that I will raise today about the regulations and future programmes of work.

It is really important that every Member I have heard so far welcomed the roll-out of the vaccination programme. I also note that the number of people who are infected has started to decrease. That, too, must be welcomed, not just for the individuals involved and their families but for our health and social care staff, who, to be quite frank, were last year an already beleaguered workforce. Since last year, they have stood up and stood up, even when they felt like lying down. For that reason alone, we all welcome that progress.

As the Minister knows better than most, there are massive pressures on other parts of the health and social care system. It is not so much about the COVID-19 restrictions or having to practice safe social distancing; it is rather that the waiting lists for surgery continue to grow. They were already at a worrying length prior to COVID-19, but now the concerns about waiting lists are massive. If the Minister does not mind, we would deeply appreciate some information by way of an update on that when he appears at the Committee on Thursday.

The other matters that we have been really concerned about are the impact of the COVID-19 regulations not just on the life and liberty of people but on the issues that health and social care staff are dealing with, particularly safeguarding. I have spoken to some people who are involved in education, particularly primary education. They tell me that the number of concerns that they normally progress to social services has dropped because of the number of children not in schooling. That is really worrying. We would like the Minister to address those issues. The Sinn Féin health team is meeting the Children's Commissioner tomorrow, and that issue, among others, will be discussed.

Cara Hunter and other Members mentioned the adverse impact on mental health, which has gone through the roof. We spoke to young people who have worked on interfaces for many years right across North Belfast. That is a hard station for anyone, but one of the biggest challenges that they said that they had faced, even throughout the whole period of unwanted bonfires in my constituency, was the poor mental health of young people. They are looking at developing protocols, as easements, hopefully, happen, in order to try to get more work. Kids are zoomed out, and they are zooming out. They are withdrawn, isolated and down, and I do not think that any of us want that.

I believe that, with the vaccination —

Mr Buckley: I thank the Member for giving way. She touches on a very important point about the impact on young people, particularly in a school setting, but equally as she outlined, in a community setting. Does the Member agree with me that, as we chart the road to some form of recovery, it is important that we look at innovative ways in which our youth sector can provide help for those who have missed vital education and early learning experiences in school? There must be a joined-up process by which those two arms of the educational body pull together to help those young people, who will bear the scars mentally and, indeed, educationally in the days ahead.

Ms Ní Chuilín: I thank the Member for his intervention. There is nothing he said that I disagree with. The point I was making is that youth providers are looking at providing a protocol, bearing in mind the current health restrictions. At the same time, they have real concerns about the impact of the regulations on the health and well-being of young people.

Everything that we have talked about has been about test, trace, isolate and support, and those need to continue to be the watch words. I appreciate that there are self-isolation exemptions for film and TV crews and other professionals travelling from Britain, but I still cannot get my head around the fact that, weeks ago when we had the Kent variant, the Minister did not support restrictions and

instead opted for guidelines. I think that we will come to rue that decision. We have brought in regulations on variants from other red-flag countries. I wish that we could get past thinking constitutionally and instead think about health. I want to take that up with the Minister on Thursday.

I believe that the current restrictions are inadequate, and we definitely need to see more detail. We need to see more detail about the passenger locator forms for all arrivals at ports and airports. In my opinion, there is a real need for money to quarantine, and COVID testing at pre-departure needs to be introduced.

I appreciate that none of this is easy. People are having to make these decisions because patients are lying in ICU, and that focuses the attention of all of us. One thing that is very clear to me is that the restrictions have worked to a certain degree, particularly given today's figures. What we are asking for are not only further updates to enable us to scrutinise, but a recovery plan. People have been very tolerant. Indeed, despite the uncomfortableness of the regulations since their introduction, people have done their best. We are at a stage now where we need to see a recovery plan, albeit one on the basis of health restrictions being eased when the health situation improves. People need hope. Minister, it is not just your business to provide that hope, but since we are discussing these health regulations, I would like you to take up some of the points that I have raised.

I was disappointed at the tone of Jonathan Buckley's comments about the Ormeau Road incident. There is a big contrast between people being involved in silent prayer and laying flowers in reflection and the crowds in east Belfast. They were not there to lay flowers or to pray. They were there to intimidate, harm, bully and continue their criminality, including drugs, racketeering and all the rest. I do not think that it serves him well to focus on that issue and that issue alone. What we need to see, to be quite honest, is as many people as possible looking at the health regulations and trying their best in the circumstances. Where there are difficulties, we should deal with them separately. It did not do the people in east Belfast, who were living in terror, any justice either.

I will finish with this. Minister, I am delighted to be a member of the Health Committee and to work with great people on the Committee. When it comes to the regulations, I can tell that they struggle but are trying to do their best. We need to see a bit more evidence and more detail. I do not think anyone has been mischievous over these things; they are trying to be collegiate. I am only new to the Committee, but I feel that more needs to come to help them to support you. We know all the problems because we ask numerous questions, but we also need to see what the resolutions will be. If that is work in progress, we need to see it. Like yourself, we are constituency representatives who have come through a lot over the decades. This last year, in my opinion, has impacted on some of the most hearty people that I know and some of the bravest staff working in health and social care, who have worked in A&E departments at the worst times and are considering their profession. That is not something that any of us want. They are also asking questions. They understand restrictions in one area but not in another. For example, the travel restrictions around the Kent variant did not go down well. Those questions need to be answered.

Mr McNulty: As others have stated, what is before us today is a mere extension of the regulations that were previously put in place. We have been here on many occasions, where the regulations are almost at review stage before they get to the House for consideration, debate and approval. I supported the extension at the time and want to take this opportunity to speak on the review of the regulations that will come next week. We know that the regulations have worked and continue to work. Whilst the infection rates and the number of positive cases continue to fall, they remain high and, most importantly, the pressure on our health service, our hospitals and our healthcare teams also remains high. The review will take into account the impact on hospitals, healthcare staff, cancelled surgeries, delays on screening and the roll-out of vaccinations. The most up-to-date hospital admission details will also be included in those considerations.

So many people and their families are sitting at home sick with worry about delays in surgery and the lack of access — perceived or otherwise — to screening. There are also simple things, such as the drive-in test site in Newry, in the Albert Basin, where, given that there is a storm coming this week, people have to walk long distances to the testing site. People want answers and solutions to that situation. There was a drive-in testing site, and they want that replaced.

I ask the Minister to use this opportunity of his review to signal a path for the future and give people a sense that hope is on the horizon. I appeal for a stage-by-stage pathway to be set out that will see different sectors and activities ease out of restrictions. In calling for this, I do not see it as an undermining of the health message. I fully appreciate and acknowledge that any easements will be slow, staged and permissible only if the infection and hospital figures permit. We need to look at easing areas of the economy and society that can be eased in a managed and safety-compliant way.

On multiple occasions, I have raised my concerns about the impact of the cessation of youth sports for prolonged periods. I raised it with the mental health champion last week at the Education Committee and have raised it on many occasions with the Minister. I am really concerned about the impact on their mental, emotional and physical health. A strong campaign is being launched this week in which some sporting organisations and high-profile figures will share those concerns. I am completely sympathetic to those concerns. I want to hear the Health Minister and the Chief Medical Officer's view on that. I want to know when they think it will be safe to open up youth sports, in a safe and managed way and at no risk to the children or their families. Outdoor activities, such as children's sports, can and should be permitted at an early stage, given that they take place in outdoor, open spaces. That is imperative for the physical and mental health and emotional well-being of our young people. As are many Members, I am dying to get back into the gym. It has been too long since I have had a bar on my back.

4.45 pm

Restrictions in other areas of our economy, such as barbers and hairdressers, which operate on a strict appointment-only basis, or car washes, could be eased. When can dance and music lessons resume safely? In education, school leaders and parents are crying out

for certainty. Minister Weir has indicated that he will give a period of notice before schools open for face-to-face learning, but let us give them certainty as soon as possible. Set a date, provisionally. Give them a timeline or a staggered programme of when schools can resume safely and for which year groups.

Everyone appreciates the challenges that the Minister has faced and the way in which he has led throughout the pandemic. He has not been afraid of making difficult decisions. Whilst others were at each other's throats, the Minister remained steady and stable. People in our communities have looked to him to guide the way when things have been tough, and when issues relating to the pandemic have been in the melting pot, more than they have looked to the head of Government. He has done that. When the Minister reviews the regulations, next week, I ask him to seek to give people hope and sight of the light at the end of the tunnel.

Mr Carroll: Almost a year into the pandemic, we, unfortunately, know the seriousness of the virus and how deadly and dangerous it is. I offer my sincere condolences to the thousands of people who have lost a loved one during the pandemic. I also offer my thoughts to everybody in our community who has been impacted by the virus.

I have repeatedly raised the need for the Executive to implement a zero-COVID strategy in order to tackle the pandemic. All along, I have been met with Ministers engaging in obfuscation and deflection, and, today, the First Minister repeated that. I repeat, again, that the only way out of the pandemic, to protect people and to avoid lockdown yo-yo is to adopt a zero-COVID approach that aggressively targets the virus and aims for the total elimination of community transmission; otherwise, it will be lockdown/surge, lockdown/surge, lockdown/surge, for some time. I do not know whether lessons have been learned, but I hope that there will not be a repeat of the past failed strategy of the Executive.

It is worth quoting something that Susan Michie, from University College London, said about zero COVID. She said:

"I could use the analogy of fires. In Ireland ... there is a zero fire policy, which means we want no fires and we take every measure we can to ensure, as much as we can, that there are no fires. However, we know fires will occasionally break out and we have systems in place to jump on those fires quickly so they do not spread into the awful examples we saw in Australia last year ... That is what elimination and zero-Covid means."

It is important and worth considering that, today, and at the Executive.

We need measures in place to protect people's health, but it is my assertion that the Executive have been slow to implement and quick to lift the measures that have been protecting people. Again, I hope that lessons have been learned, but I do not know if they have.

The Executive's approach has, continually, targeted the wrong people, and more so in the past few weeks. In my view, we have had a disproportionate targeting of working-class people, including people in my constituency, where in recent weeks a number of families have been targeted by police as they have attempted to mourn their loved ones who have passed away. We have a situation where

politicians in the Chamber can break regulations and not receive a heavy-handed response from the police, and MPs can repeatedly — and repeatedly and repeatedly — break the regulations and not face fines, warrants or visits, or knocks on their door from the police. Such an approach is not only unfair but will and does breed cynicism amongst a community that has faced and sacrificed so much in a very difficult year.

I have raised this before, but where is the police investigation of, or door knocks on, the big care home providers? Last week, we discussed the serious number of deaths that there has been there in response to the pandemic.

I again bring to the Minister's attention the fact that, last week, someone in my constituency was fined £200 for attempting to give out bingo cards, which was intended to give some light entertainment and a distraction to people in the middle of a pandemic. However, it was met with the full rigour of the law while others are openly flouting the regulations and getting away with it. It is really disgraceful and shameful stuff.

Capacity in the health service has been raised a number of times. We need to look seriously at private healthcare capacity. Two weeks ago, I asked a question of the Minister's Department, but, unfortunately, the response that I got was that it was too big a job — costly and time-consuming, presumably — to find out the size and scale of private healthcare capacity. We need to utilise every single private bed, capacity, resources and facilities to tackle the pandemic rather than what is happening now, which is that some people are boasting about the profits that they are making and the patients whom they are seeing in the middle of a pandemic. That approach has to change. I urge the Minister to come up with a strategy, alongside his Executive colleagues, to discuss how we can take control of those facilities to ensure that they are used to fight the pandemic and deal with our health issues.

Mr Swann (The Minister of Health): I welcome today's debate on SR 2021/3, the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) and thank Members for their contributions. I will comment on the issues that have been raised,

I thank the Committee for its support not just with these regulations but with the work that we have done as a Department and a Committee. When Carál Ni Chuilín joined the Committee, she summed it up correctly when she said that she could see the passion and understanding on the Committee. As Minister, I have noted that and welcomed it through the support that I have had since taking up post.

The Chair was right when he said that the vast majority of people want to do the right thing. We know that, but the regulations, unfortunately, are necessary for the additional powers that are needed to make sure that those who do not want to do the right thing, or those who think that they are above doing the right thing, are brought to task and feel the rigour of the law.

The Chair mentioned regulation 5, and the issue was raised in Committee as well. Under regulation 5:

"a person shall not organise, operate or participate in an outdoor or indoor gathering which consists of more than six persons from more than two households."

whereas regulation 5A prohibits a person who is not an organiser or operator from participating in a gathering, thereby placing accountability on the attendees of larger gatherings as well as the organiser or operator.

Regulation 5A was made on 12 November. It was required in order to close that loophole whereby only the organiser of an event could be fined if many more participants than agreed attended an event. That work was done. In addition to that, while gatherings of more than six people from more than two households contravenes the requirements of regulation 5, regulation 5A covers larger gatherings, and more enhanced penalties can be applied.

The Chair also mentioned click and collect, as did Mr Buckley. I say to the Members who asked about widening the use of click and collect that the Department for the Economy tabled a paper to the Executive for consideration. There was a round-table discussion, headed by the First Minister and deputy First Minister, about widening the use of click and collect to allow non-essential retail to operate in that way. I remind Members that, currently, the use of click and collect is restricted to essential retail only, but all retail can operate by delivery to customers. I take Members back to the intention of these restrictions, which is that the virus transmits when people congregate and have social contact with one another, especially where people are confined to indoor spaces such as shops and shopping centres, where they could also touch common surfaces. That is the challenge with click and collect.

I thank the Chair, also in his capacity as Sinn Féin health spokesperson, and everyone in the House for their acknowledgment of the vaccine and the vaccine programme and for how we are progressing that.

However, again, as the Chairperson stressed, the vaccine programme will not work on its own; it will need to be supported by the other additional measures, which we all know work, of social distancing, good hand hygiene, good respiratory hygiene and the wearing of face coverings.

Moving on to Jonny Buckley's comments, I thank him for constantly acknowledging, as do others, the healthcare professionals who have been working through the pandemic for 11 months. Carál Ní Chuilín and others mentioned the extreme pressure that those professionals have been under due to working in an underfunded and under-resourced health service for many years. That has only been intensified by the pandemic. Jonny acknowledged the vaccine programme, and he referred to the sense of pride that we have in Northern Ireland in what is being delivered and in the dedication of the staff who are working on that. We have all been getting positive feedback on the warm and friendly support, the encouragement of the staff and the operation being delivered by the regional vaccination centres and GP facilities.

Jonny referred to the financial support measures that are necessary to supplement and complement the restrictions that are brought in. I welcome the support that comes from the Economy Minister and the Finance Minister. They ensure that those measures are there and that they pay out as quickly and expediently as possible so that we get support to the sectors that need it. He referred to the sectors that have been grossly impacted. As Health

Minister, I would say that none has been more impacted than the health service.

Jonathan also raised the important issue of messaging with regard to the AstraZeneca vaccine that is currently out there. The Chief Medical Officer has issued a press release to give people reassurance. I want to read some of it into the record. Dr McBride has said:

"The Astra Zeneca and Pfizer-BioNTech vaccines are protecting people from Covid-19 — and saving lives.

They have been independently and expertly assessed as effective against the strains of the virus that are dominant in Northern Ireland and elsewhere on these islands. They have been approved for the entire adult population."

He says that he is:

"aware of a small scale study that suggests that Astra Zeneca may not be as effective against mild disease from the South Africa variant of the virus.

Clearly, more studies will be required on the full efficacy of vaccines against all variants. But I wish to assure people here on two important fronts.

Firstly, the South Africa variant is not dominant in the UK — indeed there have been no confirmed cases of it at all in Northern Ireland at this time.

Secondly, while protection against mild disease is obviously desirable, the most important objective is protection against serious illness, hospitalisation and death. Any vaccine that achieves that is a successful vaccine."

I wanted to ensure that that was on record.

Cara Hunter said that it was important to note that the numbers are decreasing. However, we started from a very high point. Therefore, although numbers are decreasing, there is still a long way to go before they get to where I would feel comfortable with the wide-scale opening of activities in Northern Ireland. She reflected that when she said that there was still some way to go.

One of the most important points that Cara raised, as did others, was how the virus has affected and changed the daily lives of many people across Northern Ireland as a result of the lack of contact with family and friends. One of the most moving tributes that I received about the vaccine programme was from an elderly lady who had been through the process. She said that the vaccinator's touch on her arm was her first physical human contact since the virus started. When you hear such moving testimony about the impact that the virus has had on people's daily lives in Northern Ireland, it really brings it home.

As legislators here, it makes us reflect on the necessity for the regulations because of what they are achieving in driving down that rate of infection. We also need to make sure that we have the necessary support mechanisms in place. As I have always said, they will be in place for no longer than is necessary, but, at this point in time, they are necessary because we still have a high rate of infection. We still have more people in hospital with COVID than we had at the peak of the first wave, and we have more people in ICU than we did during our first and second waves.

So, in my view, the regulations are proportionate and necessary at this point in time.

5.00 pm

Another point that Cara Hunter raised was that some people are travelling to seaside resorts for their exercise, which is perfectly understandable, but if they could do that closer to home, it would be far better and it would be better for the communities that they travel to. There is guidance on how far people should travel from home. The sooner that we get the number of people making unnecessary trips down, the sooner that we can get back to enjoying the trips and outings that we all want to get back to.

That brings me on to Mr Chambers's contribution. He said that the cornerstone of the regulations that we have in place is the "Stay at home" message and the necessity to minimise travel. That is where many of the challenges lie, and it leads on to some of Mr McNulty's contribution about all those things that we could open and that we should look at opening. They have to be taken at a steady pace when the time is right and when we will not see another explosion of the virus.

I reflect back to the approach that the Executive took in May 2020 when they set out a stepped, phased approach but did not put a timeline on it. Those restrictions were eased solely depending on where the virus was at any point in time and where the pressures on our hospital system were at any point in time. That is an important way to approach how we take the next steps out of this.

Ms Bradshaw mentioned the number of cases that we are seeing. The PHA is still working on how we collate and present the sources of those infections in a meaningful way. We are still seeing cases in homes and workplaces that are opened, and, unfortunately, we are still seeing outbreaks associated with funerals. In Northern Ireland, there is still an emotional challenge where a funeral is not just an acknowledgement of somebody's life but a social connection. Unfortunately, we are still seeing those cases, and that adds to the challenge. We have often said in here that the virus has changed our perception of death. Those things that were so normal for so many people have now been challenged. That is why, unfortunately, we still have that challenging restriction on the number of people that can attend a funeral when the guidance is being followed. It makes it personal and hard for many families. It is about taking those steps and not rushing but doing it in a proportionate way when it is safe to do so.

To move on to Carál Ní Chuilín's contribution, I am already looking forward to Thursday. It is an engagement that I always look forward to. One of the challenges that Carál will bring to the Committee is that she also sat around the Executive table, as there is proportionality, and we have had discussions and made difficult decisions at various times. I will do my best to have answers to the Member's questions.

One of the important facts that was raised was the importance of our health and social care workforce and the entire family across the whole health and social care sector no matter where they are and where they fit in to it. We need to put support in place because they stood up when many others were on their knees.

Ms Ní Chuilín and Ms Hunter raised the mental health challenge and its impact.

We have the Executive working group on mental health, well-being, resilience and suicide prevention. When Carál was Minister, she engaged with the youth group Elephant in the Room, which gave powerful testimony to the challenges that the pandemic is posing for our young people. To paraphrase: they are so zoomed in that they have zoned out. Our young people are now spending so much time in front of screens that it has almost become a way of life for them. It was OK when it was their escape from reality, where they went to play on their Xbox, or whatever else, but now that it is their only way of communicating with their friends and their social group, it is creating additional strains and stresses. That is an important piece of work.

Ms Ní Chuilín and Jonny Buckley asked what more can be done to work across Departments. Members will be aware of the work of the mental health champion to bring forward recommendations.

We here are well-rehearsed with the concerns that I have raised about the lack of data sharing with the Government of the Republic of Ireland on passenger locator forms. Small steps have been made, but we are far from addressing the real need as to how we identify travellers coming in through the Republic of Ireland. They are not just travelling to Northern Ireland but on to Great Britain as well. There is still a lot of work to be done with regard to international travel.

Mr Gildernew: Will the Minister give way?

Mr Swann: Yes.

Mr Gildernew: That has been acknowledged several times, Minister, but there is still an absence of any sort of east-west passenger locator form. As well as a robust all-island approach, we also see to see a robust both-islands approach. In the run-up to Christmas, you indicated that you were looking at passenger health locator forms as a way of improving our tracking and management of east-west travel. Is there an update on that?

Mr Swann: To update the Chair, we use a UK passenger locator form managed through the Home Office, and we get our data from it. I am aware that there has been some media attention on the sharing of passenger locator data from GB to the Republic of Ireland. However, as far as I am aware, no formal approach has been made by the Irish Government to the Home Office seeking the sharing of that data. That may have changed since I received the last update, but, to my knowledge, no approach has been made. It is not within my gift: it is for the Irish Government to approach the Home Office about the sharing of that data.

I support ensuring that there is — I think that the Chair knows this — as much sharing of data, especially travel data, as possible across these islands. That is beneficial because not knowing who is coming in through the Republic of Ireland and travelling here, or coming in through the Republic of Ireland and travelling on to Cardiff, London and Manchester creates additional strains and stresses.

I touched on some of Mr McNulty's contributions and the many questions that he asked about when we can open up. I say to him: let us not get too far in front of ourselves with regard to putting out messages. These restrictions will be in place until 5 March. What we as an Executive,

Assembly and society need is people conforming with the message to stay at home. If we start to get people in front of themselves about what we are going to open up next, there is a human tendency to get out before the formal announcement. Therefore, I caution restraint with regard to opening up too much or in indicating what and when we are going to open up so that it does not have an adverse effect.

Mr Carroll spoke about not wanting any fires. That is a very apt analogy. Unfortunately, there are still too many people running around with matches in their pockets. That it is a firm analogy for the virus because when you go about with matches in your pockets, you can still transfer the virus or start another fire in your own home, in somebody else's home, in a shop or in a conversation that you are having with somebody down the street while not wearing a face mask.

We need to want to do it. That analogy reinforces the message about staying at home. Nobody would intentionally burn their own house down while they, their loved ones and their families were in it. We can look at the virus using the analogy that Mr Carroll expressed. We continue to utilise the independent sector and work with it to pick up whatever capacity we can to support our health service.

I hope that I have answered as many of the Members' questions as possible. In closing, I would like to do two things. First, I express my thanks and the appreciation of all of us here to all those who are working across our health service at this difficult time. I thank the public for adhering to the guidance and regulations that are in place. I know that it is not easy, so I commend you on your strong support and your contribution to reducing the impact of COVID-19 in our community.

Secondly, I remind everyone that the most important actions that we can all take to limit the spread of the virus are to stay at home, limit our contacts with others, and, if we have any symptoms, isolate from others immediately and seek a COVID test. It has made a difference, and it continues to make a difference. I say this to people: do not give up yet. I commend these regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): Members, please take your ease while we move to the next item of business.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr McGlone): The next items of business are motions to approve three statutory rules that relate to the Corporate Insolvency and Governance Act. There will be a single debate on all three motions. The Minister will move the first motion and then commence the debate on all three motions that are listed on the Order Paper. When all who wish to speak have done so, I shall put the Question on the first motion. I will then call the Minister to move the second motion and the Question will be put on that motion. That process will be repeated for the third motion. If that is clear, we will proceed.

Mrs Dodds (The Minister for the Economy): I beg to move

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 be approved.

The following motions stood in the Order Paper:

That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020 be approved.

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 be approved.

5.15 pm

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on the debate. I call the Minister to open the debate on all three motions.

Mrs Dodds: I am seeking the Assembly's approval of three statutory rules under powers contained in the Corporate Insolvency and Governance Act 2020. The regulations have been made under powers set out in the Act, which was made at Westminster on 25 June 2020. That Act was a piece of emergency legislation that extends to the whole of the UK following a legislative consent motion that was passed by the Assembly on 2 June 2020. The Act contains provisions to help companies and mutual societies, cooperatives and community benefit societies and credit unions to deal with the serious economic consequences resulting from the COVID-19 pandemic. It includes corporate insolvency and governance measures.

The first statutory rule relates to a temporary relaxation of requirements relating to the manner in which meetings of companies and mutual organisations can be held. The Act set aside requirements to hold physical meetings so that those organisations could continue to operate through the period of public health restrictions. That temporary measure to relax requirements relating to the nature of meetings was originally to expire on 30 September 2020. However, the Act allows for my Department to extend the temporary measures for mutuals if it is considered

necessary. My Department made regulations last year to extend the temporary period until 30 December 2020. Those regulations were made with the full support of my Executive colleagues, the Economy Committee and the Chamber on 3 November 2020.

The coronavirus pandemic has continued to have long-term impacts on the economy of Northern Ireland and the businesses operating here. As public health restrictions remain in place, I consider it prudent to extend the measure to provide continued support to local businesses. The statutory rule extends the temporary period until 29 March 2021. The main purpose will be to lift the requirement for mutual societies to hold their meetings in physical locations until 29 March. The measure allows flexibility in how a meeting can be held. For example, technology could be used to hold meetings virtually, and postal votes could be used instead of the usual show of hands at a meeting. Trade representatives detailed how corporate governance and oversight is likely to be affected if flexibility in how they hold their statutory meetings cannot be extended. Credit union representatives specifically explained how annual general meetings must be held in the coming months so that decisions can be taken on dividends. Many of their members are financially excluded and rely on annual dividends and interest rebate payments as part of their financial planning.

The extension of the temporary measure until 29 March 2021 will help mutual organisations that are struggling as a direct result of the pandemic to continue to meet the needs of their members. The extension corresponds with what is being done in the rest of the United Kingdom. It is imperative that mutual societies in Northern Ireland can avail themselves of the same easing requirements as their counterparts in GB. There is one note of caution that I raise, however; this is the final time that we can extend those measures as the Act currently stands. That having been said, a period of almost 10 months has been created to give mutuals the time to amend their rules and internal procedures so that they can hold meetings in a non-physical manner. I hope that most will have taken advantage of that by now. My officials have written to mutuals here and will work with any that still need support in that way. The regulations that you are being asked to approve have the agreement of the Economy Committee, and the Executive have been advised.

I am also seeking the Assembly's approval of two further statutory rules that are being made under powers that are contained in the Corporate Insolvency and Governance Act 2020. The regulations are designed to provide continued support and assistance to companies that are suffering financial hardship as a result of the coronavirus crisis.

The first set of regulations is to keep in place, until 31 March this year, temporary provisions that forbid the making of winding-up orders on foot of statutory demands before that date. The regulations also restrict the presentation of winding-up petitions and the making of winding-up orders where coronavirus has had an effect on the company's finances. The second set of regulations is to reactivate elapsed temporary provision in the Act. That provision removed the threat of directors being personally held liable for wrongful trading if they allowed their company to continue to trade with the knowledge that it was insolvent. That measure has been reviewed, and

it has been considered that it should be reintroduced to assist companies to trade through the crisis by removing the threat to directors but ensuring that directors can fulfil all their other legal obligations.

The extension of these modifications and the dates to which they are extended again corresponds with what is being done in the rest of the United Kingdom. Both sets of regulations that the House is being asked to approve have been agreed by the Economy Committee, and the Executive were advised prior to the debate.

The pandemic has had a longer and deeper impact on the economy than was predicted when the Corporate Insolvency and Governance Act was passed in June last year. It is important that we continue to deliver certainty to businesses throughout this challenging time, which is why we are extending these important and necessary measures to help provide continuing support and assistance to local businesses and protect them from insolvency.

Dr Archibald (The Chairperson of the Committee for the Economy): As Chair of the Economy Committee, I will speak briefly in support of the motions on its behalf.

The Minister indicated that the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (NI) 2020 amends the Corporate Insolvency and Governance Act 2020 by extending the temporary relevant period for mutual societies to hold meetings in a flexible manner. The regulation substitutes the end date of 30 December 2020 for the new end date of 29 March 2021. The Committee agreed the statutory rule for the regulations at its meeting on 13 January 2021, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (NI) 2020 will further assist companies affected by the coronavirus pandemic. The regulation extends the duration of the temporary measures restricting the use of statutory demands and winding-up petitions introduced by the Act beyond their current expiration date of 31 December 2020 until 31 March 2021. The Committee agreed the statutory rule at its meeting on 16 December, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (NI) 2020 will further assist companies affected by the coronavirus pandemic. The rule restored provision in the Corporate Insolvency and Governance Act 2020 suspending directors' liability for wrongful trading, and it extends the operation of that provision until 30 April 2021. The Committee agreed the statutory rule at its meeting on 16 December, subject to the report of the Examiner of Statutory Rules. The rule came into operation in December 2020. The Examiner of

Statutory Rules has raised no issue with the rule, and, on the Committee's behalf, I support the motion to confirm it.

I will now make a few remarks as Sinn Féin economy spokesperson. The three statutory rules, as the Minister outlined, extend flexibilities in the areas of holding meetings, temporary measures, winding-up petitions, statutory demands and the suspension of liability for wrongful trading. These are all important supports for businesses that have been badly impacted by the pandemic, and, although they were intended to be temporary, it is necessary to extend them as the pandemic continues.

As the Minister outlined, the extensions continue the measures until 29 March, 31 March and 30 April respectively. As a party, we support this important support for businesses, which gives them the flexibility that will help them to survive and recover.

The Minister made a point about the SR on flexibility with regard to meetings. Has the Department written to all mutual societies to inform them that they might need to amend regulations? In addition, are there restrictions on the number of times that extensions can be made in respect of the other two SRs?

In supporting the statutory rules, I encourage the Minister to ensure that all possible financial assistance is extended to businesses and that flexibilities in schemes that are operating to get support out to businesses are put in place to protect jobs and livelihoods.

Mr Stalford: It is not my intention to detain the House long, because there is unanimity in the Committee in supporting the measures.

The measures that the Minister outlined are reflective of the situation that we are in. I do not think that, in March, anyone foresaw circumstances where we would still be in the position that vast swathes of the economy were locked down, businesses were not able to function fully and we faced all the challenges that the coronavirus pandemic has brought. No Minister, least of all an Economy Minister, wants to come to the House with measures such as these. In ordinary circumstances, that would simply not be the case. However, it is reflective, as I said, of the challenges that we face, and it is right and appropriate that we use the legislative frameworks at our disposal to assist businesses, mutual societies and credit unions.

I declare an interest: I am a member of a credit union. I suspect that an awful lot of people are members. The credit union movement is an excellent one. It does really important work, particularly in helping those who would otherwise not get access to credit. Therefore, it is only right and proper that we do anything that we can to assist mutual societies and credit unions to function during these difficult times. I place on record my support for the credit union movement and the excellent work that it is doing.

As the Minister said, the measures that she is announcing correspond with the approach taken by the Government at Westminster, and that is appropriate and right. I noted that she said that this would be the final time that this could be done by statutory rule. We need to take cognisance of that and, perhaps, plan for the future. However, all of our focus, particularly of those of us who are privileged to serve on the Economy Committee, now needs to be on opening up as much of our economy as possible. I absolutely accept

that that has to be done within the context of safety. We need to get our economy up and running again, because, ultimately, everything that we want to do, whether that is investment in health or public services, the provision of new roads or building schools — all the things that people go into politics for and want to do — can be delivered and paid for only if we have a sustained economic recovery in the period ahead. I know that the Minister is cognisant of that fact.

I also know that, in the most recent round of budgetary allocations, the Minister got less than a third of what she had asked for from the centre. It is important to put that on the record. There is no point in Members saying that the Economy Minister needs to be doing x, y and z when she has received from the centre a third of what she had asked for. We need to be cognisant of that.

5.30 pm

I am absolutely happy to support the measures. They are helping businesses to function better. They are also helping credit unions and mutual societies, which means that they are helping some of the most vulnerable. Therefore, I give my support to the Minister and to the approach that she has taken.

Mrs Dodds: I thank the House for its support for the extension of the statutory rules. As I said in my opening remarks, it is very important that we extend flexibility and some certainty to business on the issue.

I assure the Chair of the Economy Committee that we have written to the mutual societies, and we will continue to work with them so that they can continue to operate within the rules. We will continue to offer flexibility to all businesses in the current situation and will adapt as we need to as we progress. On the Chair's remarks about support for businesses, I remind the House that my Department has administered over £370 million of support to tens of thousands of businesses across Northern Ireland. We are operating live schemes for those who have been impacted by the regulations — the self-employed, company directors, large hotels, bed and breakfasts and traditional pubs — and we announced schemes last week for students. That is a record of reaching out to support the community and the business community in Northern Ireland that is probably second to none.

To my colleague from South Belfast, I acknowledge the importance of the credit union movement to Northern Ireland, the way in which it extends help to many who otherwise would find it very difficult to engage with the more traditional forms of finance and the flexibility that it offers to its members in times of difficulty. I put on record my thanks to them for the work that they do in our communities.

Very briefly, we should acknowledge the real difficulties that the economy has suffered over the last period of months. This will have a lasting impact on our economy, which means a lasting impact on families, jobs and incomes and the real impact that the economy has on our everyday life. We are planning for economic recovery, and that will require a dedicated economic recovery budget from the Executive and a dedicated skills budget because the two things will be vitally linked as we go forward. If we want to plan for economic recovery, we also need to plan

for the skills that people will need to take the community into a recovery position.

I thank the House and the Committee in particular for their support of the statutory rules.

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 be approved.

The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020 be approved. — [Mrs Dodds (The Minister for the Economy).]

The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020

Question put and agreed to.

Resolved:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 be approved. — [Mrs Dodds (The Minister for the Economy).]

Mr Deputy Speaker (Mr McGlone): As Members will know, the Assembly will sit again next week on the day, or days, agreed by the Business Committee when it meets tomorrow. An Order Paper, or Order Papers, will issue after that meeting.

Adjourned at 5.36 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 of Finance

Public Expenditure: 2020-21 January Monitoring

Published on Thursday 21 January 2021.

Mr Murphy (The Minister of Finance): I wish to update the Members on the Executive's agreement to the January Monitoring Round for 2020-21. As with earlier monitoring rounds this year, has taken place alongside decisions taken to provide support in view of the COVID-19 restrictions now in place.

This is being done by written statement in order to confirm the relevant allocations for immediate use and provide members with as much notice as possible of the changes to public spending for the remainder of the financial year. However, I will make an oral statement to the House next week which will provide the opportunity for Members to ask questions and raise specific issues.

COVID-19 Response

COVID Funding Available

The Treasury has announced an increase in the amount of Covid funding guaranteed to the Executive in 2020-21 to £3 billion, providing an additional £200 million Resource DEL. While discussions with Treasury continue on flexibility to carry this forward to next year this amount has not been allocated as part of this round.

Departments have declared reduced requirements against previously announced allocations and details are provided in the tables accompanying this statement. This provides £219.2 million Resource DEL for allocation. £10.5 million Financial Transactions Capital reduced requirements were also declared, however as this allocation had been provided from Executive funds this is dealt with outside of COVID-19 support.

Allocations made to departments previously included amounts which have now been provided to the Executive from other sources, as such £66.6 million Covid funding can be returned to for reallocation.

Latest forecasts of Regional Rate income show that £46.4 million previously provided for rate relief measures will not now be required, reflecting a reduced cost rather than a reduction in the support being provided.

My statement on 23 November noted that £150 million was set aside for longer term rates support, in view of the additional £200m now available, which the Executive

should be able to carry forward to next year, I have made the £150 million available for allocation now.

The total amount of Covid Funding available for allocation now is £509.8 million.

COVID Bids

Departments have submitted Covid-19 Bids totalling £215.6 million Resource DEL, details are provided in the tables to the statement. In addition the Department for the Economy and the Department for Infrastructure have confirmed that they will require the amounts previously held centrally for support to business and the transport sectors.

While these bids factored in restrictions that came into effect on 26 December, Ministers are considering what further support can be provided to those most in need. While further proposals are developed it is important that the Executive provides the immediate support needed by businesses and individuals and has therefore moved to agree allocations to all bids submitted so far.

COVID Allocations

Allocations announced today are shown in Table F to the statement.

The Department for the Economy will receive £94.5 million for Research and Development, replacement of European Social Fund funding in this year and various schemes supporting Tourism and hospitality, small businesses and Company Directors.

This along with the £60 million previously held centrally provides the Economy Minister with £154.5 million to provide much needed support to individuals and businesses in this financial year.

The Department of Education will receive £7.5 million to continue the response to Covid 19 in schools, to extend the Lost Learning Programme to special schools.

The Department of Finance will receive £101.6 million, £100 million will extend the Financial Assistance Scheme in view of the new restrictions, and to help the newspaper sector £0.6 million will provide rate relief.

The Department for Infrastructure will receive £12.1 million for COVID support including DVA lost income

Non-COVID Transactions

Departments have identified £93.9 million Resource DEL, £55.7 million Capital DEL and a total of £12 million Financial Transactions Capital reduced requirements.

Factoring in changes to centrally held funding there is £110.7 million Resource DEL, £46.4 million Capital DEL and £55.7 million FTC of non-Covid funding available for allocation in January Monitoring.

Departments bid for £98.2m Resource DEL, £24.2 million Capital DEL of non-COVID related pressures in January Monitoring.

Treasury has provided funding in relation to Protocol costs, Expected Credit loss, Accrued Annual Leave and Project Stratum so bids for these will be met from additional funding from Treasury.

The remaining pressures of £58.4 million Resource DEL, £18.1million Capital DEL and £0.004 million Financial Transactions Capital will be met in full. Details of these allocations are shown in Table G to the statement.

Allocations include £9.7 million to DfE for Higher Education Quality Research and FE colleges pay remit and £45 million to DfI to support the Driver and Vehicle Agency and Translink.

Outcome

After meeting all departmental bids and amalgamating COVID and non-COVID funding, £346.4 million Resource, £28.3 million Capital and £55.7 million FTC remains unallocated.

I have encouraged Executive Ministers to continue to work on further ways to utilise additional funding in this financial year and further allocations are anticipated next week.

In addition I have requested increased flexibility to carry forward COVID funding from Treasury and await the outcome of that request.

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TABLE A: JANUARY Monitoring COVID Reduced Requirements (£ millions)

Department	Description	Non Ring Fenced Resource	FT Capital
DfC	Discretionary Support Grant	-2.0	
	Homelessness	-0.3	
Total DfC		-2.3	
DfE	Air Access	-1.2	
	Apprenticeship Incentives	-0.5	
	Assistance to Tourism	-0.3	
	Holidays at Home Vouchers	-2.0	
	Hydrogen Economy	-1.0	
	Apprenticeships	-3.1	
	Invest NI - Assistance to Business	-93.0	
	Invest NI - Early Stage Companies		-0.5
	Retain your Apprentice	-0.9	
	Skills & Youth Training	-0.6	
	Teaching Grant QUB/UU	-2.8	
	Tourism NI - Game of Thrones		-10.0
Total DfE		-105.4	-10.5
DE	Response - Education Authority	-0.2	
	Response - Children & Learning	-0.3	
	Response - Free School Meals	-2.8	
	Response - Lost Income	-0.1	
	Response - Pathway Fund	-0.1	
	Response - School Meals Loss of Income	-0.1	
	Response - Schools Maintenance	-0.2	
	Restart - Free School Meals	-2.7	
	Restart - Grounds Maintenance	-1.1	
	Restart - PPE	-8.1	
Total DE		-15.7	
DoH	Health Support Services	-47.9	
	Hospital Services	-42.1	
	Ophthalmic Services	-0.0	
	Social Care Services	-0.0	
Total DoH		-90.0	
DOJ	Northern Ireland Courts and Tribunal Services	-0.5	
	Police Service Northern Ireland	-4.0	
	Prison Service	-1.2	
	Safer Communities	-0.1	
Total DOJ		-5.8	
Total COVID Reduced Requirements		-219.2	-10.5
Total may not add due to roundings			

TABLE B: JANUARY Monitoring Reduced Requirements (£ millions)

Department	Description	Non Ring Fenced Resource	Capital	FT Capital
DAERA	EU Exit	-6.9		
DfC	Casement Park Capital IT CFER		-2.7	
	Casement Park Redevelopment		-1.7	
	Housing Benefit Rates Rebates	-8.0		
	HMO database costs	-0.0		
	Housing Association receipts		-2.6	
	Information Technology		-3.6	
	Local Government Boundary Commission	-0.2		
	Local Government Services De-Rating Grant	-2.1		
	Northern Ireland Housing Executive Voluntary Exit Scheme	-0.1		
	Recruitment Delays	-3.5		
Total DfC		-13.9	-10.5	
DfE	EU Exit	-1.5		
	Insolvency Service CFERS	-0.1		
	Invest NI - FTC - Growth Loan Fund			-1.2
	Invest NI - FTC - Seed Fund			-0.4
	PMS - Capital Receipts		-7.8	
	Small Business Research Initiative		-0.2	
	Tourism Development		-1.0	
Total DfE		-1.7	-9.1	-1.5
DE	Excess GMI Capital Receipts		-0.3	
	Excess VGS Capital Receipts		-1.0	
	Schools' Surpluses	-16.2		
Total DE		-16.2	-1.3	
DoF	Accommodation	-1.7		
	Bad debt	-0.3		
	CENSUS	-1.3		
	Change controls		-0.1	
	Consultancy	-0.1		
	Digital Transformation Service Contact Centre	-0.9		
	EU Exit	-0.1		
	ITAssist Contract	-0.8		
	Project delays		-1.7	
	Rate relief refund	-10.9		
	Vacancies	-1.2		
Total DoF		-17.2	-1.8	
DoH	Agenda for Change Pay	-0.7		
	Bright Start Approved Home Childcare (DSC)	-0.1		

Department	Description	Non Ring Fenced Resource	Capital	FT Capital
	Business Service Organisation - ICT		-19.1	
	GovTech		-0.1	
	Health and Social Care Services	-23.0		
	Northern Ireland Ambulance Service		-1.5	
	Northern Ireland Fire and Rescue Service		-0.2	
	Trusts ICT		-4.1	
Total DoH		-23.8	-25.0	
DfI	A5 Western Transport Corridor		-1.5	
	DVA Capital Grant		-1.0	
	Planning		-0.6	
	Roads CFER	-0.3		
	TENS Income		-0.1	
	TENS receipts		-0.1	
	Trust Port Loan		-1.0	
Total DfI		-0.3	-4.2	
DOJ	Access to Justice		-0.1	
	EU Exit	-0.3		
	Legal Services Agency		-0.0	
	Northern Ireland Prison Service		-1.5	
	Police Service Northern Ireland		-0.7	
	Police Ombudsman		-0.3	
	Safer Communities		-0.8	
	Youth Justice Agency		-0.0	
Total DOJ		-0.3	-3.4	
TEO	Administration	-0.6		
	Community Relations Council	-0.0		
	Historical Institutional Abuse	-7.0	-0.2	
	Historical Institutional Abuse Redress	-1.3		
	Population Survey 20-21	-0.0		
	Recruitment delays	-0.8		
	Renewable Heat Incentive	-0.1		
Total TEO		-9.9	-0.2	
FSA	Return of Executive NI Protocol funding	-2.6		
NIA	CFER Receipts	-0.0		
	Recruitment delays	-0.9	-0.1	
Total NIA		-0.9	-0.1	
NIAO	Administration	-0.1		
NIAUR	Administration		-0.0	
	Renewables Buy Out Fund	-0.0		
Total NIAUR		-0.0	-0.0	

Department	Description	Non Ring Fenced Resource	Capital	FT Capital
NIPSO	Recruitment delays	-0.1		
	Delay in Capital Projects		-0.0	
Total NIPSO		-0.1	-0.0	
Total Reduced Requirements		-93.9	-55.7	-1.5
Total may not add due to roundings				

TABLE C: January Monitoring COVID BIDs Submitted (£ millions)

Department	Description	Non Ring Fenced Resource
DfE	Assistance to Tourism	5.0
	Business Support Scheme	7.0
	Catalyst Projects	0.6
	Company Directors	20.0
	Displacement of European Social Fund (ESF) Funding	18.7
	ESF Apprenticeships	7.8
	Loss of Commercial Research Income	7.2
	R&D Scheme Grant	16.0
	Small Business Grant & Hospitality Schemes	1.1
	Tourism & Hospitality Scheme	11.1
Total DfE		94.5
DE	Response - Educating through COVID-19	4.6
	Response - Entitlement Framework	0.4
	Response - Lost Learning Programme	0.3
	Response - St John Baptist Contingency	0.2
	Restart - Schools	2.0
Total DE		7.5
DoF	Desktop Disposals	1.0
	Financial Assistance	100.0
	Newspaper Rate Relief	0.6
Total DoF		101.6
DfI	DVA Lost Income	10.0
	DVA PPE	0.2
	Roads Lost Income	1.9
Total DfI		12.1
Total COVID Bids Submitted		215.6
Total may not add due to roundings		

TABLE D: January Monitoring Reclassifications (£ millions)

Department	Description	Non Ring Fenced Resource	Capital
PPS	IT Costs	-0.0	0.0
Movements between Ring Fenced and Non Ring Fenced Resource DEL reflected in TABLE H		0.4	
Total Proposed Reclassifications		0.4	0.0

TABLE E: JANUARY Monitoring Non-COVID BIDs Submitted (£ millions)

Department	Description	Non Ring Fenced Resource	Capital	Financial Transactions Capital
DAERA	Financial Discipline Reimbursement due from EU	3.5		
DfE	Annual Leave Accrual	1.1		
	FE Colleges Pay Remit	1.6		
	Higher Education Quality Research	8.1		
	Invest NI Expected Credit Loss	12.7		
	Presbyterian Mutual Society Expected Credit Loss	18.5		
	Project Stratum		6.1	
Total DfE		42.0	6.1	
DE	Annual Leave Accrual	4.3		
	Education Authority - ICT		3.0	
	Education Authority - Minor Works		9.0	
	Voluntary Maintained Schools - Minor Works		4.8	
	Voluntary Maintained Schools - Minor Works - Primary		1.3	
Total DE		4.3	18.1	
DfI	Annual Leave Accrual	2.6		
	DVA Reinstatement of Reserves	10.0		
	Translink	35.0		
Total DFI		47.6		
PPS	Annual Leave Accrual	0.5		
	Dilapidation Costs	0.3		
Total PPS		0.8		
TEO	Annual Leave Accrual	0.0		
	Capitalised FTC Loan Interest			0.0
Total TEO		0.0		0.0
Total Bids Submitted		98.2	24.2	0.0
Total may not add due to roundings				

TABLE F: January Monitoring COVID-19 Allocations (£ millions)

Department	Description	Non Ring Fenced Resource
DfE	Assistance to Tourism	5.0
	Business Support Scheme	7.0
	Catalyst Projects	0.6
	Company Directors	20.0
	Displacement of European Social Fund (ESF) Funding	18.7
	ESF Apprenticeships	7.8
	Loss of Commercial Research Income	7.2
	R&D Scheme Grant	16.0
	Small Business Grant & Hospitality Schemes	1.1
	Tourism & Hospitality Scheme	11.1
Total DfE		94.5
DE	Response - Educating through COVID-19	4.6
	Response - Entitlement Framework	0.4
	Response - Lost Learning Programme	0.3
	Response - St John Baptist Contingency	0.2
	Restart - Schools	2.0
Total DE		7.5
DoF	Desktop Disposals	1.0
	Financial Assistance	100.0
	Newspaper Rate Relief	0.6
Total DoF		101.6
DfI	DVA Lost Income	10.0
	DVA PPE	0.2
	Roads Lost Income	1.9
Total DfI		12.1
Total COVID-19 Allocations		215.6
Total may not add due to roundings		

TABLE G: January Monitoring Allocations (£ millions)

Department	Description	Non Ring Fenced Resource	Capital	Financial Transactions Capital
DAERA	Financial Discipline Reimbursement due from EU	3.5		
DfE	FE Colleges Pay Remit	1.6		
	Higher Education Quality Research	8.1		
Total DfE		9.7		

Department	Description	Non Ring Fenced Resource	Capital	Financial Transactions Capital
DE	Education Authority - ICT		3.0	
	Education Authority - Minor Works		9.0	
	Voluntary Maintained Schools - Minor Works		4.8	
	Voluntary Maintained Schools - Minor Works - Primary		1.3	
Total DE			18.1	
DfI	DVA Reinstatement of Reserves	10.0		
	Translink	35.0		
TOTAL DfI		45.0		
PPS	Dilapidation Costs	0.3		
TEO	Capitalised FTC Loan Interest			0.0
Total Allocations		58.4	18.1	0.0
Total may not add due to roundings				

TABLE H: 2020-21 Ring-Fenced Resource DEL (£ millions)

Department	October Monitoring Position	Changes
DAERA	25.3	-5.0
DfC	12.4	-1.1
DfE	117.9	139.2
DE	0.9	0.1
DoF	36.4	-0.0
DoH	158.4	-5.0
DfI	116.2	0.0
DOJ	76.9	0.0
TEO	1.2	-0.4
FSA	0.1	0.0
NIA	3.3	-0.5
NIAO	0.2	-0.0
NIAUR	0.1	-0.0
NIPSO	0.1	-0.0
PPS	2.0	0.2
Total	551.1	127.9
Totals may not add due to roundings		

TABLE I: 2020-21 Administration Costs (£ millions)

Department	October Position	January Monitoring Position	Change
DAERA	73.8	69.2	-6.3
DfC	52.6	52.9	0.6
DfE	62.1	59.9	-3.6
DE	16.9	16.7	-1.3
DoF	161.1	157.6	-2.2
DoH	31.8	32.8	3.1
DfI	87.5	91.7	4.7
DOJ	42.8	38.8	-9.5
TEO	18.0	16.3	-9.2
PPS	2.1	2.1	0.0
Total	548.7	537.9	-2.0%
Totals may not add due to roundings			

Department for Infrastructure

Announcement of Decision to Proceed with the A1 Junctions Phase 2 Road Improvement Scheme, The Release of The Inspector's Report and Departmental Statement and the Making of the Necessary Statutory Orders

Published at noon on Thursday 28 January 2021.

Ms Mallon (The Minister for Infrastructure): I wish to inform Members of my decision to accept the outcomes of the Public Inquiry for the A1 Junctions Phase 2 Road Improvement Scheme and to proceed to progress the scheme in readiness of funding becoming available.

I am delighted to announce this key step in the development of this significant scheme, which is seeking to address safety issues along a 25km stretch of the A1 between Hillsborough and Loughbrickland. I am very aware of how important the A1 improvements are for the many people who have expressed their support for the scheme, especially to all those who have lost loved ones. Today let me once again express my deepest sympathies to the families of all those who have lost their lives. The decision to improve this road will be an important announcement for many and I can assure Members that I am committed to doing all that I can to deliver this scheme and will work with the Finance Minister and Executive colleagues to secure the necessary funding as quickly as possible.

Progressing a scheme of this scale represents significant investment in this strategic road which links Belfast and Dublin and carries around 40 000 vehicles per day. The provision of the upgrade will greatly improve road safety for all of these motorists as well as providing more reliable journey times for the thousands of travellers using the route daily. My announcement to proceed with the Scheme also delivers on promises made in the New Decade, New Approach deal, to improve connectivity and safety on this strategically important transport corridor for our island.

I am familiar with the difficulties faced by strategic and local motorists travelling the A1 route and welcome the positive outcome from the Inquiry. Consultation will continue with key stakeholders particularly landowners affected by the scheme on proposals to minimise any related impacts.

A Public Inquiry was held in March 2020 into the proposed scheme and the Inspector reported his findings to the Department in October 2020. Following a thorough examination of the Inspector's comments and recommendations and all other representations made, I believe the scheme should be progressed as quickly as possible, subject to completing all the necessary statutory processes and securing the necessary funding.

Part V of the Roads (Northern Ireland) Order 1993 sets out the statutory requirements for the assessment of the environmental impacts of major road schemes. Having caused the examination of the environmental information, which includes the Environment Impact Assessment Report (EIAR), the consultation responses to the EIAR, together with the recommendations of the Inspector, I am

satisfied that the likely significant environmental effects of the proposed scheme have been assessed. This has provided me with the necessary information which I consider reasonable and sufficient to allow me to make a reasoned conclusion on the significant effects of this project on the environment. My reasoned conclusion therefore is that the proposed scheme will not have any significant adverse impacts on the environment (including designated sites and protected species) that cannot be addressed by the mitigation and monitoring measures set out in the Departmental Statement. In deciding to proceed with this scheme, I am committing my Department to carrying out all the necessary actions to facilitate the Inspector's recommendations and the mitigation and monitoring measures set out in the Departmental Statement.

My Department will now publish the formal "Environmental Impact Assessment: Notice to Proceed" and will make the Direction Order and the Stopping Up (of Private Accesses) Order for the scheme. The associated Vesting Order will be made when funding for the scheme has been secured.

The Departmental Statement, Inspector's Report and associated documents are available for viewing at the Department's website; <https://www.infrastructure-ni.gov.uk/publications/a1-junctions-phase-2-notice-intention-proceed-documents>

This is an important announcement and another step forward by my department in delivering on the promises of New Decade New Approach made to our communities, and thereby improving road safety, better connecting our communities and improving the lives of all of our citizens.

Department of Finance

2020-21 Public Expenditure Allocations

Published on Tuesday 2 February 2021.

Mr Murphy (The Minister of Finance): I wish to update the Members on the Executive's agreement to further allocations for 2020-21.

Following the Executive's January Monitoring Round a total of some £346.4 million Resource, £28.3 million Capital and £55.7 million FTC remained unallocated.

Executive Ministers have continued to develop further ways to utilise additional funding in this financial year and I can announce a number of additional allocations today.

This is being done by written statement in order to confirm the relevant allocations for immediate use and provide members with as much notice as possible of the changes to public spending for the remainder of the financial year. Once further stages of allocations have been confirmed I will make an oral statement to the House which will provide the opportunity for Members to ask questions and raise specific issues.

Funding Available

In the course of assessing COVID schemes the Department for the Economy has declared further reduced requirements of £7.2m The PPS has also returned £0.7m against previously announced allocations. These come to £7.9 million bringing the total of Resource DEL available for allocation to £354.2 million.

Allocations

Departments have put forward a number of proposals which the Executive has agreed to fund. These allocations are shown in Table B which accompanies this statement.

The Department for Communities will receive £26.1 million for the Housing Executive to provide supplier relief payments, support for landlord loss of rental income and maintenance.

The Department for the Economy will receive £10.4 million for Higher Education student support and a further £12.4 million to extend the business support scheme and the large tourism and hospitality business support scheme for 4 weeks. A further £1.7 million will be provided to DfE for Further Education remote working.

The Department of Education will receive £35.4 million to support a pay settlement for teachers.

The Department for Infrastructure will receive £15 million to increase Translink resilience.

The Department of Health has received £2.7 million of Capital funding for minor capital works and NIAS fleet upgrades.

The Public Prosecution Service has received £40k of Capital DEL for remote working upgrades.

Outcome

Following these allocations there remains some £251.1 million Resource DEL, £25.9 million Capital DEL and £55.7 million Financial Transactions Capital available for allocation.

Further proposals are being developed and they will be brought to the Executive in the coming days. I continue to urge Ministers to come forward with proposals to spend this money, particularly on sectors that have missed out to date. I have specifically asked Ministers to consider schemes for FHE students, for primary and secondary school pupils with poor internet connectivity, for the agriculture sector, and for travel agents. In recognition of the difficulties faced by business I have also asked Ministers to also consider reopening the hardship Fund and extending the large tourism and hospitality scheme to include others such as the leisure/events sector.

I also continue to press the Treasury for additional flexibility to ensure the funding can be carried over into next year.

However, I have also prepared contingency plans to ensure that in any circumstances the remaining 2020-21 funding will be fully allocated.

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TABLE A Reduced Requirements

TABLE B Allocations

TABLE A : Reduced Requirements (£ millions)

Department	Description	Resource DEL
DfE	10k Grant Scheme	2.9
	Recently Self-employed	2.5
	Assistance to Tourism	1.0
	Air Access Support	0.8
Total DfE		7.2
PPS	Reduced Costs	0.7
Total Reduced Requirements		7.9

Total may not add due to roundings

TABLE B: Allocations (£ millions)

Department	Description	Resource DEL	Capital DEL
DfC	COVID 19 - NIHE Supplier Relief Payments	1.6	
	COVID 19 - NIHE Landlord Loss of Rental Income	4.5	
	NIHE Maintenance	20.0	
Total DfC		26.1	
DfE	Student Hardship	10.4	
	Large Tourism and Hospitality Business Support Scheme – 4 week ext.	7.4	
	CBRSS – 4 weeks ext.	5.0	
	Further Education – Mobile Devices	1.7	
Total DfE		24.5	
DE	Teachers Pay Settlement	35.4	
DfI	Translink - increase financial resilience	15.0	
DoH	COVID-19 Trusts General Capital		1.7
	NIAS Fleet and Estate		1.0
Total DoH			2.7
DoF	COVID-19 Airport Financial Assistance	2.2	
PPS	Hardware for Remote Working		0.0
Total Allocations		103.2	2.7

Total may not add due to roundings

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 22 January 2021

Written Answers to Questions

The Executive Office

Mr Allister asked the First Minister and deputy First Minister for their assessment of the economic impact of the proposed steps to implement the EU Withdrawal Agreement Protocol at the ports of Northern Ireland.
(AQW 4274/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): In the Command Paper "The UK's Approach to the Northern Ireland Protocol" the UK Government notes that it has already confirmed in principle agreement to fund the costs of implementing the agri-food requirements set out in that document. The wider economic impact will depend on the outcome of the further negotiations between the UK and the EU both on the trading relationship at UK level and on the details of precisely how the Protocol is implemented: we are determined to ensure that the outcome is as favourable as possible to the economy here.

Mr Allister asked the First Minister and deputy First Minister how much their Department has spent on producing material in Irish, in each of the last three years.
(AQW 4906/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Executive Office spent a total of £7,452 in the last three financial years on producing material in Irish. The following table provides a breakdown of this expenditure in each of the 2017/2018, 2018/2019 and 2019/2020 financial years (figures rounded).

2017/2018 (£)	2018/2019 (£)	2019/2020 (£)	Overall Total
£2,226	£4,927	£298	£7,452

Mr Allister asked the First Minister and deputy First Minister, in regard to Regulations 5, 6 and 6A of The Health Protection (Coronavirus, Restrictions) (Northern Ireland) Regulations 2020, for their assessment of whether the deputy First Minister, in attending the funeral of Bobby Storey on 30 June 2020, was supporting the rule of law unequivocally in word and deed, as required by her pledge of office.
(AQW 5429/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Decisions on whether there has been a breach of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 are a matter for the PSNI and the Public Prosecution Service.

Mr Allister asked the First Minister and deputy First Minister what process or mechanism exists within their 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 9087/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Ministers are required to ensure that an official is in attendance at all meetings concerning departmental or Executive business, and that records of all such meetings are maintained.

Ministers are also required, where an unscheduled meeting with a third party or other relevant stakeholder takes place in relation to departmental or Executive business without an official present, to inform their Private Secretary as soon as possible of any significant content from the meeting. Special Advisers are similarly required to keep accurate official records including minutes of relevant meetings.

Mr Allister asked the First Minister and deputy First Minister under what statutory provision has a special adviser been appointed to assist junior Minister Kearney.
(AQW 9798/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Civil Service Commissioners (Northern Ireland) Order 1999, as amended.

Mr McNulty asked the First Minister and deputy First Minister, in relation to the hosting of weddings and wedding receptions, when they will issue guidance for the hospitality sector on what regulations and restrictions will be in place from 11 December. (AQW 10676/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Under the Regulations introduced on 11 December, numbers attending wedding ceremonies and post-ceremony celebrations will be determined by the venue on a risk assessed basis, taking account of the individual circumstances of each and adhering to all relevant public health advice and industry guidance.

Information on the current COVID-19 Regulations and what they mean for business sectors and individuals can be found on nidirect at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Mr Beattie asked the First Minister and deputy First Minister, in order to allow restaurants to reopen successfully on 11 December, whether they will release details of the restrictions that will be in place for them. (AQW 11052/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: To allow businesses to plan in advance, the Executive announced on 3 December that restaurants and cafes could open with effect from 11 December. Junior Ministers and officials have also engaged with representatives from the hospitality sector on a regular basis to keep them informed.

Under the latest set of Regulations that were introduced on 26 December, hospitality venues such as cafes, restaurants, pubs, bars and social clubs must remain closed, with the exception of providing food and drink for takeaway, drive-through or delivery.

Information on the current COVID-19 Regulations and what they mean for business sectors and individuals can be found on nidirect at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Mr Frew asked the First Minister and deputy First Minister at what time on 11 December can businesses reopen. (AQW 11148/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020 were in place from 27 November until 23.59 on 10 December.

Businesses required to close under those restrictions were permitted to open as per their normal opening time on 11 December.

Under the current restrictions in place since 26 December, all non-essential retail businesses are required to close for a six-week period. Information on the current COVID-19 Regulations in place since 26 December and what they mean for business sectors and individuals can be found on indirect at:

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Mr Muir asked the First Minister and deputy First Minister, in relation to their Good Relations duties, whether they will consider (i) purchasing the rights to the Lost Lives book; and (ii) making it available online free of charge. (AQW 11670/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We currently have no plans to purchase the rights to the book. However, PRONI are in possession of some archived material relating to Lost Lives and are in the process of arranging and cataloguing it.

Mr Lyttle asked the First Minister and deputy First Minister, pursuant to the statement on 4 December 2020, whether the Executive agreement to open sports events, subject to a risk assessment if more than 15 people attending with measures in place to limit risk of virus transmission, will permit grassroots football training and games. (AQW 11712/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Under the Regulations introduced on 11 December, indoor and outdoor sport and recreation facilities were permitted to reopen. Indoor sport and exercise was limited to elite athletes, individual activity (including with a coach/ trainer, or carer), and non-contact activities of up to 15 people that did not cause an individual to get out of breath.

Outdoor gatherings for recreational and sporting purposes were permitted to take place, subject to a risk assessment if more than 15 people were attending and measures put in place to limit the risk of virus transmission. An upper limit of 500 participants was in place. Outdoor grassroots football training was therefore able to take place, provided the person responsible for organising adhered to all public health guidance.

The latest set of regulations that were introduced on 26 December 2020 do not permit indoor and outdoor sport other than at Elite level.

Information on the current COVID-19 Regulations and what they mean can be found on nidirect at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Mr McGlone asked the First Minister and deputy First Minister what projects and programmes have been allocated Shared Future funding under the Fresh Start Agreement for the year 2020/21.

(AQW 11717/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Shared Future Funds totalling £12m was available to support the implementation and delivery of the Executive's Together: Building a United Community strategy. This funding enables the delivery of a wide range of projects and programmes as well as providing for evaluation and oversight of the strategy. 2020/21 allocations are set out below:

Programme	Allocation
TEO	£'000
T:BUC Camps	1
Central Good Relations Fund	2,987
Urban Villages Programme	3,182
District Councils and Good Relations Programme	610
Planned Interventions	65
Other T:BUC Staffing and Branch costs	1,929
Commission on Flags, Identity, Culture and Tradition	3
Racial Equality	12
Sub-Total	8,789
Other Departments	
Uniting Communities – DfC	365
Removal of Interface barriers – DOJ	950
Shared Neighbourhoods - DfC	176
T:BUC Camps – DE	820
Shared Education Campuses - DE	419
Peace4Youth (UY) - DfE	481
Sub-Total	3,211
Total Allocations	12,000

Mr Allister asked the First Minister and deputy First Minister to detail all matters and papers which have been submitted to the Executive Office but not yet tabled on the Executive agenda, indicating the date each was submitted.

(AQW 12392/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Executive papers, and all aspects of the Executive decision-making process are confidential.

Mr Allister asked the First Minister and deputy First Minister whether the New Year's Honours awards were approved by both ministers.

(AQW 12393/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Approval of all honours lists is a matter overseen by the Cabinet Office alone. We have no role or remit in this process.

Mr Allister asked the First Minister and deputy First Minister why vape shops have been required to close, given their role in helping people break their smoking habit.

(AQW 12394/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: To reduce social contact, all retail businesses with the exception of essential retail are required to close under the current restrictions that came into operation on 26 December. However, non-essential retailers are permitted to provide a contactless delivery service where possible. Click and collect facilities are prohibited.

Information on the current COVID-19 Regulations and what they mean can be found on indirect at:

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Mr Allister asked the First Minister and deputy First Minister why 39 of the written questions I tabled to them in 2020 have still not been answered after the expiry of the timeframe stipulated by Standing Orders.

(AQW 12451/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: As a result of the significant additional workload created by the department's response to the Covid 19 crisis, and the associated resourcing challenges, we regret that it has not been possible to adhere to the timeline for Assembly Question responses stipulated by Standing Order in all cases. We will endeavour to avoid further delay, and to provide you with full responses as soon as possible.

Department of Agriculture, Environment and Rural Affairs

Ms Sheerin asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 9725/17-22, to detail a timeframe for the release of the criteria for the package of support for the Lough Neagh fishing community.

(AQW 10453/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): My officials are currently working on the necessary eligibility criteria to enable applicants to apply for a Lough Neagh Financial Support Scheme. At this time I cannot confirm when this work will be finalised to launch the Scheme.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs to detail his plans for developing Northern Ireland's agri-tourism sector.

(AQW 10910/17-22)

Mr Poots: My officials are finalising the draft of the new Rural Policy Framework for Northern Ireland. Once drafted and approved by the AERA Committee and Executive colleagues, I intend to go out to consultation on the new Rural Policy Framework early next year. Following consideration of the responses to the consultation I will publish it and drafting of the new Rural Business and Community Investment Programme will begin.

The programme will take due cognisance of the priority needs across the 5 thematic areas of the framework and develop schemes to address these. It is at this stage that my officials will assess the need for agri-tourism and where it might fit in a new programme.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs how pet passports will work between Northern Ireland and the rest of the UK following the end of the transition period on 31 December 2020.

(AQW 12044/17-22)

Mr Poots: The EU Pet Travel Regulation (Regulation (EU) 576/2013) details the documentary, health and compliance check requirements for the travel of pet dogs (including assistance dogs), cats and ferrets between or into EU Member States (MS) which are needed to avoid the quarantining of animals.

Pet travel within the EU requires a pet passport and a rabies vaccination. Following the end of the transition period, under the Northern Ireland (NI) Protocol, the EU Pet Travel Regulation will continue to apply to travel into NI.

From the 1 January 2021 GB has become a "Part II listed country", for the purposes of pet travel. All pets travelling from a Part II listed country such as GB into the EU (including NI) will require:-

- a microchip;
- a rabies vaccination;
- tapeworm treatment (dogs only);
- a single use Animal Health Certificate (AHC);
- entry through a Travellers Point of Entry (TPE); and
- 21 day wait from the date of the rabies vaccination before travelling.

The Department for Environment, Food and Rural Affairs (Defra) has confirmed there will be no checks or changes to the requirements for pets travelling from NI to GB. However, anyone from NI who has travelled with a pet to GB, and is returning to NI, will be required to adhere to the EU pet travel requirements as outlined above. NI travellers will be able to obtain a valid EU pet passport in NI to use as an alternative to an AHC.

From 1 January 2021, current EU Pet Passports issued in GB or NI are no longer valid. As an interim measure, NI pet owners can contact their private vet, who will update their pet passport appropriately to allow travel. DAERA are undertaking the procurement of a new style UK (NI) pet passport. This will be distributed to veterinary practices in due course.

To allow time for changes to be communicated to travellers; to educate travellers on requirements; to allow travellers time to prepare and to facilitate entry of pets into NI from GB for those who have already travelled, there will be no routine checks carried out during January 2021. However, travellers will be expected to be fully compliant from 1 February 2021.

I am acutely aware of the issues and the impact of what I consider to be unnecessary changes, including unjustified requirements for rabies vaccination and tapeworm treatment when the UK and Republic of Ireland (ROI) are considered free from both. I am particularly concerned at the impact these new rules will have on travellers with assistance pets.

I have written to the Secretary of State for Environment, Food and Rural Affairs, George Eustice MP, and to the European Commission, highlighting these issues, and particularly the entirely unjustified requirements for rabies vaccination and tapeworm treatment given that both the UK and ROI are considered free from both diseases. I have also requested that urgent consideration be given to the introduction of a 'Common Travel Area (CTA)' for pets travelling between GB, NI and ROI. My officials will continue to engage urgently with counterparts to progress this matter further.

Further information can be found on the DAERA website www.daera-ni.gov.uk/articles/travelling-pets or on the .gov.uk website: www.gov.uk/guidance/pet-travel-to-and-from-great-britain

Ms Armstrong asked the Minister of Agriculture, Environment and Rural Affairs whether a quarry such as Fishquarter Quarry, Kircubbin, that does not, and has not appeared, on the UK Government's list of businesses and sites registered for the Aggregates Levy is permitted to continue to operate when no levy is being paid on the materials being removed.
(AQW 12136/17-22)

Mr Poots: My Department does not have responsibility for the operation of Aggregates Levy. The licencing of the quarry operations and its compliance in this regard is a matter for the Department for the Economy while compliance with the Aggregate Levy Scheme is a matter for HMRC.

Ms Armstrong asked the Minister of Agriculture, Environment and Rural Affairs whether (i) the Northern Ireland Environment Agency inspect and report on the activities of quarries where a license exists but they do not appear on the UK Government's list of businesses and sites registered for the Aggregates Levy and; (ii) a quarry that has not appeared on the list for more than two years, and, therefore, has not paid a levy, can have the license removed.
(AQW 12137/17-22)

Mr Poots: The operation of, and compliance with, the Aggregates Levy Scheme is a matter for HMRC. The licencing of the quarry operations and its compliance in this regard is a matter for the Department for the Economy.

With regard to quarries the Northern Ireland Environment Agency's (NIEA) role is only in relation to permits or consents regarding surface water, groundwater, emissions to air and waste materials. NIEA will undertake inspections and regulate the site in order to ensure compliance with the permits and consents which they issue.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs what discussion his Department has had with the Department for Environment, Food and Rural Affairs on pet passports.
(AQW 12180/17-22)

Mr Poots: My officials have been working closely with colleagues from the Department for Environment Food and Rural Affairs (Defra) on this matter. This regular collaboration has been particularly focused on the issue of pet passports following the announcement that, under the Northern Ireland (NI) Protocol, EU Pet Travel Regulations would still continue to apply in NI.

Following the end of the transition period EU pet passports issued in GB and NI will no longer be valid. However, as EU pet travel regulations will continue to apply to NI, pet owners can contact their Authorised Veterinary Inspector (AVI), who will update their current EU pet passport appropriately, to allow travel to the EU and return travel from GB to NI. A new style UK(NI) branded EU pet passport will be available shortly and these will be distributed to NI veterinary practices in due course.

As GB has recently been announced by the EU as a "Part II listed country" with respect to pet travel, pet owners travelling to the EU (including NI) will require a single use EU animal health certificate (AHC). Pet owners travelling from GB to NI will also be required to adhere to a number of other requirements as outlined under the EU Regulation which include:

- a microchip;
- a rabies vaccination;
- tapeworm treatment (dogs only);
- entry through a Travellers Point of Entry (TPE); and
- 21 day wait from the date of the rabies vaccination before travelling.

To allow time for these changes to be communicated, allow travellers time to prepare and to facilitate entry of pets into NI from GB for those who have already travelled, there will be no routine checks carried out during January 2021, however, travellers will be expected to be fully compliant from 1 February 2021. My officials will continue to engage with colleagues in Defra on these matters to explore any flexibilities that may exist and to ensure the requirements are communicated as widely as possible to key stakeholders and the public.

I am acutely aware of the issues and the impact of what I consider to be unnecessary changes, including unjustified requirements for rabies vaccination and tapeworm treatment when the UK and Republic of Ireland (ROI) are considered free from both. I am particularly concerned at the impact these new rules will have on travellers with assistance pets.

I have written to the Secretary of State for Environment, Food and Rural Affairs, George Eustice MP, and to the European Commission, highlighting these issues, and particularly the entirely unjustified requirements for rabies vaccination and tapeworm treatment given that both the UK and ROI are considered free from both diseases. I have also requested that urgent consideration be given to the introduction of a 'Common Travel Area (CTA)' for pets travelling between GB, NI and ROI. My officials will continue to engage urgently with counterparts to progress this matter further.

Ms Sugden asked the Minister of Agriculture, Environment and Rural Affairs, given the expected need for more vets in Northern Ireland to certify food and animals in a no-deal Brexit, to detail (i) his plans to create a veterinary school in Northern Ireland; and (ii) what recent discussions he has had with further and higher education institutions regarding this issue.
(AQW 12220/17-22)

Mr Poots: I am aware of the potential need for increased numbers of vets to certify food and animals under the Northern Ireland Protocol, and my Department has been working hard to ensure that sufficient trained veterinary resources are in place across the profession, to meet this need from 1st January 2021 onwards.

However it is not the role of the Minister of Agriculture, Environment and Rural Affairs to create a veterinary school in Northern Ireland, and I have had no recent discussions with either further or higher education institutions on this matter

I would however be very supportive of any proposals to develop undergraduate veterinary education here in Northern Ireland, and would be happy to facilitate this in whatever way I could, were either of the local universities to decide to take this forward.

To that end I have recently written to the Vice Chancellor of each university, in an attempt to establish their level of interest in and commitment to any such proposal.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs what is the anticipated shortfall in funding as a consequence of the exit from the EU.
(AQW 12230/17-22)

Mr Poots: In relation to future Rural Development funding, Northern Ireland will lose out on £34 million of funding over the 2021-22 to 2023-24 period.

HM Treasury has further advised that there will be no separate funding to replace the income DAERA has received for many years from the EU Fund for Disease Eradication to support the Bovine Tuberculosis (bTB) Programme. This totals £15.3m over the next three years.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered introducing a national advisory board on air quality, consisting of experts, academia and representatives from non-governmental organisations and local authorities.
(AQW 12273/17-22)

Mr Poots: Thank you for your question in relation to whether consideration has been given to introducing a national advisory board on air quality. I warmly welcome your engagement in relation to the important matter of air quality improvement.

As you will be aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department. While a national advisory board on air quality has not been proposed in this document, I would like to draw your attention to Section 7.2 titled, Air Quality Forum. This section outlines DAERA's commitment to setting up an Air Quality Forum, which is intended to, among other things, oversee measures associated with improving the air quality indicator, as well as to discuss any reforms coming from the current review of air quality policy. The Forum will also serve to act as a focus between government departments, district councils and other stakeholders.

A number of questions are put forward that are specific to the Air Quality Forum proposal and responses are sought. Please refer to questions twenty seven to twenty nine. I would encourage you to consider the Air Quality Forum proposals, in addition to all other sections of the Discussion Document and respond through the formal route. This will ensure your valued comments, in relation to a national advisory board on air quality, in addition to any other comments or suggestions you may have, are captured as part of the final assessment. The Discussion Document, Abridged version and response details are available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document

Following the period of public discussion, responses received will be reviewed, options considered and range of proposals formulated. Once I have considered the options and decided on a policy direction, officials shall begin to draft the first Clean Air Strategy for Northern Ireland. This will be a more focussed and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area, Executive approval will also be sought at that time.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs, following the Clean Air Strategy consultation, when he will commit to implementing a new strategy.

(AQW 12277/17-22)

Mr Poots: Thank you for your question asking when I will commit to implementing a new strategy following the Clean Air Strategy Discussion Document consultation phase.

I and my Department have firmly committed developing and implementing the first Clean Air Strategy for Northern Ireland. To ensure we achieve the most positive outcomes for air quality in Northern Ireland, a two-stage approach has been adopted. Work is well under way and the first phase, the Clean Air Strategy Discussion Document, as you will no doubt be aware, was launched for a 12 week public consultation on Monday 23rd November 2020.

All final consultation responses will not be received until mid-March 2021. A number of local councils have requested a four week extension to accommodate council business and procedures in addition to the holiday period. It was considered appropriate to grant this extension given the important role local councils play in Local Air Quality Management (LAQM). LAQM provides the framework under the Environment Order (NI) 2002 within which, air quality is managed by Northern Ireland's local authorities (district councils).

Following the end of the consultation period, it is anticipated that it will take two to three months to compile the responses and three to six months to compile and evaluate the policy options. The final timeframe involved will depend on the volume or complexity of the responses we received.

All of the responses from our stakeholders will be carefully considered and will be used to shape future policies for Ministerial consideration. These policies will be included within the final Clean Air Strategy, which will undergo a further public consultation. Due to the cross-cutting nature of the policy area, Executive approval will also be sought at that time prior to implementation. Subject to Executive approval, I will then implement the new strategy.

Ms Sugden asked the Minister of Agriculture, Environment and Rural Affairs when (i) AQW 6241/17-22; (ii) AQW 10514/17-22; (iii) AQW 10976/17-22; (iv) AQW 11058/17-22; (v) AQW 11121/17-22; (vi) AQW 11199/17-22; (vii) AQW 11201/17-22; and (viii) AQW 11304/17-22 will be answered.

(AQW 12286/17-22)

Mr Poots:

- (i) AQW 6241/17-22 was answered on 21 October 2020;
- (ii) AQW 10514/17-22 was answered on 13 January 2021;
- (iii) AQW 10976/17-22 was answered on 23 December 2020;
- (iv) AQW 11058/17-22 was answered on 29 December 2020;
- (v) AQW 11121/17-22 was answered on 05 January 2021;
- (vi) AQW 11199/17-22 was answered on 15 January 2021;
- (vii) AQW 11201/17-22 was answered on 29 December 2020; and
- (viii) AQW 11304/17-22 was answered on 18 December 2020

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs how his Department is supporting rural communities in West Tyrone in terms of play parks, public parks and open green space.

(AQW 12292/17-22)

Mr Poots: My Department made available £70m for the LEADER programme (Priority 6 of the NI Rural Development Programme 2014- 2020) which is delivered by Local Action Groups in each of the Councils (excluding Belfast). This funding primarily provides opportunity to support rural businesses, rural basic services and village renewal and is allocated based on the priorities identified in each LAG strategy. Some areas have utilised this funding to include play areas, walking trails and development of open spaces with implementation led by the Local Council.

My Department has invested just under £2.6m in a number of projects located in West Tyrone under the LEADER Programme, which are listed below.

Project	LEADER Funding
Castlederg – Rural Village Pathway - development of new greenway provision through pathways around the Castle Site in Castlederg.	£232,344.42
Newtownstewart Village Renewal - development of new play provision in Newtownstewart on semi-derelict land at Mourne Park	£202,865
Sion Mills Play Provision - installation of an all-ability play area	£195,877.52
Ardstraw, Artigarvan, Donemana small village projects - improve recreational infrastructure	£97,923.26

Project	LEADER Funding
Clady & Killeter - improve recreational infrastructure	£50,002.71
International Appalachian Trail (Co-operation Project) - Trail/access improvements, signage/way-marking, interpretation panels, trail furniture and other related trail infrastructure/works.	£237,665
Rivers Recreation & Access Project at Strabane Canal & Gribben Quay	£146,064
Village Renewal Scheme - Fintona: Improving access around Ecclesville Demense	£50,000
Greencastle Community Services Hub which included a walkway around the playing pitch	£220,251
Village Renewal Scheme - Gortin - Path improvements and construction to create a 1 mile route	£48,586.02
Village Renewal Scheme - Drumquin - community gym and car parking	£200,000
Total	£2,562,778.93

DAERA also continue to work with Local Councils through the Tackling Rural Poverty and Social Isolation (TRPSI) programme to support the enhancement of recreational facilities in Forest Parks and this can include a play area.

Project	TRPSI
Gortrin Glen Forest Park	£571k has been invested to assist with the £1.1m Phase 1

Phase 2 works are currently underway and my Department has committed a further £500k, which is being matched by Council to undertake further enhancements. These enhancements will make the Gortin Glen Forest Park a must-visit family-oriented destination which will benefit locals and visitors alike, along with providing a significant boost for the local economy.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs what discussions he is having with his United Kingdom counterparts to do away with the need for pet passports between Northern Ireland and the rest of the United Kingdom.

(AQW 12369/17-22)

Mr Poots: The EU Pet Travel Regulation (Regulation (EU) 576/2013) details the documentary, health and compliance check requirements for the travel of pet dogs (including assistance dogs), cats and ferrets between or into EU Member States (MS) which are needed to avoid the quarantining of animals. Pet travel within the EU requires a pet passport and a rabies vaccination. Following the end of the transition period, under the Northern Ireland (NI) Protocol, the EU Pet Travel Regulation will continue to apply to travel into NI.

From 1 January 2021, Great Britain (GB) has become a Part II listed country, for the purposes of pet travel. All pets travelling from a Part II listed country such as GB into the EU (including NI) will require:-

- a microchip;
- a rabies vaccination;
- tapeworm treatment (dogs only);
- a single use Animal Health Certificate (AHC);
- entry through a Travellers Point of Entry (TPE); and
- 21 day wait from the date of the rabies vaccination before travelling.

The Department for Environment, Food and Rural Affairs (Defra) has confirmed there will be no checks or changes to the requirements for pets travelling from NI to GB. However, anyone from NI who has travelled with a pet to GB, and is returning to NI, will be required to adhere to the EU pet travel requirements as outlined above. NI travellers will be able to obtain a valid EU pet passport in NI to use as an alternative to an AHC.

From 1 January 2021 current EU Pet Passports issued in GB or NI are no longer. As an interim measure, NI pet owners can contact their private vet, who will update their pet passport appropriately to allow travel. DAERA are undertaking the procurement of a new style UK (NI) pet passport. This will be distributed to veterinary practices in due course.

To allow time for changes to be communicated to travellers; to educate travellers on requirements; to allow travellers time to prepare and to facilitate entry of pets into NI from GB for those who have already travelled, there will be no routine checks carried out during January 2021, travellers will then be expected to be fully compliant from 1 February 2021.

I am acutely aware of the impact of what I consider to be these completely unnecessary measures, on those travelling within the United Kingdom (UK), and I am particularly concerned at the impact these will have on those travelling with assistance pets.

I have written to the Secretary of State for Environment, Food and Rural Affairs, George Eustice MP, and to the European Commission, highlighting these issues, and particularly the entirely unjustified requirements for rabies vaccination and

tapeworm treatment given that both the UK and ROI are considered free from both diseases. I have also requested that urgent consideration be given to the introduction of a 'Common Travel Area (CTA)' for pets travelling between GB, NI and ROI. My officials will continue to engage urgently with counterparts to progress this matter further.

Further information can be found on the DAERA website www.daera-ni.gov.uk/articles/travelling-pets, or on the .gov.uk website

www.gov.uk/guidance/pet-travel-to-and-from-great-britain

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the Young Farmers Payment, to detail the total number of applications for each year since 2015.

(AQW 12420/17-22)

Mr Poots: The number of applications for the Young Farmers' Payment for each year since 2015 is set out in the table below:

Year	No. of YFP Applications
2015	2,130
2016	702
2017	359
2018	241
2019	174
2020	160

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the Young Farmers Payment, to detail the total number of successful applications for each year since 2015.

(AQW 12421/17-22)

Mr Poots: The number of successful Young Farmers' Payment applications for each year since 2015 is set out in the table below:

Year	No. of successful YFP Applications
2015	1,830
2016	508
2017	311
2018	205
2019	138
2020	77

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the Young Farmers Payment, to detail the total number of rejected applications for each year since 2015.

(AQW 12422/17-22)

Mr Poots: The number of unsuccessful Young Farmers' Payment applications each year since 2015 is set out in the table below:

Year	No. of unsuccessful YFP Applications
2015	300
2016	194
2017	47
2018	33
2019	31
2020	28

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the Young Farmers Payment, to detail the total number of applications who requested a review of the decisions for each year since 2015.

(AQW 12423/17-22)

Mr Poots: The number of Review of Decision applications received in respect of Young Farmers' Payment since 2015 is set out in the table below:

Year	No. of Review applications received
2015	178
2016	206
2017	71
2018	16
2019	13
2020	17

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs, in relation to the Young Farmers Payment, to detail the total number of judicial reviews taken in opposition to departmental decisions for each year since 2015.

(AQW 12424/17-22)

Mr Poots: Two Judicial Review applications have been lodged against my Department in relation Young Farmers' Payment. Both were lodged in 2018 by the same applicant and the Judge directed that the applications be combined and heard as one case.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs when AQW 8935/17-22 will be answered.

(AQW 12463/17-22)

Mr Poots: AQW 8935/17-22 was answered on 12 January 2021.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs (i) for an update on the action plan to eliminate unnecessary single-use plastics in the government estate; (ii) whether his Department is reviewing the ban on certain single-use plastic items in place in other jurisdictions; (iii) whether he will legislate to ban single-use plastics in Northern Ireland in this Assembly mandate; and (iv) for an update on the introduction of legislation to promote a circular economy package.

(AQW 12467/17-22)

Mr Poots: The Plastic Reduction Action Plan to end the use of unnecessary single-use plastic across the Northern Ireland Civil Service government estate is well underway. Suppliers are presently identifying alternatives to the disposable items currently in use. The implementation period will continue until October 2021 when the ban will come into force. The Northern Ireland Environment Agency within DAERA and Construction and Procurement Delivery within Department of Finance have already altered environmental statements within their contracts and tenders around addressing unnecessary single use plastic. A staff awareness campaign across all the departments has commenced.

As I advised during oral questions on 17 November 2020, I am working with my officials to introduce measures for Northern Ireland for the removal of 9 different single use items in line with other UK administrations and it is my aim to bring the measures before the Assembly within the current mandate.

Legislation to transpose the requirements emanating from the circular economy package was introduced in December 2020 and this will be followed by further policy interventions to help shape the longer term direction of travel with respect to waste management and recycling.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs when payments will commence under the scheme to assist Lough Neagh commercial fishermen.

(AQW 12517/17-22)

Mr Poots: I am currently considering a possible funding package to alleviate the financial impacts of the pandemic on commercial fishermen licensed to fish on Lough Neagh. This could include those fishing for both eels and scale fish subject to meeting agreed eligibility criteria.

Once I am satisfied with the details of how the scheme can be administered, I will be in a position to make a further announcement.

Ms Bunting asked the Minister of Agriculture, Environment and Rural Affairs what work his Department has undertaken to ascertain the extent of avian influenza in Northern Ireland.

(AQO 1409/17-22)

Mr Poots: Highly Pathogenic Avian Influenza H5N8 has now been confirmed on two holdings in Northern Ireland (NI). These incursions are the first detections of Highly Pathogenic Avian Influenza in NI ever.

The first case, in Clough, County Antrim, was confirmed by the Chief Veterinary Officer on 6 January 2021. A further case near Lisburn was also officially confirmed as Highly Pathogenic Avian Influenza H5N8 on 11 January 2021.

In order to mitigate for onward disease spread, all birds on these premises were humanely culled and disease control zones established around each holding. The imposition of zones requires the licencing of certain animals and products of animal origin both into and out of these zones.

My officials have established a movement licencing centre and are working closely with industry to issue specific licences for movements in line with disease control measures.

Epidemiological investigations are underway to determine the likely source of infection, and determine the risk of disease spread. Veterinary officials will visit all poultry holdings within the 3 km protection zone of each infected premises to provide assurance that there has been no onward disease spread.

Any further suspect cases will be investigated as they are reported, with restrictions placed on suspect holdings until testing and veterinary investigations can negate the presence of notifiable avian disease.

On 1 December 2020 I declared an Avian Influenza Prevention Zone (AIPZ) be put in place across NI. I also announced the introduction of a mandatory housing order as a further measure to the AIPZ from Wednesday 23 December 2020.

In addition to surveillance of wild birds delivered by the Department's dead wild bird survey, officials conduct a poultry survey each year. This is targeted surveillance of NI poultry flocks whereby a random selection of registered flocks are tested for avian influenza.

All bird keepers are legally required to register their birds with DAERA, which assists with traceability and the implementation of disease control actions in the event of a suspect or confirmed case of avian influenza.

The symptoms of avian influenza have been widely publicised as part of our ongoing communications strategy and my officials respond promptly to calls from field officers and Private Veterinary Practitioners who are required to report any cases where there is suspicion of the disease.

These incursions of highly pathogenic avian influenza on commercial premises in NI remind us all of how critically important it is to be vigilant, and take all necessary steps to prevent the further spread of avian influenza in NI.

I have urged keepers of birds to critically review and improve their biosecurity measures in order to keep their birds safe. A biosecurity checklist is available to download from the DAERA website to aid flock keepers in this review

Ms Ennis asked the Minister of Agriculture, Environment and Rural Affairs for an update on levels of avian influenza.
(AQO 1410/17-22)

Mr Poots: Highly Pathogenic Avian Influenza H5N8 has now been confirmed on two holdings in Northern Ireland (NI). These incursions are the first detections of Highly Pathogenic Avian Influenza in NI ever.

The first case, in Clough, County Antrim, was confirmed by the Chief Veterinary Officer on 6 January 2021. A further case near Lisburn was also officially confirmed as Highly Pathogenic Avian Influenza H5N8 on 11 January 2021.

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Ms Dolan asked the Minister of Agriculture, Environment and Rural Affairs to outline his Department's engagement with the Trader Support Service regarding support for haulage companies.

(AQO 1411/17-22)

Mr Poots: My Department has made every effort to prepare traders and haulage businesses for the new processes required to move goods from Great Britain to Northern Ireland.

I am also aware, of some of the difficulties that continue to have been encountered by haulage companies, despite this, and am keen to do everything possible to mitigate these at the earliest opportunity.

However, the Trader Support Service and associated levels of support are a matter for Her Majesty's Revenue and Customs (HMRC).

Mr McGrath asked the Minister of Agriculture, Environment and Rural Affairs for an update on the variance of mesh sizes used by different fleets in the Irish Sea.

(AQO 1412/17-22)

Mr Poots: The range of legal fishing gears available to fisherman for use within the Irish Sea, are set out in the relevant Discard Plan, in this case, EU Regulation 2019/2239. This applied to all fleets operating in the Irish Sea in 2020. It has been retained in UK legislation, and will continue to apply to all vessels, both UK and EU, in UK waters in 2021.

For vessels targeting Nephrops the Regulation specifies the gears that must be used. There are five options, a 300mm Square Mesh Panel, a Seltra Panel, a sorting grid, a CEFAS net grid or a flip flap trawl. All of these options are legally acceptable for the capture of Nephrops and the choice is up to individual fishermen. Our nephrops fleet has generally opted for the 300mm Square Mesh Panel as their main selectivity device.

It is possible for vessels to have a smaller square mesh panel, if they are using one of the other listed options or if they are targeting species other than Nephrops. This may account for the differences in escape panel mesh sizes reported by fishermen.

Mr G Kelly asked the Minister of Agriculture, Environment and Rural Affairs what processes are in place to measure and track greenhouse gas emissions.

(AQO 1413/17-22)

Mr Poots: Statistics relating to greenhouse gas emissions are prepared according to an internationally agreed methodology and represent NI's contribution to the UK Greenhouse Gas Inventory which is used to monitor all the UK's domestic and international targets. The process uses best practice methods to measure against sources and definitions as set out by the International Panel on Climate Change (IPCC).

Ricardo Energy & Environment compiles the UK Greenhouse Gas Inventory on behalf of UK Department for Business, Energy & Industrial Strategy, and produces disaggregated estimates for the Devolved Administrations within the UK.

The Northern Ireland Greenhouse Gas Inventory is used to monitor Northern Ireland's:

- (i) Contribution to UK Climate Change targets and;
- (ii) Performance against the greenhouse gas Programme for Government indicator.

Northern Ireland's emissions data is sourced from a range of official and unofficial datasets, from both the public and private sector. They include actual data as well as data modelled for Northern Ireland. All data is produced and published in accordance with the UK Code of Practice for Statistics.

The UK Inventory is continually improved to take account of new research. The National Inventory Steering Committee (NISC) oversees the national inventory for the UK. DAERA representatives attend NISC meetings and participate in relevant scientific subgroups. Research undertaken by other organisations, e.g. The Agri-Food and Biosciences Institute (AFBI), can be presented to the steering committee as an improvement item and will undergo several quality checks before it is adopted as part of the inventory methodology.

Ms Armstrong asked the Minister of Agriculture, Environment and Rural Affairs what discussions he has had with the Republic of Ireland Government regarding how to better utilise the ferry route between Dublin and Holyhead.

(AQO 1414/17-22)

Mr Poots: Dublin is an important transport route for hauliers transporting goods between Northern Ireland and GB, and I am keen to ensure NI businesses continue to have easy access to their GB markets via Dublin Port.

I have written to my counterpart in DAFM to emphasise the need to expedite an effective fast track system for NI produce moving through Dublin Port that provides easy access for goods moving from NI to GB. I have also asked for an urgent meeting with him to discuss the matter further.

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs how many of the required additional nine veterinary officers and fourteen portal inspectors were successfully employed by his Department in its portal branch at the points of entry by the end of the transition period on 31 December 2020.

(AQO 1415/17-22)

Mr Poots: By the end of the transition period on 31 December 2020 the Department had filled all 14 portal inspector posts. Four veterinary posts had been filled by direct recruitment and 6 more by staff who chose to transfer into this work area. It is anticipated that 3 more veterinary recruits will take up posts by mid-February and a new veterinary recruitment competition is about to be launched.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs for an update on actions taken to mitigate the environmental impact of the Meenbog peat slide.

(AQO 1417/17-22)

Mr Poots: The relevant agencies in both jurisdictions have been working well together to mitigate any further damage from the bog slip, on the ongoing investigation and to begin to address the restoration that may be needed.

The emergency measures undertaken by the wind farm developer to stabilise the peat slide, reduce the risk of further peat slides and to mitigate against further pollution are substantially complete.

The investigation into this incident remains ongoing and all evidence, and associated materials, from the investigations are treated as if they are 'sub-judice'. I am therefore unable to provide you with any specific details on this aspect.

Evidence gathering and planning for the restoration works that will be necessary to repair the damage to the environment is underway. This work is time consuming and any restoration works required, will take a significant time to complete.

I am though committed to achieving the best possible environmental outcome to what has been an unprecedented event.

Ms Flynn asked the Minister of Agriculture, Environment and Rural Affairs for an update on the effect that restrictions resulting from the COVID-19 pandemic have had on air quality and water quality.

(AQO 1418/17-22)

Mr Poots:

Air quality

Levels of nitrogen dioxide remain lower in 2020 than the average for the previous five years. This trend is the case for almost all of 2020. Levels of nitrogen dioxide in Northern Ireland were slightly above the five year average for the week commencing 10th August 2020.

When the data is averaged and monthly values used, the 2020 levels remain below the five year average for the entire year. DAERA's air quality monitoring contractor has undertaken some preliminary statistical analysis and the low levels of nitrogen dioxide in 2020 are likely to be due to weather conditions (strong winds dispersing the pollutant) and not necessarily a reduction in emissions at source.

In the first two weeks of lockdown, nitrogen dioxide concentrations reduced sharply, but then varied. Levels of nitrogen dioxide have been rising from July which is in line with the trend displayed by the five year average but decreased slightly in December.

Levels of particulate matter (PM) have varied considerably since the start of 2020.

For the majority of the first quarter of 2020, levels of PM were lower than the 2015-2019 five-year average. However, from the start of lockdown, levels have for the most part been higher than the five year average, with the exceptions of July to mid-August and more recently in October. PM data shows that since the end of October, there has been a sharp reduction of levels and this pollutant is now well below the five year average and the five year minimum.

Water quality

In the first lock down, April to June 2020, routine water quality monitoring was suspended.

Activities continued regarding reporting and investigating water pollution incidents. This showed that numbers of water pollution incidents remained consistent during the first lockdown period with that reported during the previous four years with no reduction observed. Incidents where NI Water (NIW) assets were identified as the source were the highest in five years for the same time period. Farm incidents were at their lowest in five years for the same time period, compared to previous years.

The impact of the dry spring is most likely to have influenced the changes in reported pollution incidents. Over the year as a whole, this influence has diminished.

There has been no immediate impact observed on reported pollution incidents or regulatory compliance during the recent lockdowns in autumn/winter 2020. The 2020 pollution data will be verified and comparisons for the whole year will be reported when available.

There has been no reduction in the regulatory standards for drinking water quality. In addition no water quality events have been reported to Drinking Water Inspectorate as a result of COVID-19 impacts.

In terms of water quality, for rivers and lakes, although routine monitoring resumed in the latter half of 2020, datasets have not yet been fully reported for the period to December 2020. Therefore no further update is available.

Department for Communities

Mr Beggs asked the Minister for Communities how she will ensure there is no repeat of the scenes at Healy Park, Omagh, on 20 September which appeared to breach COVID-19 restrictions.

(AQW 7330/17-22)

Ms Ní Chuilín (The Minister for Communities): The current regulations which are in place until 6 February do not permit spectators at sports events. These regulations will be reviewed on 21 January.

It is vital that, when spectators are once again permitted to attend sporting events, the return to sport protocols are strictly adhered to by everyone to protect the health and wellbeing of our communities.

Ms Bunting asked the Minister for Communities what procedures are in place to sanction, or terminate tenancies of, Northern Ireland Housing Executive clients who persistently engage in anti-social behaviour.

(AQW 7551/17-22)

Ms Ní Chuilín: The tackling and prevention of Anti-Social Behaviour (ASB) is a priority for the Housing Executive. The Housing Executive takes reports of ASB seriously and will investigate any complaint made to them in accordance with its procedures.

Reports of ASB can be made directly to a Housing Executive Patch Manager or by contacting a Local Office by telephone, online, in writing or in person (in line with COVID-19 restrictions/office appointments), or via a public representative, a police officer, social worker or a neighbour.

The Housing Executive will try to address the ASB using a range of interventions in an attempt to keep the individual within their home, but at the same time addressing the offending behaviour. The Housing Executive employs an incremental and proportionate approach at all times through a range of statutory and non-statutory interventions.

Non-statutory interventions include warning letters, mediation, restorative practices and the use of Acceptable Behaviour Contracts - a voluntary written agreement between the Housing Executive and a person who has been involved in ASB. Support can be organised for victims and witnesses by making referrals to specialist organisations. The Housing Executive also tackles community safety issues through formal partnership working with other relevant agencies.

In the majority of cases non-statutory interventions will be sufficient however where these have failed to stop the ASB then the Housing Executive will not hesitate to use Statutory Interventions to ensure victims of ASB are protected and the unacceptable behaviour is stopped. These range from Injunctions to stop the nuisance, ASBOs to Possession which continues to be a last resort.

I hope this information is useful.

Mr McCrossan asked the Minister for Communities for an update on a sign language framework and legislative reform, as agreed under New Decade, New Approach.

(AQW 9166/17-22)

Ms Ní Chuilín: Progress on the introduction of a Sign Language Bill has been impacted by the Covid-19 pandemic. I have directed officials to consider timescales and immediate next steps with a view to making early progress.

I fully intend that the legislation will be built on the principles of equality and social inclusion in ensuring that the Deaf community here have the same rights and opportunities as those in the hearing community and are able to access services in their own language.

Mr Allister asked the Minister for Communities what review is being undertaken of how her Department exercises its oversight of the Charity Commissioners NI in light of the Baume report.

(AQW 9388/17-22)

Ms Ní Chuilín: I have commissioned an independent review of charity regulation including a review of the performance of the Charity Commission in its role as statutory regulator. A panel of experts has been assembled to take forward this important work which is scheduled to commence on the 26th of January 2021.

My Department is also reviewing its relationship with the Commission in the context of the development of new Partnership Working Arrangements. This will include establishing clear roles and responsibilities and will reflect lessons learned.

Mr Carroll asked the Minister for Communities in the relation to the 2017 Fundamental Review of Social Housing Allocations, to detail the definition of appropriate standard.

(AQW 10497/17-22)

Ms Ní Chuilín: In the context of Proposal 4 (the Housing Executive can meet its duty to homeless applicants on a tenure-neutral basis), the Fundamental Review of Social Housing Allocations refers to the need for safeguards within private rented accommodation. These include that the accommodation is: "reasonable for the household to occupy; of the appropriate standard; and available for a reasonable period of time, e.g. a 12-month tenancy". The review does not include a specific definition of "appropriate standard".

However, I have asked officials to start work on a comprehensive review of fitness for all tenures. I intend 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.

The outcome of the fitness review, including any changes to the fitness standard, will be taken into account when Proposal 4 is being considered for implementation, to ensure that the appropriate safeguards are in place.

Ms Bailey asked the Minister for Communities when AQW 9631/17-22 will be answered.

(AQW 11435/17-22)

Ms Ní Chuilín: AQW 9631/17-22 was answered and issued to the member on 15 December 2020.

Ms Mullan asked the Minister for Communities (i) to detail how people are appointed to boards of Housing Associations; (ii) whether the process of establishing these boards has to take into account and reflect the diversity of people in the community as a whole on race, gender, religion and sexual orientation; (iii) to detail the rationale for this decision; (iv) how the diversity of these boards is monitored; and (v) what processes exist to ensure there are no conflicts of interest on these boards.

(AQW 11510/17-22)

Ms Ní Chuilín:

(i) to detail how people are appointed to boards of Housing Associations;

Registered Housing Associations (RHAs) are responsible for the recruitment of board members and ensuring members collectively have the necessary skills, knowledge, and expertise to manage and direct the affairs of the RHA. Recruitment of board members is generally by open market competition, but other routes to board membership are available, such as a tenant representative.

(ii) whether the process of establishing these boards has to take into account and reflect the diversity of people in the community as a whole on race, gender, religion and sexual orientation;

RHAs are entities in their own right and therefore required to comply with Section 75. The Act requires RHAs to have due regard to the need to promote equality of opportunity and good relations across a range of categories, including race, gender, religion and sexual orientation. Equality Monitoring forms are completed during the recruitment and application process.

(iii) to detail the rationale for this decision;

Board members are recruited through an open and transparent recruitment process in line with each RHA's recruitment policy and taking account of the requirements of Section 75.

(iv) how the diversity of these boards is monitored;

Diversity of RHAs' Boards is monitored in a number of ways:

- Equality Monitoring Forms are completed as part of the board application process;
- Some RHAs appoint external advisers to undertake a formal, independent review of board effectiveness which includes an assessment of board member skills, experience and diversity;
- Other RHAs undertake annual self-assessment board effectiveness reviews which entail looking at board diversity; and
- Housing Regulation Branch looks for evidence of board effectiveness reviews during the annual regulatory review process.

(v) what processes exist to ensure there are no conflicts of interest on these boards.

The following processes help to ensure there are no unmanaged conflicts of interest on Boards;

- Upon appointment, new board members are required to complete a conflict of interest declaration;
- Following appointment, board members are required to complete an annual conflicts of interest declaration;

- Conflicts of interest declarations are included as a standing item agenda at each board meeting. The Housing Regulation Branch within the Department, observes a sample of board meetings during the year and notes the process, whether any declarations of interest are made and how these are managed;
- Declarations of interest are completed during the course of the year, should new potential conflicts of interest emerge; and
- A register of interests is maintained and reviewed annually by the Board.

Mr Easton asked the Minister for Communities to detail the land that can be used for new build housing currently owned by the Housing Executive.

(AQW 11687/17-22)

Ms Ní Chuilín: Due to the volume of detail required to answer AQW 11687/17-22, the information has been placed in the Assembly Library.

Ms Armstrong asked the Minister for Communities for an update on the JobStart scheme, including the number of business which have expressed interest and the geographical spread of the placement opportunities.

(AQW 12345/17-22)

Ms Hargey: The Minister for Communities was due to launch the JobStart Scheme on 14 December 2020. Unfortunately the Department has had to delay the launch of the Scheme, which will be further impacted by the latest announcement of tighter Covid-19 restrictions. In light of this the Department is keeping the launch date for the Scheme under review.

To develop the JobStart Scheme the Department has worked collaboratively with key stakeholders including other departments, local government, employers and the voluntary and community sector to ensure efforts are aligned to obtain the best outcomes for those most impacted by the COVID-19 pandemic.

As businesses of all sizes and from all sectors are eligible to apply to the JobStart Scheme, the Department has engaged widely with employers and employer representative bodies, including the Federation of Small Businesses, Construction Industry Training Board, NI Chamber of Commerce and Business in the Community. Webinar based engagement has also been made with approximately 170 employers through InvestNI.

The Department has also been engaging with individual councils to promote the JobStart Scheme. The five Health and Social Care have also shown an interest in the JobStart Scheme.

Overall the feedback from employers and employer bodies has been very positive. The JobStart Scheme is, and will continue to be, an agile Scheme and the Department is committed to continuously improving it by listening to feedback from both employers and young people.

As the Scheme is not yet open for employer applications the Department cannot provide details on the geographical spread of the placement opportunities.

Mr Durkan asked the Minister for Communities how many payments from the COVID-19 Discretionary Support Fund have been made to people who are self-isolating.

(AQW 12434/17-22)

Ms Hargey: Since the introduction of the self-isolation grants on 25 March 2020 my Department has made 15,659 Discretionary Support Self-Isolation

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.

Mr Durkan asked the Minister for Communities how many applications to the COVID-19 Discretionary Support Fund were rejected on the basis of applicants being above the income threshold for eligibility.

(AQW 12435/17-22)

Ms Hargey: My Department paid 15,671 Discretionary Support Self-Isolation grant payments during the period 25 March to 31 December 2020. Management information is available for December 2020 showing that of the 300 cases processed 7 self-isolation grant applications were unsuccessful because the applicant was above the Discretionary Support income threshold of £20,405.

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 Durkan asked the Minister for Communities whether priority online supermarket delivery slots for people who had been advised to shield will be reintroduced.

(AQW 12436/17-22)

Ms Hargey: In response to the Covid emergency, my Department and the Department of Health worked to set up registrations for priority online shopping for those who were shielding. The registration period ran until shielding was paused at the end of June, although prioritised slots with the major food retailers continue indefinitely for those who had been registered by this time. Importantly, all of the major retailers have significantly increased their capacity for online delivery in the intervening months and delivery capacity outside of the Christmas period has not been reported to be a major issue.

Currently there are also numerous delivery options through smaller shops as well as a large variety of independent retailers which now offer home delivery. More information on this can be located through the Consumer Council website at the following link <https://www.consumercouncil.org.uk/coronavirus/vulnerable#section-2849>

My Department will continue to keep the situation under review and if anyone who is Clinically Extremely Vulnerable is unable to access food delivery through these routes or through family and friends then they should contact the COVID-19 Community Helpline on Freephone 0808 802 0020, text ACTION to 81025, or email covid19@adviceni.net

Mr Durkan asked the Minister for Communities how many payments of £500 or more have been made from the COVID-19 Discretionary Support Fund.

(AQW 12438/17-22)

Ms Hargey: System limitations mean this information is not readily available, I have asked for immediate intervention to remedy, and review of the system. My officials have analysed the self-isolation grants awarded for the period 01 July 2020 – 30 November 2020. For the period July-November 2,641 self-isolation grants were paid totalling £390k with 2% of these payments £500 or more. More notably, the spend for customers receiving more than one grant equated to £135k or 35% of the total spend for that period.

The amount of award varies according to household circumstances and the period of need identified, and 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.

It is vitally important that people seek help as early as possible once self - isolating in order to maximise the awards available. To provide further help, on 16 November Minister Ní Chuilín enhanced self-isolation grants further by introducing more flexibility for longer award periods, alongside increases to the daily rates payable. These measures, alongside work in collaboration with the Department of Health to include information on how to apply for Discretionary Support on self - isolation notifications, will help ensure that the full range of support available reaches 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 Allister asked the Minister for Communities when the whistleblowing policy of each of the eleven councils was last updated.

(AQW 12449/17-22)

Ms Hargey: My Department does not keep a record of the whistle-blowing policies of the councils or when they would last have been updated. This is a matter for the individual councils.

Mr Allister asked the Minister for Communities what terms of reference have been agreed in respect of the extraordinary audit of Causeway Coast and Glens Borough Council.

(AQW 12450/17-22)

Ms Hargey: As you are aware, I wrote to the Local Government Auditor on the 30 November 2020 directing her to hold an extraordinary audit of the accounts of Causeway Coast and Glens Borough Council concentrating on land disposals and easements and related asset management policies and procedures.

The Local Government Auditor and my Department are currently agreeing a terms of reference for the extraordinary audit and once finalised, this will be shared with Causeway Coast and Glens Borough Council.

Mr M Bradley asked the Minister for Communities whether she will reintroduce the weekly food box service for those shielding and the most vulnerable in society to mitigate COVID-19 restrictions.

(AQW 12453/17-22)

Ms Hargey: My department has continued to work with Councils and local community food providers to move to more sustainable food supports. In the longer term, the Anti-Poverty Strategy will be vital to tackle the root causes of poverty, rather than the symptoms.

Additional investment from my Department has been used to build capacity and resource for community organisations to support access to food and importantly, this support enables a more tailored response to the needs of the individual and includes access to other essential items such as personal hygiene and sanitary products.

My Department has also invested in support to Fareshare, a food distribution charity, to ensure adequate food infrastructure and additional supply is in place across the north to the end of March 2021.

Importantly, all of the major retailers have significantly increased their capacity for online delivery in the intervening months and delivery capacity outside of the Christmas period has not been reported to be a major issue.

Currently there are also numerous delivery options through smaller shops as well as a large variety of independent retailers which now offer home delivery. More information on this can be located through the Consumer Council website at the following link <https://www.consumercouncil.org.uk/coronavirus/vulnerable#section-2849>

Anyone who needs help with accessing food should contact the COVID-19 Community Helpline where an advisor will match the individual with local help and support tailored to your circumstances. Freephone 0808 802 0020, text ACTION to 81025, or email covid19@adviceni.net

Mr Newton asked the Minister for Communities (i) to detail (a) the number of households living below the poverty threshold in the Belfast East constituency; and (b) the number of children impacted; and (ii) what action she is taking to address the issue. **(AQW 12457/17-22)**

Ms Hargey: My Department is developing an Anti-Poverty due to be published in December 2021 subject to Executive approval.

The Executive has also approved the extension of the 2016/19 Child Poverty Strategy to May 2022. The Strategy's purpose is to ensure government works collectively to tackle the issues faced by children and families impacted by poverty. This extension will allow time for engagement on how to address child poverty in the longer term, including whether measures to deal with child poverty within the over-arching Anti-Poverty Strategy currently in development is suffice or whether a standalone Child Poverty Strategy is required.

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. Due to the uncertainty around estimates at lower levels, the Department does not present results for poverty below the Local Government District (LGD) Level. The number of households in Belfast LGD estimated to be living in poverty are presented in the table below - note that figures are a three year average (2016/17 – 2018/19).

Poverty Type	No of Households
Absolute Before Housing Costs	21,000
Absolute After Housing Costs	24,000
Relative Before Housing Costs	26,000
Relative After Housing Costs	28,000

The Department currently funds 11 Neighbourhood Renewal projects within East Belfast through the Neighbourhood Renewal Invest Fund. These projects work on a wide range of issues along the core themes of Community Renewal, Economic Renewal, Social Renewal and Physical Renewal. The total funding for these projects during 2020/21 was circa £975,000.

Mr Easton asked the Minister for Communities when COVID-19 heating payments for people with disabilities will begin. **(AQW 12484/17-22)**

Ms Hargey: My Department plans to make the one-off Covid-19 Heating Payment at the end of January 2021 to those in receipt of one or more of the following benefits who were eligible in the qualifying week (30 November to 6 December inclusive):

- State Pension Credit;
- the higher rate of Attendance Allowance;
- the highest rate care component or higher rate mobility component (or both) of Disability Living Allowance;
- the enhanced rate daily living component or enhanced rate mobility component (or both) of Personal Independence Payment.

Ms Armstrong asked the Minister for Communities what steps she is taking to support and help students that are unable to meet full rent costs and are trapped in accommodation contracts. **(AQW 12505/17-22)**

Ms Hargey: The main source of support for students facing genuine 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.

Ms Armstrong asked the Minister for Communities whether she will arrange for the reopening of priority shopping schemes for vulnerable people, and in particular for terminally ill patients diagnosed after the closure of the 2020 scheme.

(AQW 12506/17-22)

Ms Hargey: In response to the Covid emergency, my Department and the Department of Health worked to set up registrations for priority online shopping for those who were shielding. While the registration period ended in line with the pause in shielding at the end of June, prioritised slots with the major food retailers continue indefinitely for those who had been registered by this time. Importantly, all of the major retailers have significantly increased their capacity for online delivery in the intervening months and delivery capacity outside of the Christmas period has not been reported to be a major issue.

Alongside the major retailers, there are also numerous delivery options through smaller shops as well as a large variety of independent retailers which now offer home delivery. More information on this can be located through the Consumer Council website at the following link <https://www.consumerCouncil.org.uk/coronavirus/vulnerable#section-2849>

My Department will continue to keep the situation under review; if anyone who is Clinically Extremely Vulnerable is experiencing difficulty with accessing food, either through these routes or through family and friends, they should contact the COVID-19 Community Helpline on Freephone 0808 802 0020, text ACTION to 81025, or email covid19@adviceni.net

Mr Newton asked the Minister for Communities (i) to detail the number of people who (a) are eligible for the COVID-19 heating payment; and (b) have received their payment; (ii) what this represents as a percentage of those who are entitled; and (iii) the date by which all payments will have been made.

(AQW 12541/17-22)

Ms Hargey: Previous analysis showed approximately 221,000 people eligible for the Covid-19 Heating Payment. This figure is likely to be revised to reflect the position at the time that payments are made.

My Department plans to make the payments at the end of January 2021, therefore no payments have been made to date.

It is anticipated that all payments will have issued by the end of January 2021.

Miss Woods asked the Minister for Communities, in light of new guidance issued for those who are clinically extremely vulnerable or vulnerable, whether (i) the access priority online shopping slots scheme; and (ii) the food boxes scheme will return.

(AQW 12554/17-22)

Ms Hargey: My department has continued to work with Councils and local community food providers to move to more sustainable food supports. In the longer term, the Anti-Poverty Strategy will be vital to tackle the root causes of poverty, rather than the symptoms.

Additional investment from my Department has been used to build capacity and resource for community organisations to support access to food and importantly, this support enables a more tailored response to the needs of the individual, ensuring a more nutritional offering with more choice, and includes access to other essential items such as personal hygiene and sanitary products.

As an additional response to the Covid emergency, my Department and the Department of Health worked to set up registrations for priority online shopping for those who were shielding. While the registration period ran until shielding was paused at the end of June, prioritised slots with the major food retailers continue indefinitely for those who had been registered by this time. Importantly, all of the major retailers have significantly increased their capacity for online delivery in the intervening months and delivery capacity outside of the Christmas period has not been reported to be a major issue.

Currently there are also numerous delivery options through smaller shops as well as a large variety of independent retailers which now offer home delivery. More information on this can be located through the Consumer Council website at the following link <https://www.consumerCouncil.org.uk/coronavirus/vulnerable#section-2849>

My Department will continue to keep the situation under review and if anyone who is Clinically Extremely Vulnerable is unable to access food delivery through these routes or through family and friends then they should contact the COVID-19 Community Helpline on Freephone 0808 802 0020, text ACTION to 81025, or email covid19@adviceni.net

Mr Chambers asked the Minister for Communities (i) whether she intends to release further funding for the Capital Covid-19 Recovery Revitalisation Scheme; (ii) if so, to detail a timeframe for when this funding will be released; and (iii) whether she will consider changing the eligibility criteria to allow businesses who were not eligible previous to be eligible now.

(AQW 12583/17-22)

Ms Hargey: You have raised the same question with Minister Poots. As this is a Department for Communities Programme, please consider this as a response to both questions.

To date, a total of £19.3m has been allocated to councils under my Department's COVID-19 Recovery Revitalisation Programme. This figure includes contributions of £5m from DfI and £2.3m from DAERA. Most recently, councils identified a need for additional funding to help address the oversubscription of their grant schemes and in December £1.7m of Programme funding was allocated to them for this purpose. The full amount of this additional funding will be released to councils by the end of January.

The Programme itself was designed to provide councils with as much flexibility as possible to address the specific needs of their districts. As part of their Revitalisation Plans, each council launched a small grants scheme for businesses. Each council determined the specific eligibility criteria for their grant scheme. Any revision to these schemes is a matter for councils. I understand that Ards and North Down Council has revised the eligibility criteria for its scheme in the latest round of grants.

Mr Chambers asked the Minister for Communities (i) whether she intends to release further funding for the Capital Covid-19 Recovery Revitalisation Scheme; (ii) if so, to detail a timeframe for when this funding will be released; and (iii) whether she will consider changing the eligibility criteria to allow businesses who were not eligible previous to be eligible now.

(AQW 12584/17-22)

Ms Hargey: You have raised the same question with Minister Poots. As this is a Department for Communities Programme, please consider this as a response to both questions.

To date, a total of £19.3m has been allocated to councils under my Department's COVID-19 Recovery Revitalisation Programme. This figure includes contributions of £5m from DfI and £2.3m from DAERA. Most recently, councils identified a need for additional funding to help address the oversubscription of their grant schemes and in December £1.7m of Programme funding was allocated to them for this purpose. The full amount of this additional funding will be released to councils by the end of January.

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Mr Carroll asked the Minister for Communities whether a loan from the Student Finance Company for tuition fees, as opposed to a tuition fees grant, is counted as income by Universal Credit.

(AQW 12591/17-22)

Ms Hargey: Any loan paid in respect of tuition fees is ignored when calculating how much to take into account for Universal Credit entitlement. Where the student receives a loan and a grant, the grant income is disregarded in full, unless it includes an amount for rent met through the housing element, and/or an adult or child dependent that are paid for in the Universal Credit award.

Ms P Bradley asked the Minister for Communities when historic school records will be available digitally through PRONI.

(AQW 12609/17-22)

Ms Hargey: PRONI has no plans to initiate a project in relation to the creation of a searchable online Schools Registers database.

Mr Durkan asked the Minister for Communities what process was undertaken that led to the decision to allocate £535,000 of COVID-19 Response Funding to Neighbourhood Renewal Areas Partnership Boards; and how much funding has been allocated to each partnership.

(AQW 12611/17-22)

Ms Hargey: My predecessor, Carál Ní Chuilín MLA, prioritised financial support to stabilise organisations, preserve jobs and key skills by supporting individuals within the sectors; and promoting activity to generate renewal and growth enabling new work to be commissioned. She also prioritised a range of new culture, arts and heritage projects developed and delivered at community level with significant emphasis on inclusion. This is fully in line with my vision that everyone in society should have the opportunity to engage in and be enriched by what culture, language, arts and heritage have to offer. A sum of £0.535 million was allocated to the 36 Neighbourhood Partnership Boards who agreed to promote, implement and oversee delivery at community level, with an emphasis on promoting access and inclusion.

This is one strand of the overall programme, which includes more than twenty funding streams and a wide range of partners.

Further details of the funding available to each Neighbourhood Partnership Board is below.

Funding Distributed To Neighbourhood Renewal Areas

Neighbourhood Renewal Areas	Population	Percent of NRA	Total Amount
Andersonstown	8,872	2.98%	£15,968.54
Armagh	5,623	1.89%	£10,120.73
Ballyclare	1,323	0.45%	£2,381.24
Ballymena	4,316	1.45%	£7,768.28
Bangor	2,742	0.92%	£4,935.27
Brownlow	9,564	3.22%	£17,214.05

Neighbourhood Renewal Areas	Population	Percent of NRA	Total Amount
Coalisland	2,869	0.97%	£5,163.86
Coleraine Churchlands	3,247	1.09%	£5,844.21
Coleraine East	3,393	1.14%	£6,106.99
Colin	19,395	6.52%	£34,908.68
Crumlin / Ardoyne	15,036	5.06%	£27,063.00
Downpatrick	6,382	2.15%	£11,486.84
Dungannon	1,876	0.63%	£3,376.58
Enniskillen	3,115	1.05%	£5,606.63
Falls / Clonard	16,794	5.65%	£30,227.19
Greater Shankill	18,872	6.35%	£33,967.34
Inner East Belfast	25,274	8.50%	£45,490.17
Inner North Belfast	13,087	4.40%	£23,555.03
Inner South Belfast	9,767	3.29%	£17,579.43
Ligoniel	2,703	0.91%	£4,865.08
Limavady	2,196	0.74%	£3,952.54
Lurgan	9,147	3.08%	£16,463.50
Newry	10,762	3.62%	£19,370.31
Omagh	2,784	0.94%	£5,010.87
Outer North Derry	16,331	5.49%	£29,393.84
Outer West Belfast	7,825	2.63%	£14,084.06
Outer West Derry	8,629	2.90%	£15,531.17
Portadown North West	3,139	1.06%	£5,649.82
Rathcoole	7,497	2.52%	£13,493.70
South West Belfast	6,812	2.29%	£12,260.78
Strabane	5,500	1.85%	£9,899.34
Triax - Cityside	16,266	5.47%	£29,276.85
Tullycarnet	2,155	0.72%	£3,878.74
Upper Ardoyne / Ballysillan	3,096	1.04%	£5,572.43
Upper Springfield / Whiterock	11,074	3.73%	£19,931.87
Waterside	9,779	3.29%	£17,601.03
Total	297,242	100.00%	£535,000.00

Mr Durkan asked the Minister for Communities what plans are in place to issue the COVID-19 vaccination to people resident in supported living accommodation.

(AQW 12612/17-22)

Ms Hargey: Officials in my Department are working closely with officials from the Department of Health to ensure all residents within Supporting People schemes are being considered, alongside other supported living accommodation such as care homes, to ensure all residents receive their vaccine at the appropriate time and in line with the priority list which has been agreed by the Executive.

The Department of Health has now published its phased plan for Covid-19 vaccination programme at the following <https://www.health-ni.gov.uk/sites/default/files/publications/health/covid-vacc-prog-update-plan.pdf>

Ms McLaughlin asked the Minister for Communities, pursuant to AQW 7328/17-22, when she will consider continuance of the European Solidarity Corps programme as part of post-Brexit arrangements.

(AQW 12667/17-22)

Ms Hargey: As The European Solidarity Corps programme falls under the remit of the Department for Communities, I will answer the question.

The European Solidarity Corps (ESC) programme is a European Union initiative, managed by the Erasmus+ National Agency. Due to Brexit, continuance of this programme remains uncertain at this time.

It is expected that the Executive will be considering its position on post-transition arrangements relating to this and other programmes soon.

Miss McIlveen asked the Minister for Communities for an update on the proposed Public Realm schemes for (i) Ballygowan; and (ii) Portaferry.

(AQW 12790/17-22)

Ms Hargey: In towns, Councils normally take the lead in the appointment of a consultancy team to design a public realm scheme which is then submitted to the Department for consideration. The Department has not received a proposal for a public realm scheme in Ballygowan.

My Department is aware of work undertaken by Ards & North Down Borough Council on the development of a public realm scheme for Portaferry, although a final submission has not yet been received..

Mr Chambers asked the Minister for Communities for an update on the current position of the project to revitalise the Queens Parade site in Bangor.

(AQW 12836/17-22)

Ms Hargey: The Developer for the Queen's Parade Development Scheme, Bangor Marine, submitted a Planning Application at the end of January last year. A decision on that planning application is expected in early 2021.

My Department's Regional Development Office officials, along with their counterparts in the Ards and North Down Borough Council, continue to work with the appointed developer, Bangor Marine, in order to ensure this exciting scheme delivers significant benefits for the people of Ards and North Down and further afield.

Ms McLaughlin asked the Minister for Communities to detail (i) the organisations delivering the Warm, Well and Connected programme; (ii) how those organisations were selected; (iii) the nature of projects delivered; (iv) whether any include the provision of food, other goods, or vouchers; and (v) how recipients of assistance were chosen.

(AQW 12912/17-22)

Ms Hargey: Delivery partners include Councils, the Healthy Living Alliance, the six Rural Support Networks, Age NI, Carers NI, Bryson Care and Advice NI and its local advice members. These organisations have been grant funded due to their regional significance, delivery expertise, local reach and existing infrastructure and capacity to deliver support immediately.

The nature of the programmes are community wellbeing projects addressing loneliness, isolation, connectedness, emotional wellbeing, physical activity and eating well. The initiative includes a small element of direct fuel support for those unable to heat their homes sufficiently, where no other urgent benefit support is available to them and there is an emergency need. A very small allocation is available for direct supply of white goods. The initiative does not include food support; a separate Access to Food Programme exists. Some local Councils are providing fuel vouchers.

The following target groups for support were agreed based on published data and consultation with statutory and community partners involved in the emergency response to date:

- Children and Young People
- Older People, particularly living alone
- Disabled People and their carers
- Those who have lost income as a result of the pandemic
- Clinically Extremely Vulnerable
- People from Ethnic Minority Communities

In addition to providing evidence that they fall into one of these categories, a recipient must also demonstrate loss of income or affordability issues directly linked to the pandemic in order to access fuel support.

Mr McGlone asked the Minister for Communities to outline her plans to address the backlog of outstanding Personal Independence Payment appeals.

(AQO 1426/17-22)

Ms Hargey: My department continues to list benefit appeals, including PIP appeals, for hearing despite the challenges faced as a result of the pandemic.

To maximise listing capacity TAS has introduced additional options for case listing. Appellants can now choose to have their PIP appeal listed on the papers, by telephone, video link or face to face.

Paper hearing and remote hearings are listed continuously in response to demand.

A number of venues have already been identified and adapted to ensure they are COVID secure for all parties to attend a physical hearing; work is continuing to find additional venues to list benefit appeal hearings.

Hearing in these venues commenced in December and January but in response to the new restrictions announced, the President of the Appeals Service has postponed face to face hearing until 5 February when it will be reviewed in light of the advice available.

Mr McCrossan asked the Minister for Communities what assessment she has made of the extent of the use of food banks. (AQO 1432/17-22)

Ms Hargey: There is no doubt that we have seen an increase in people experiencing economic hardship through the pandemic, and this is likely to continue as the impacts continue to be felt.

Evidence from our partners and through calls to the Covid community advice line indicate that food insecurity and the use of food banks has increased.

As part of the emergency response, my Department has provided £3.25m to local Councils to enable them to support community food providers, including foodbanks, in their areas.

Alongside this funding of around £1m has been provided to FareShare, a food distribution charity, to increase their capacity and the supply of food that they provide to their community food members including foodbanks.

In addition, my department is launching a £1m bulk food scheme later this month, which will bolster stock levels of community food providers between now and the end of March.

In the medium term, my intention is to move towards more sustainable interventions such as Social Supermarkets, which seeks to address the causes of food poverty rather than simply provide food.

Food insecurity is one symptom of poverty – for the longer term, this will be considered within the context of an Anti-Poverty Strategy, which is currently being developed through a process of co-design.

Mr Lynch asked the Minister for Communities what actions her Department is taking to address the root causes of poverty. (AQO 1431/17-22)

Ms Hargey: In line with New Decade New Approach commitments, work has begun to develop an Anti-Poverty Strategy that will tackle inequalities and obstacles that directly affect the everyday lives of those in poverty, and will bring focus to identifying and addressing the issues, barriers and disadvantages that undermine equality of opportunity.

The Strategy will be co-designed and co-produced with people who have experienced poverty; sectoral and academic experts; voluntary and community groups; councils; trade unions; business organisations; and other stakeholders including our children and young people.

My department invests approximately eighteen million pounds every year to over three hundred projects in Neighbourhood Renewal areas across sixty five geographical areas. Our Neighbourhood Renewal partners will play a key role in helping to inform the Anti-Poverty Strategy.

I am also committed to tackling food insecurity. As well as providing six million pounds in funding to deliver an immediate food response at the outset of the pandemic, my Department has provided more than five million pounds to deliver sustainable food interventions in partnership with local councils and the community & voluntary sector.

Food insecurity is an issue that will be considered when developing the wider Anti-Poverty Strategy.

Mr Givan asked the Minister for Communities what financial support is available to sports clubs that also operate hospitality, including bars, which have been forced to close under COVID-19 regulations.

(AQO 1430/17-22)

Ms Hargey: At the end of 2020, Minister Ní Chuilín secured £25million for a Sports Sustainability Fund in order to provide support for the sports sector who are experiencing financial hardship due to Covid-19.

The Sports Sustainability Fund is administered by Sport NI and opened for applications on 4 December to assist eligible sport governing bodies and their affiliated clubs.

The application to the fund includes an analysis line regarding hospitality for both income and expenditure which will consider loss of income and expenditure from bars and food provision.

The Fund recognises that hospitality is an important income stream for many sports clubs and will consider covid related losses based on information provided around income and expenditure from bars and food provision. However, a separately constituted 'social club' would not be eligible in its own right for this scheme.

The closing date for applications is the 20 January and applications should be made through the sport's governing bodies.

Minister Ní Chuilín also secured the Sports Hardship Fund to support sports clubs in maintaining their facilities. Although this fund is now closed for applications, it provided sports clubs with £1.7million in financial support.

The reopening of the Fund will be kept under review with Sport NI currently monitoring position.

Ms P Bradley asked the Minister for Communities for her assessment of the number of people who have been unsuccessful in receiving the Discretionary Support Self Isolation Grant.

(AQO 1429/17-22)

Ms Hargey: I introduced the Discretionary Support Self-Isolation grant on the 25 March to ensure people here were receiving the help they needed at the very outset of this pandemic. In the period from the 25 March to the 30 November 2020, 19,812 claims have been processed of which 15,987 were successful.

Reasons why applications are not successful vary according to individual circumstances set against the eligibility criteria for the scheme.

Within the figures also are those cases where duplicate applications were made, or those that failed because contact with the applicant was not established.

It is important however that all those in need and who meet the eligibility criteria for the scheme receive as much help as possible. That is why Minister Ní Chuilín announced enhancements to the scheme on 16 November which introduced greater flexibility to provide payments for longer and increased the amounts payable.

It is also vitally important that people seek help as early as possible once self - isolating in order to maximise the awards available.

To help promote uptake of the self-isolation grant a DfC promotional exercise commenced on 12 January which will run initially for 7 days.

The PHA has agreed to include a link to the NIDirect Coronavirus (COVID-19) and Benefits webpage under the heading - Financial Support and Practical help. This link will ensure people locate the Discretionary Support webpage more easily to check out eligibility and apply.

My Department has also successfully worked with the Department of Health to include information on this grant as part of the StopCOVID app. notification process.

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.

Ms Mullan asked the Minister for Communities how many people have been housed temporarily in bed and breakfast accommodation in the Derry and Strabane District Council area between 1 September 2020 and 31 December 2020.

(AQO 1428/17-22)

Ms Hargey: The Housing Executive has informed me that it made 1,635 placements to non-standard temporary accommodation between 1 September 2020 and 31 December 2020. The Housing Executive has identified that 428 (26%) of these were placements within the Derry & Strabane Council Area.

It should be noted that in some cases individuals may have had more than one placement over this period. The Housing Executive has provided assurance that it does seek, where possible, to place individuals as close to their area of origin as it can.

Mr M Bradley asked the Minister for Communities what percentage of those placed in Housing Executive temporary accommodation in Portstewart between 1 March 2020 and 31 December 2020 originated from the Causeway Coast and Glens Borough Council area.

(AQO 1427/17-22)

Ms Hargey: The Housing Executive has informed me that of the total placements made in Portstewart from 18 March 2020 to 31 December 2020, 9.75% were placed by the Causeway Coast and Glens Housing Solutions Team, having presented to them as homeless.

Mr Middleton asked the Minister for Communities for an update on the Sports Sustainability Fund.

(AQO 1425/17-22)

Ms Hargey: Following successful bids in the October Monitoring Round, Minister Ní Chuilín launched the twenty five million pound (£25m) Sports Sustainability Fund on Thursday the third (3rd) of December.

The scheme opened for applications on the SportNI website on the fourth (4th) of December.

The aim of the Fund is to ensure that the sports sector, which is representative of the diverse range of interests across our communities, is sustained during the ongoing challenges that Covid is presenting.

A number of engagement sessions have taken place to date with Sports Governing Bodies who are playing an important part in ensuring that the scheme delivers funding to those most in need within the sector.

Governing Bodies must ensure that all clubs from their respective sports are aware of the scheme and how to apply.

Following a request from the Governing Bodies, the closing date for the Fund has been extended to four pm (4pm) on Wednesday the twentieth (20th) of January to allow Governing Bodies and clubs time to gather the necessary information and complete a validated application as well as collate the necessary evidence to support their claim for assistance.

It is planned that the assessment and verification phase will take place during January with payments commencing in February.

Mr Frew asked the Minister for Communities how many Personal Independence Payment and Employment Support Allowance oral appeal hearings have taken place in each of the last six months, broken down by venue.
(AQO 1424/17-22)

Ms Hargey: For the period July 2020 to 31 December 2020, there were 588 oral hearings for Personal Independence and 29 Employment Support Allowance appeals.

There have been 242 physical hearings in Belfast (204), Ballymena (18) and Newry (20), a further 408 have been conducted via telephone and 118 via video link.

There have been also been 638 determined as paper hearings making a total of 1,406 hearings across all hearing types for this period.

This is a significant reduction in comparison to previous years and is a direct result of the pandemic. The number of local venues that were readily available and equipped to accommodate socially distant physical hearings was greatly reduced. A growing number of venues have now been adapted to be covid secure for everyone attending a benefit hearing and listing had resumed before Christmas. However the new restrictions have unfortunately led to further postponements. Listing of physical hearings will resume urgently, as soon as it is deemed appropriate to do so for appellants who can be amongst the most vulnerable within our communities.

Department of Education

Mr Beattie asked the Minister of Education how many (i) students; and (ii) teachers in schools have had a positive COVID-19 case, broken down by area.
(AQW 7520/17-22)

Mr Weir (The Minister of Education): The Public Health Agency (PHA) produces weekly and monthly bulletins on the COVID-19 pandemic in Northern Ireland. The bulletins include high level data on key areas currently being used to monitor COVID-19 activity including in school settings. Further information can be accessed at:

<https://www.publichealth.hscni.net/publications/coronavirus-bulletin>.

Mr Easton asked the Minister of Education what plans he has to reform the school procurement system.
(AQW 12197/17-22)

Mr Weir: The EA has recently restructured their procurement function and been accredited with Centre of Procurement Excellence (COPE) status.

Additionally, work is currently on-going to re-procure Term Service Contracts (TSC's) for maintenance and minor works at schools. This work has included extensive stakeholder engagement and consultation with school representatives which highlighted the following key issues that will be accounted for in the new contracts:

- demonstrable value for money;
- improved response times;
- enhanced communication with schools;
- improved management information systems; and
- a degree of flexibility for schools to complete non-technical minor repairs themselves.

The new procurement methodology should ensure an enhanced service delivery to schools. Other areas of procurement will be reviewed as contracts come up for renewal.

Ms Armstrong asked the Minister of Education when the risk assessments relating to AQE and PPTC were reviewed by his Department, or by its arm's-length bodies, to ensure they comply with COVID-19 regulations and required safety measures.
(AQW 12346/17-22)

Mr Weir: The transfer tests are a private arrangement between the test providers and the host schools. The host schools which operate as test centres are required to comply fully with Health Protection legislation; this includes ensuring statutory risk assessments are carried out and that all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in those risk assessments are taken.

The legislation, not the Department, provides exemptions to the general prohibition on gatherings of more than fifteen people for specified purposes including educational purposes.

You will aware of the announcement made by AQE Ltd on 13 January to cancel its assessment which had been scheduled for 27 February citing uncertainties surrounding the easing of coronavirus restrictions. You will appreciate that this will come as a huge disappointment to many pupils and parents who have worked hard to prepare for the tests in the hope of getting into a school of their choice.

In view of that announcement the issue of risk assessments no longer arises.

Ms Armstrong asked the Minister of Education what exemptions from COVID-19 regulations have been given to the the arm's-length bodies managed by his Department, namely the Education Authority and CCMS, that allows schools under their authority to permit hire of premises for mass gatherings arranged by AQE and PPTC during January 2021.

(AQW 12347/17-22)

Mr Weir: The transfer tests are a private arrangement between the test providers and the host schools. The host schools which operate as test centres are required to comply fully with Health Protection legislation; this includes ensuring statutory risk assessments are carried out and that all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in those risk assessments are taken.

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In view of that announcement the issue of risk assessments no longer arises.

Ms Armstrong asked the Minister of Education to provide a copy of the exemption from COVID-19 regulations provided to AQE and PPTC by his Department or an arm's-length body of his Department.

(AQW 12379/17-22)

Mr Weir: The transfer tests are a private arrangement between the test providers and the host schools. The host schools which operate as test centres are required to comply fully with Health Protection legislation; this includes ensuring statutory risk assessments are carried out and that all reasonable measures to limit the risk of transmission of the coronavirus, including implementing the preventive and protective measures identified in those risk assessments are taken.

The legislation, not the Department, provides exemptions to the general prohibition on gatherings of more than fifteen people for specified purposes including educational purposes.

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In view of that announcement the issue of risk assessments no longer arises.

Mr Dunne asked the Minister of Education when teachers in nursery, primary, secondary and special schools are going to be included in the COVID-19 vaccination programme.

(AQW 12490/17-22)

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.

JCVI indicated on 6 January that they are considering under the next priority phase of vaccinations, those at increased risk of exposure to SARS-CoV-2 due to their occupation and this would include teachers as per the link attached - Priority Groups for Covid Vaccination (<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-30-december-2020/joint-committee-on-vaccination-and-immunisation-advice-on-priority-groups-for-covid-19-vaccination-30-december-2020>)

Prior to this I had written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable.

Mr Carroll asked the Minister of Education whether his Department sent schools or AQE, the body organising the post-primary transfer tests, the public exam guidance in any correspondence.

(AQW 12491/17-22)

Mr Weir: Public Health Guidance to Support Public Examinations was issued to all schools on 19 November 2020 and revised on 8 December. It was simultaneously published on the Department of Education website and was therefore available to all parties that required access to it.

In respect of AQE Ltd, in light of the announcement on 13 January 2021 that it has cancelled the assessment scheduled for 27 February 2021, the issue of having regard to the Department guidance in respect of the transfer tests no longer applies.

Mr Carroll asked the Minister of Education for his assessment of the levels of staff absence at special educational needs schools associated with COVID-19.

(AQW 12494/17-22)

Mr Weir: Any Special Schools experiencing staffing challenges as a result of Covid-19 related health issues have been asked to engage with their Education Authority (EA) Support Officers in order to address the issue. The EA will continue to monitor this situation and provide support to ensure all possible actions and mitigations have been explored. This will include the use of substitute teachers and temporary support staff, where appropriate. I have asked the EA to keep me updated on the situation.

Mr Carroll asked the Minister of Education what action his Department has taken to ensure students registered to resit A levels this year, privately and independently outside school, will be protected from the spread of COVID-19.

(AQW 12495/17-22)

Mr Weir: On 6 January 2021, as a consequence of the ongoing pandemic, I announced the cancellation of CCEA's GCSE, AS and A level exams in January, February, May and June 2021.

CCEA has been asked to bring forward specific advice on awarding arrangements for providing grades to private candidates. Further information will be made available in due course.

Miss McIlveen asked the Minister of Education whether consideration will be given to providing additional resource to the Education Authority's Literacy Service.

(AQW 12508/17-22)

Mr Weir: The Education Authority's (EA) Literacy Service is funded from within the EA Block Grant allocation. Therefore, it is for the EA to determine the required resource to effectively deliver its Literacy Service.

The EA has advised that its Literacy Service has benefited from an investment of 10 additional teachers on a continuing secondment basis from September 2018. It has also more recently benefited from Education Restart Funding to provide enhanced support to current Year 8 pupils as part of an extension to the Service Primary 7 Transition Programme.

Mr McGrath asked the Minister of Education, pursuant to AQW 11801/17-22, (i) why only four of the fifty properties listed in Annex 2 of his response have been placed on the open market; and (ii) whether this represents value for money.

(AQW 12520/17-22)

Mr Weir: Each closed/vacant asset will be at a different stage in the disposal process and will not all be on the open market at the same time.

Some of those listed cannot be sold at this time because the EA does not have marketable title – i.e. the property is subject to a reversionary clause where the ownership should revert to another organisation or person. As you will appreciate, some of these will be historic in nature and finding the legal successor to the original owner is not straightforward.

Others sites have title issues that need resolved, delaying or preventing disposal. A number have been identified to be retained or partly retained by the EA for alternative educational use.

As a public authority the EA must adhere to the Land and Property Services Guidelines on the sale of surplus Public Sector land and buildings. Under these guidelines disposal on the open market is only considered after a Public Sector Trawl has been completed and no expressions of interest have been received. Land and Property Services also provides advice on the best value options for the disposal of any surplus property.

Furthermore, when a controlled school closes and becomes vacant the EA manages future expenditure by reducing all associated costs to a minimum while ensuring buildings are safe and secure. This includes disconnecting utility supplies like water, electricity, oil and gas; draining down boiler and heating plant; and boarding up windows and doors as appropriate.

Mr McGrath asked the Minister of Education, pursuant to AQW 11801/17-22, for his assessment of why it is not known for how many years four of the fifty properties listed in Annex 2 of his response have laid vacant.

(AQW 12521/17-22)

Mr Weir: With remote working during the pandemic, access is not available to the digital records for the properties in question, and unfortunately it is not possible to provide a response within the required timeframe on how many years the sites lay vacant.

However, this information will be made available once the current lockdown restrictions are lifted and arrangements can be made to review the appropriate records.

Mr McGrath asked the Minister of Education to detail the scientific and medical evidence to suggest it is safe for special schools to re-open.

(AQW 12522/17-22)

Mr Weir: Scientific advice and information on COVID19 has been provided to the UK Government by the Scientific Advisory Group for Emergencies (SAGE). SAGE is responsible for ensuring that timely and coordinated scientific advice is made available to decision makers to support UK cross-government decisions in the Cabinet Office Briefing Room (COBR). The advice provided by SAGE does not represent official government policy. All papers that have been released by SAGE are available online.

The evidence was often compiled very rapidly during a fast-moving response and should be viewed in this context. The papers presented by SAGE are the best assessment of the evidence at the time of writing, and their conclusions were formed on this basis. As new evidence or data emerges, SAGE updates its advice accordingly.

I would like to draw your attention to the weekly and monthly bulletins on the COVID-19 pandemic in Northern Ireland published by the Public Health Agency (PHA). This includes information in relation to schools and indicates that teachers are no more vulnerable than the rest of the population. The level of risk to children is very low and any actions are taken in line with discussions with Chief Medical officer (CMO), Chief Scientific Adviser (CSA) and PHA.

Mr McGrath asked the Minister of Education to detail the additional measures put in place at special schools from re-opening in January to protect (i) pupils; and (ii) staff.

(AQW 12523/17-22)

Mr Weir: The Department holds fortnightly meetings with the Special Schools Strategic Leadership Group (SSSLG) to listen to matters arising and to ensure concerns and queries are addressed in a timely manner.

The Education Authority held a dedicated session on 18 January with Special School principals and the Public Health to consider what if any, additional mitigations can be put in place to further reduce risk of transmission.

Mitigations currently in place include actions and guidance taken by the Education Authority (EA) around transport (including private contractors); use of protective class bubbles; social distancing between adults at all times; appropriate use of PPE when dealing with intimate care and Aerosol Generating Processes (AGP); use of face coverings in shared spaces and enhanced cleaning processes.

The Education Authority will continue to monitor this situation and provide support to ensure all possible actions/mitigations have been explored.

Additional guidance in the form of Frequently Asked Questions (FAQs) will issue to schools.

Schools have been asked to update their risk assessments and where it has been identified as a measure, Personal Protective Equipment (PPE) will be made available to staff, EA is leading on procurement of suitable quantities of PPE for educational settings and will be made available to staff as required.

Mr McGrath asked the Minister of Education, pursuant to AQW 11801/17-22, how much has been spent by the Education Authority on rates each year since its inception on the 50 properties listed in Annex 2 of his response.

(AQW 12524/17-22)

Mr Weir: The table below provides the total Education Authority expenditure on Rates for vacant properties from 2016/17 to 2020/21.

EA Rates costs – vacant properties

Year:	2016-17	2017-18	2018-19	2019-20	2020-21
Cost:	£222,000	£222,000	£270,000	£258,000	£230,000

While you requested details of the expenditure from EA inception in April 2015, due to the current remote working arrangements, EA staff are unable to access the legacy financial systems to retrieve information for the 2015/16 year.

Many of the properties listed in the response to AQW 11801/17-22 have not been continuously vacant since 2015, therefore even if a total figure for these properties was available, it is likely this would include periods when buildings were in use and full Rates would have been payable.

Ms Bailey asked the Minister of Education for his assessment of the impact of the decision to cease school meal provision for vulnerable and key worker children.

(AQW 12547/17-22)

Mr Weir: The provision of free school meals is of vital importance to the most vulnerable children in our society, however, as the vast majority of pupils entitled to free school meals are learning remotely from home (except pupils at special schools), the Department considers the most expedient way to ensure that families have a means to provide food for their children is to make direct payments in lieu of free school meals. These payments are scheduled to arrive in bank accounts by 15 January.

Although schools remain open to vulnerable children and the children of key workers, it is not proposed that school meals services should be routinely available as for the vast majority of schools. Therefore children attending school (other than special school), such as key workers' children and vulnerable children, should bring a packed lunch to school.

However schools should continue to provide food on humanitarian grounds for any child who presents to school hungry, as is normal practice. There are established procedures for this. Schools should liaise with their school meals service to make the necessary provision and there is flexibility on how schools provide this. Therefore it is my assessment that the current arrangements are supportive of vulnerable and key worker children.

Miss Woods asked the Minister of Education what additional support his Department has given to parents and students who are educated outside the school system by way of Elective Home Education during the COVID-19 pandemic.
(AQW 12555/17-22)

Mr Weir: Elective Home Education (EHE) is the term used to describe the practice by which parents decide to educate their children outside of the school system. This is different to tuition provided by the Education Authority (EA) to a child who is unwell, attends alternative group arrangements and different to the remote learning arrangements put in place by schools during closures and for pupils who are at home due to Covid-19.

Parents who elect to Home Educate their child and who need further advice or support should contact the Education Authority Elective Home Education team. The EA has recently published guidelines on Elective Home Education to support parents in ensuring that children receive a suitable education when educated at home. The EHE team will offer advice and support to parents on any relevant matter if requested. Contact details for the EHE team and further information and guidelines on Elective Home Education can be accessed on the Education Authority website: <https://www.eani.org.uk/services/elective-home-education>

Ms Kimmins asked the Minister of Education whether the Childcare Temporary Closure Support Fund for childcare providers will be extended beyond 31 December 2020.
(AQW 12564/17-22)

Mr Weir: The current Childcare Temporary Closure Fund covers the period 1 September – 31 December 2020.

My officials are currently working with Childcare Sector representatives to determine the financial needs of the whole sector for the period January – March 2021, taking into account the impact of the latest lockdown. I hope to be in a position to provide further support to childcare providers for the period January to March as soon as possible.

Mr Givan asked the Minister of Education, given recent developments, whether consideration has been given to the use of primary schools for the transfer tests.
(AQW 12587/17-22)

Mr Weir: My preference is for primary schools to host the transfer tests. In 2016 my Department issued guidance in which I removed the instruction that had previously prevented this from happening. While primary schools are free to host the tests, any move away from the current arrangements would require the consent of all primary schools and I cannot compel them to agree to this.

You will aware of the announcements made by AQE Ltd and PPTC to cancel all assessments this year citing uncertainties surrounding the easing of coronavirus restrictions. You will appreciate that this will come as a huge disappointment to many pupils and parents who have worked hard to prepare for the tests in the hope of getting into a school of their choice.

In view of that announcement the issue of where the tests are located this year is no longer an immediate concern. However, I would urge the test providers to work with Principals and Boards of Governors of both post-primary and primary schools to seek agreement on how this could be facilitated in future years.

Mrs Cameron asked the Minister of Education what discussions his Department has held with the Department of Health relating to prioritising teaching staff and other staff within school settings for the COVID-19 vaccination.
(AQW 12618/17-22)

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.

JCVI indicated on 6 January that they are considering under the next priority phase of vaccinations, those at increased risk of exposure to SARS-CoV-2 due to their occupation and this would include teachers as per the link attached - Priority Groups for Covid Vaccination (<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice->

from-the-jcvi-30-december-2020/joint-committee-on-vaccination-and-immunisation-advice-on-priority-groups-for-covid-19-vaccination-30-december-2020)

Prior to this I had written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable.

Mr McGrath asked the Minister of Education to detail the consultation that took place with special school principals to plan for the reopening in January 2021.

(AQW 12619/17-22)

Mr Weir: The Department and the Special Schools Strategic Leadership Group (SSSLG) worked closely to shape the guidance that issued to Special Schools on 24 August 2020, and have continued to meet and engage regularly thereafter.

Fortnightly meetings between the Department and the SSSLG are currently in place, and on an ad hoc basis as and when required.

Mr McGrath asked the Minister of Education how his Department intends special schools to provide remote learning for the pupils that parents choose to keep at home when they are required to teach those that attend during school hours.

(AQW 12621/17-22)

Mr Weir: A 'Contingency Framework for Vulnerable Children and Young People' was issued by my Department on 31 December 2020 to be used when schools/education settings are directly impacted by COVID-19 restrictions. This guidance may be accessed at the following link.

<https://www.education-ni.gov.uk/publications/vulnerable-children-and-young-people-contingency-planning-framework>

Further guidance on supporting remote learning was issued by the Department on 4 January 2021 (see link below).

<https://www.education-ni.gov.uk/sites/default/files/publications/education/Updated%20Circular%20Remote%20Learning%20-%20January%202021%20%28002%29.pdf>

Since the beginning of the 2020/21 academic year, 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 bubble or any larger group of pupils across a year group need to self-isolate.

Special schools should continue to work in conjunction with parents, the Education Authority (EA) and Health to provide support for those children not attending school, either on medical advice or due to parental choice.

Where additional resources might be required to support remote learning, Principals are asked to discuss with their EA Covid Cross Organisational Link Officer.

The Department continues to engage with the Special Schools Strategic Leadership Group regularly to discuss concerns and agree a way forward. Further guidance for special schools is currently being finalised and is expected to issue soon.

Mr McGrath asked the Minister of Education how his Department intends to mitigate against special school children mixing with children not in their class bubble when being transported to school on Education Authority buses.

(AQW 12622/17-22)

Mr Weir: My Department's current guidance has been drafted following consultation with the Chief Medical Officer, the Chief Scientific Advisor and the Public Health Agency to ensure it aligns with the relevant medical and scientific advice.

The current guidance states that the use of consistent groups or bubbles is not an "all-or-nothing" approach and will bring public health benefits even if logistics mean that this measure can only be implemented only partially and it references home to school transport as a potential example of this.

While the EA will continue to support the bubbling of pupils on home to school transport wherever possible, it has put in place a range of mitigation measures to further reduce the risks to pupils being transported to special schools. Examples of such measures on the EA bus fleet include the installation of driver screens, hand sanitiser on board, provision of personal protective equipment for drivers and escorts, enhanced vehicle cleaning, increased vehicle ventilation where possible and provision of a starter pack of ten face coverings made available for those pupils who are able to use them. There has also been guidance advising parents to only use school transport where there is no alternative available and when their children have no COVID-19 symptoms. It is also important to note that the cohort of pupils using a vehicle going to a special school is likely to be the same each day, often with pupils able to sit in the same area of the vehicle and often all pupils will face the same direction. This will help to reduce the number of contacts and chances of transmission between pupils.

The Education Authority is in the process of identifying opportunities to reduce occupancy on EA transport and will implement this wherever possible. The scope may be limited as this is dependent on accessing suitable vehicles for transporting pupils with special educational needs and sufficient escort provision and there is not capacity in the EA fleet to sustain this when normal services resume.

Mr Catney asked the Minister of Education for a breakdown of the £2.6 million Period Poverty Pilot Scheme, over the next three years.

(AQW 12632/17-22)

Mr Weir: The pilot scheme to address period poverty in schools will run over three academic years (5 financial years) commencing September 2021. Costs are broken down by financial year in the following table:

	2020/21	2021/22	2022/23	2023/24	2024/25* (Apr – Jun)	Total
Total Cost	60k	665k	642k	893k	296k	2,556k

Mr Catney asked the Minister of Education whether the Period Poverty Pilot Scheme covers special needs schools.
(AQW 12635/17-22)

Mr Weir: The pilot scheme to address period poverty in schools will be delivered in all primary, post-primary and special schools with female learners (Years 6 to 14) from September 2021 onwards.

Work is currently being taken forward via a Steering Group which will involve all relevant stakeholders.

Mr Blair asked the Minister of Education (i) what advice on COVID-19 was given to young people attending schools; (ii) what, if any, advice has been provided regarding social distancing; and (iii) how any advice given was rationalised in the context of gatherings in classrooms or exam halls.

(AQW 12647/17-22)

Mr Weir:

- (i) The Department's guidance to schools is contained in the document Coronavirus (Covid-19): Guidance for Schools and Educational Settings in Northern Ireland (8 December 2020). This document was prepared with the support of public health colleagues and is regularly reviewed and updated (Coronavirus (COVID-19): Guidance for School and Educational Settings in Northern Ireland | Department of Education (<https://www.education-ni.gov.uk/publications/coronavirus-covid-19-guidance-school-and-educational-settings-northern-ireland>)).
- (ii) Guidance on social distancing is in Section 1 of the document.
- (iii) The Department produced separate Public Health Guidance to Support Public Examinations (Public Examinations Guidance | Department of Education (<https://www.education-ni.gov.uk/publications/public-examinations-guidance>)).

Miss Woods asked the Minister of Education to detail the current provisions for (i) educating children and young people; and (ii) training teachers and staff on hate crime in Northern Ireland.

(AQW 12656/17-22)

Mr Weir: The NI Curriculum aims to empower young people to reach their full potential and to make informed and responsible decisions throughout their lives; as contributors to society, the economy and the environment.

The legal minimum content to be taught by schools is set out as high-level areas of learning and within these areas of learning it is a matter for schools to decide how the curriculum should be delivered, which resources to use, and which specific topics should be covered.

While hate crimes are not mentioned explicitly within the curriculum, it provides opportunities for young people to consider topics such as disability, racism, sectarianism, homophobia, transphobia and religion through the concepts of equality, diversity and inclusion. These feature across the Curriculum but are also explicitly addressed through Personal Development and Mutual Understanding (PDMU) at primary level and Local and Global Citizenship (LGC) within Learning for Life and Work (LLW) at post primary level.

Similarly, there is no specific training provided for teachers or school staff on hate crime, however, there is considerable effort made, from Initial Teacher Education (ITE) onwards, to provide teachers with the knowledge and skills required to deliver the full curriculum and develop those competences¹ which will make them effective educators.

Several of these competences stress the importance of teachers promoting understanding of differing cultures, languages and faiths, understanding the interrelationship between schools and the communities they serve, encouraging behaviours which enable all pupils to learn; and pre-empting inappropriate behaviours.

Collectively the curriculum and competences allow teachers to develop positive attitudes and behaviours in their pupils; and to constructively challenge any negative attitudes they find before these become entrenched and potentially lead to hate crime.

Mr Carroll asked the Minister of Education for his assessment of whether AQE is considered educational; and whether they are defined in the education order as educational.

(AQW 12687/17-22)

1 General Teaching Council for Northern Ireland – (Teaching - The Reflective Profession, 2011
https://gtcni.org.uk/cmsfiles/Resource365/Resources/Publications/The_Reflective_Profession.pdf)

Mr Weir: The Association for Quality Education Ltd and the Post-Primary Transfer Consortium are private entities and their role is not set out in the Education Orders.

The term “educational” is one of a number of purposes for which an exemption to the general prohibition on gatherings of more than fifteen people can be granted under the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020. Clearly sitting an AQE or PPTC assessment for the purposes of transferring from primary to post-primary school would be an educational purpose under the Regulations.

As you will be aware the Association for Quality Education Ltd and the Post Primary Transfer Consortium have cancelled their assessments this year. You will appreciate that this will come as a huge disappointment to many parents and pupils who have worked hard to prepare for these tests in the hope of getting into a school of their choice.

Mr McCrossan asked the Minister of Education (i) for his assessment of pupil attendance at schools during the current restrictions; and (ii) whether such levels are a health and safety concern.

(AQW 12709/17-22)

Mr Weir: The latest data received from Education Authority (EA) shows an average attendance in schools of 8.5%. This is made up of vulnerable children, children of key workers and children attending special schools.

As the majority of these numbers relate to children attending special schools, there is no reason to assume that social distancing regulations cannot be adhered to.

My Department continues to monitor the situation and would like to reassure you that the health and safety of all pupils remains a priority issue.

Mr McCrossan asked the Minister of Education whether he has plans to introduce a financial hardship scheme for substitute teachers.

(AQW 12710/17-22)

Mr Weir: I have approved an income support scheme for substitute teachers who have lost the opportunity to work in schools during the current 6-week period of school closures. Details of the scheme are available on the Department of Education website.

The scheme will be open for applications from 22 to 29 January 2021, and I expect eligible substitute teachers will receive payments in March 2021.

In addition, substitute teachers who had already been booked to work in schools will be paid as normal.

Mr Lyttle asked the Minister of Education what support he and his officials provided AQE in relation to the Common Entrance Assessment this academic year.

(AQW 12712/17-22)

Mr Weir: Since 2020 my officials have engaged with both AQE Ltd and PPTC in relation to the dates of their transfer tests. The purpose of this engagement was focused on ensuring that any change of dates would fit with the overall transfer timetable and ensure that this could be successfully delivered for all pupils regardless of whether or not they were sitting the tests. More recently that engagement about the timetable was renewed in view of AQE Ltd.'s decision to cancel its assessments in January in favour of a single assessment on 27 February. As you know this has now also been cancelled.

Mr Lyttle asked the Minister of Education to detail the role of Education and Training Inspectorate Link Officers in relation to remote learning.

(AQW 12713/17-22)

Mr Weir: CCMS, CSSC and EA officers support individual schools, as designated Cross Organisational Link Officers. They provide support and signpost queries associated with COVID-19 and the Department's advice and circulars including on remote learning.

When schools reopened to all children and young people in August 2020, the District Inspector role continued in pre-school and resumed across all schools. In addition, District Inspectors have combined their duties with the role of COVID-19 link officer to provide support for schools within their localities.

From January through to February 2021 half-term, ETI District Inspector's engagement will include a focus on schools' and pre-schools' experiences of delivering, monitoring and evaluating remote learning. Within primary and post-primary settings this will include the delivery of the Engage Programme.

District Inspector visits and engagement have enabled them to gain a detailed knowledge and understanding of the context of schools, including approaches towards, and challenges associated with, remote learning. This has also enabled ETI to report at a system level on remote learning and continue to provide advice to government on responsive policy and practice.

Mr Lyttle asked the Minister of Education what alternative data he has recommended to schools for use as a proxy for academic criteria in post-primary admissions.

(AQW 12714/17-22)

Mr Weir: The use of academic selection in their admissions criteria is a decision for Boards of Governors. I have therefore reminded schools considering using academic selection that, in the absence of the AQE and GL assessments, they should ensure that any alternative approaches are robust, are supported by legal advice and that any process adopted can clearly and objectively select pupils for admission.

Mr McGrath asked the Minister of Education, given the significant movement of children between schools, childminders and creches, whether staff in these sectors will be prioritised for the vaccine.

(AQW 12716/17-22)

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.

JCVI indicated on 6 January that they are considering under the next priority phase of vaccinations, those at increased risk of exposure to SARS-CoV-2 due to their occupation and this would include teachers as per the link attached - Priority Groups for Covid Vaccination (<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-30-december-2020/joint-committee-on-vaccination-and-immunisation-advice-on-priority-groups-for-covid-19-vaccination-30-december-2020>)

Prior to this I had written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable.

Mr Allister asked the Minister of Education (i) how the January 2020 uptake of key worker in school attendance compares with the first lockdown; and (ii) whether the scale of uptake is compatible with the public health objective of reducing social mixing.

(AQW 12720/17-22)

Mr Weir: From 23 March 2020 to 29 June 2020 educational settings in Northern Ireland were only open for the children of key workers and children deemed as vulnerable. During this time period educational settings were asked to respond to a daily survey that included questions relating to the number of children in attendance.

The survey covered Playgroups, Day Nurseries, Nursery Schools, Nursery Classes, Reception, Primary, Preparatory Departments, Secondary (Non-grammar), Grammar, Special and Educated Other Than At School (EOTAS) settings. It did not cover Independent Schools. The survey had an average response rate of approximately 70% (i.e. around 1,080 educational settings).

Publications related to this survey are available at Management Information relating to Attendance at educational settings during the COVID-19 outbreak | Department of Education (<https://www.education-ni.gov.uk/publications/management-information-relating-attendance-educational-settings-during-covid-19-outbreak>) and the underlying data and methodology are available at Management Information relating to attendance at Northern Ireland educational settings during the COVID-19 outbreak 23 March 2020 to 29 June 2020 - Datasets - Open Data NI (<https://www.opendatani.gov.uk/dataset/attendance-at-educational-settings-during-the-covid-19-outbreak-23-march-2020-to-29-june-2020>).

Questions specifically relating to key worker children were only asked from 8 April 2020. Based on the survey responses, and excluding the Easter break (9 to 17 April), the number of key worker children in attendance each day ranged from 719 to 1,869, with an average of 1,305. During June 2020 an average of 1,569 key worker children were in attendance, equating to approximately 0.4% of the total school population.

As we move through this new period of lockdown there is no guarantee that the same level of uptake of key worker children attending schools will apply as did during the first lockdown. Therefore a new weekly survey will resume on the week commencing 11th January to collect information from educational settings on workforce, children of key workers and children deemed as vulnerable.

At present the latest data received from Education Authority (EA) shows an overall average attendance in schools of 8.5%. This is made up of vulnerable children, children of key workers and children attending special schools.

As the majority of these numbers relate to children attending special schools, the number of children of key workers attending school is low enough that there is no reason to assume that social distancing regulations cannot be adhered to.

My Department continues to monitor the situation and would like to reassure you that the health and safety of all pupils remains a priority issue.

Mr Allen asked the Minister of Education to detail (i) the guidance provided to schools, including special schools, who are providing school provision during the current restrictions; and (ii) the dates the guidance was published or provided.

(AQW 12725/17-22)

Mr Weir:

- i My Department has developed and published several pieces of key guidance to schools and educational settings to assist them through this difficult period. Development and update of the guidance has been an open and transparent process. Inputs and views have been sought from and provided by the Public Health Agency, Trade Unions and a Practitioner's group of over 20 schools principals. 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.
- ii. Vulnerable children and children of key workers will have access to schools for supervised learning. Vulnerable children include amongst others all children with statements of Special Educational Needs. In order to support schools my Department issued a Contingency Framework for Vulnerable Children and Young People to all schools on 31 December, updated guidance was issued by the EA and DE guidance will also be reviewed and updated following meetings with Special School leaders and the Unions.
- iii. My Officials and EA colleagues have provided additional guidance to schools, and we will continue to engage with schools during the period of remote learning

Miss Woods asked the Minister of Education to detail (i) the total budget for the financial year 2020/21 allocated to CCEA for the development of relationships and sex education teaching materials; and (ii) whether this budget is expected to be spent by CCEA before the end of the financial year.

(AQW 12744/17-22)

Mr Weir: In 2020/21 the Department provided £40K earmarked funding to CCEA for the purposes of development of additional Relationship and Sexual Education (RSE) teaching resources on their RSE Hub.

CCEA has confirmed that the full budget will be utilised before the end of this financial year.

Ms Hunter asked the Minister of Education what steps his Department is taking to ensure that substitute teachers are financially supported during school closures as a result of the pandemic.

(AQW 12757/17-22)

Mr Weir: I have approved an income support scheme for substitute teachers who have lost the opportunity to work in schools during the current 6-week period of school closures. Details of the scheme are available on the Department of Education website.

The scheme will be open for applications from 22 to 29 January 2021, and I expect eligible substitute teachers will receive payments in March 2021.

In addition, substitute teachers who had already been booked to work in schools will be paid as normal.

Ms Hunter asked the Minister of Education what consideration his Department has given to supporting childminders taking care of children who are undertaking online learning as a result of schools being closed.

(AQW 12758/17-22)

Mr Weir: Useful resources have been published to support home learning, which can be used by parents and/or child carers. Through the Continuity of Learning programme, a range of materials and advice including on remote learning was uploaded to a portal by the Education Authority in June 2020. The Supporting Learning section of the website was designed to support 'home learning' and it has material organised in 'phase' specific areas (pre-school, primary, post primary, special and Irish medium) which may be useful for those with responsibilities for children and young people of varying ages. Access can be found at <https://www.eani.org.uk/supporting-learning>.

Mr McNulty asked the Minister of Education (i) how he intends to deal with payments to substitute teachers impacted by loss of earnings due to the switch to remote learning in January and February 2021; (ii) when he expects payments to be made; and (iii) how much he anticipates the scheme to cost.

(AQW 12782/17-22)

Mr Weir: I have approved an income support scheme for substitute teachers who have lost the opportunity to work in schools during the current 6-week period of school closures. Details of the scheme are available on the Department of Education website.

The scheme will be open for applications from 22 to 29 January 2021, and I expect eligible substitute teachers will receive payments in March 2021.

While it is not yet known how many teachers will apply to the scheme, the estimated cost is circa £3.25m.

In addition, substitute teachers who had already been booked to work in schools will be paid as normal.

Mr Lyttle asked the Minister of Education for an update on the work of the Restraint and Seclusion in Educational Settings Working Group.

(AQW 12869/17-22)

Mr Weir: The Working Group, which includes representatives from the Education Authority, the Education and Training Inspectorate (in an advisory role), and officials from my Department and the Departments of Health and Justice has met three times since it was set up in October 2020. The next meeting is scheduled to take place in February 2021.

The Working Group, which will be supported by a Reference Group of organisations that have an interest in this important area, is presently considering existing guidance here and in other jurisdictions. An engagement plan is also being developed to ensure that the views and experiences of school staff, children, young people and their parents/carers are considered.

Mr Lyttle asked the Minister of Education for his assessment of the appropriateness of his Department's recommended post-primary admissions criteria for use in all schools this year.

(AQW 12870/17-22)

Mr Weir: Legislation governing the admissions process provides Boards of Governors (BoGs) of individual schools, and not my Department, with the power to determine which criteria schools will use for admission in the event of a school being over-subscribed with applicants.

Under Article 16B of the Education (Northern Ireland) Order 1997 my Department may issue guidance on the transfer process, which BoGs must "have regard to". Accordingly, last October my Department provided schools with guidance on the process, including on the use of recommended and not recommended admissions criteria.

The criteria that were recommended in October remain appropriate in the absence of entrance tests. There is, however, no single solution for admissions criteria that is appropriate to all schools and schools are best placed, having regard to my Department's advice, to assess their own situation and decide on admissions criteria that are appropriate for their individual circumstances.

Ms Ní Chuilín asked the Minister of Education to provide an assurance that the schools currently opened are (i) genuinely for the children of key workers families; and (ii) how his Department will ensure that this is not misused.

(AQW 12896/17-22)

Mr Weir: The Continuity Direction which issued on 7 January sets out the requirement for schools to provide remote learning for all pupils, but for schools to remain open for supervised learning for children of key workers and vulnerable children, whilst Special Schools remain open as normal.

Schools are best placed to identify vulnerable children and those children whose parents identify as key workers and to take note of attendance of pupils; any issues regarding the validity of a child attending school is dealt with by the school.

Guidance around occupations which should be considered as key workers and the definition of vulnerable children as agreed by the cross- departmental Vulnerable Children and Young Peoples Plan 2020, have issued to all schools.

Mr Lyttle asked the Minister of Education whether it is appropriate, permitted and within regulations for schools to conduct end of year assessment of P7 children in schools at this time.

(AQW 13024/17-22)

Mr Weir: The Continuity Direction issued to schools in January advising them of their responsibilities to remain open for pupils of key workers or vulnerable children. Schools should not be open for other purposes nor for groups of children beyond that, with the exception of Special Schools, which remain open.

On the 20 January, I issued a reminder to schools about their responsibilities under the Continuity Direction and during the current restrictions. Use of schools for end of year assessments would not be permitted at this time, under current restrictions.

Department of Finance

Mr Givan asked the Minister of Finance what financial support is available to sports clubs that also operate hospitality, including bars, which have been forced to close under COVID-19 regulations.

(AQW 12412/17-22)

Mr Murphy (The Minister of Finance): The Department for Communities' Sports Sustainability Fund is available to provide financial assistance to recognised sports governing bodies and their affiliated clubs and entities. Further information on eligible governing bodies and their affiliated clubs and entities is available on the Sport NI website. The Sports Sustainability Fund recognises that hospitality is an important income stream for many sports clubs and will consider the effect on income and expenditure from club run bars and food provision.

The Localised Restrictions Support Scheme can provide support for an independent business, such as a restaurant or shop, which has been restricted by the Health Regulations and which occupies part of sporting premises.

Mr Allister asked the Minister of Finance what land and property is currently registered with Land and Property Services as owned by Causeway Coast and Glens Borough Council.

(AQW 12448/17-22)

Mr Murphy: Causeway Coast and Glens Borough Council have 57 properties currently registered in the Land Registry. This figure does not include properties that are currently unregistered but are recorded in the Registry of Deeds. If the Council wishes to register its unregistered properties in the Land Registry then it may do so by submitting an application for first registration to the Land Registry together with a fee of £50 per application. Information in the Land Registry and the Register of Deeds can be accessed upon application and payment of the appropriate search fee.

Ms Bailey asked the Minister of Finance whether those receiving the localised restriction support scheme will continue to do so due to the latest restrictions.

(AQW 12464/17-22)

Mr Murphy: Most businesses which received payment for earlier periods of restriction under the Localised Restrictions Support Scheme have already been issued with a top up payment for the period of the latest restrictions 26th December 2020 to 5th February 2021. There are a small number of these top up payments which are currently undergoing quality assurance checks and these payments will be issued soon.

Any application for earlier periods of restriction which remain unprocessed, and any applications to Land & Property Services for reconsideration of eligibility, will automatically be considered for the latest period of restriction and payments made to eligible businesses will cover all periods of restriction.

Mr Muir asked the Minister of Finance how much COVID-19 support funding is currently (i) allocated to departments but unspent; and (ii) unallocated.

(AQW 12561/17-22)

Mr Murphy: The November financial exercise had assigned £2.8 billion of COVID-19 funding including £2.6 billion to departments. Departments are in the process of reviewing their allocations and updating their assessments of spend in the current financial year. These assessments will form part of the January Monitoring process. The outcome of January Monitoring will be announced following Executive agreement

Mr Givan asked the Minister of Finance why photographers were not eligible to apply for the Localised Restriction Support Scheme, given that some had been advised to close.

(AQW 12586/17-22)

Mr Murphy: The Localised Restrictions Support Scheme (LRSS) provides financial assistance to businesses occupying all or part of commercial premises which are required by the Health Protection Regulations to severely limit their operations or close.

Photography is not defined as a Close Contact Service in Schedule 2 of the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020 and, therefore, is not restricted. Where a photography businesses is operating from commercial premises and restricted as a non-essential retail business under paragraph 4B of the Regulations, then that business will be eligible to apply for LRSS. A photographer not operating from within commercial premises is not eligible to apply for LRSS, but may be eligible for other Executive schemes.

Mr McNulty asked the Minister of Finance to detail (i) the total number of applications for the Localised Restrictions Support Scheme received by his Department up to and including 18 December 2020; (ii) the total number and value of payments made through the Localised Restrictions Support Scheme by his Department up to and including 18 December 2020; (iii) the total number and value of applications rejected to the Localised Restrictions Support Scheme by his Department up to and including 18 December 2020; (iv) the total number of new applications for the Localised Restrictions Support Scheme received by his Department between 19 December 2020 and 13 January 2021; (v) the total number and value of payments actually made through the Localised Restrictions Support Scheme by his Department between 19 December 2020 and 13 January 2021; and (vi) the total number and value of applications rejected to the Localised Restrictions Support Scheme by his Department between 19 December 2020 and 13th January 2021.

(AQW 12599/17-22)

Mr Murphy:

- (i) The total number of applications for the Localised Restrictions Support Scheme received by the Department up to and including 18 December 2020 is 16,725.
- (ii) The total number and value of payments made through the Localised Restrictions Support Scheme by the Department up to and including 18 December 2020 is 9,408 payments with a value of £56,708,514.
- (iii) The total number of applications rejected to the Localised Restrictions Support Scheme by the Department up to and including 18 December 2020 is 4,743 distinct individual applications rejected. It is not possible to provide the value for the rejected applications. These rejections are not necessarily due to an ineligible business as over a quarter of these rejections relate to multiple applications from the same business.
- (iv) The total number of new applications for the Localised Restrictions Support Scheme received by the Department between midnight on 19 December 2020 and midnight on 13 January 2021 is 3,201.
- (v) The total number and value of payments actually made through the Localised Restrictions Support Scheme by the Department between 19 December 2020 and 13 January 2021 is 11,631 individual payments made with a value of £60,775,349.
- (vi) The total number of applications rejected to the Localised Restrictions Support Scheme by the Department between 19 December 2020 and 13th January 2021 is 1,526 distinct individual applications rejected. It is not possible to provide the value of the rejected applications.

Mr Allen asked the Minister of Finance why applicants have not yet received their first Local Restrictions Support Scheme payment, dating back to October 2020.

(AQW 12631/17-22)

Mr Murphy: To date Land & Property Services has received 14,958 applications to Phase 1 and 2 of 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 very complex to administer.

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 in relation to Phase 1 and 2, LPS has approved and paid 8,318 payments and rejected 5,648 applications. There are 982 applications outstanding. As LRSS is still open for applications relating to Phase 1 and 2, applications are still being received, with 47 being received yesterday.

A number of the outstanding cases are awaiting a response from businesses who have been contacted for more information. Some are multiple applications for the same business and some are new applications from applicants who have reapplied after being rejected because of an error in their original submission. 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 deciding factor in 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 McGlone asked the Minister of Finance what communication he has had with the Chancellor of the Exchequer on the post-Brexit introduction of a 25 per cent duty on steel imports from GB to Northern Ireland.

(AQW 12715/17-22)

Mr Murphy: I have not engaged with the Chancellor on this issue. The Economy Minister leads on this issue and she has advised me that HMRC have been directly in touch with companies who purchase steel from Britain and that there is a solution in that regard. There remains an issue regarding imports of steel from outside Britain or EU. While the Government have committed to resolving this issue, there has not yet been any clarity on how they will do so. The Economy Minister has indicated that if 25% tariffs did apply on imports of steel from outside Britain or the EU, this would significantly damage our competitiveness. Therefore it is vital that this issue is resolved urgently.

Ms Flynn asked the Minister of Finance how much has been spent on health and safety training for (i) arm's-length bodies; and (ii) each Department, in each year since 2015.

(AQW 12826/17-22)

Mr Murphy: All Health and Safety training provided by NICS HR is made available to both staff from NICS and arm's-length bodies and we are unable to provide a split in costs.

The table below sets out design and delivery costs to enable NICS HR to deliver Health and Safety training and development including:

- Health & Safety Awareness

- First Aid
- Fire Safety
- Risk Assessment
- Mental Health
- Managing Stress and Resilience

The breakdown of spend for the requested financial years is as below:

Financial Year	Total (£)
2015 - 2016	37,332
2016 - 2017	49,341
2017 - 2018	72,663
2018 - 2019	107,414
2019 - 2020	94,047
2020 – to date	30,585
Total	391,382

Each Government Department may have additional spend for Departmental/role specific Health and Safety training requirements not included above.

Mr Durkan asked the Minister of Finance what guidance he has issued to Civil Service staff who are carers for individuals who are clinically extremely vulnerable.

(AQW 12874/17-22)

Mr Murphy: Guidance and Frequently Asked Questions are available for all staff on the NICS DoF Internet under the section Coronavirus (COVID-19).

The guidance which can be accessed using the following link [covid-19-guidance-nics-employees](#) (accessible through personal devices) sets out arrangements for those staff with caring responsibilities and where and how they can apply for special leave.

Mr Allen asked the Minister of Finance to detail any further measures he intends to introduce to support businesses and individuals impacted by COVID-19 restrictions.

(AQW 12891/17-22)

Mr Murphy: In my Draft Budget Statement on 18 January 2021, I announced that I will freeze the regional rates in 2021-22 for business rates and also for individuals through the domestic rates system. I also indicated my intention to provide further business rates support in 2021-22

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 additional business rate relief can be applied to best effect to support local business.

I fully appreciate that businesses need as much clarity as possible on major costs such as rates and therefore I intend to make a further statement on this in the near future.

In addition to measures that my department can introduce, it is essential that we deliver on the various schemes already announced and look for opportunities to provide further support through existing schemes or quickly develop new schemes, particularly for those who so far have not received any support.

With that in mind, I have asked Executive colleagues to put forward proposals for any further support that can be provided by their departments.

Mr McNulty asked the Minister of Finance, in light of his announcement of a £20 million budget allocation towards the redevelopment of Casement Park, whether the Executive has agreed a revised budget allocation for the redevelopment of Casement Park; and how much, in total, the Executive has agreed to commit to the redevelopment of Casement Park.

(AQW 12933/17-22)

Mr Murphy: As the Budget for this year was set on a one year basis, the Executive have only been in a position to agree to what the Department of Communities identified would be required for the project in 2021/22. The draft budget meets the £20m bid in full.

A revised Business Case for the project, which will include updated costs, is currently being finalised within the Department for Communities. The Business Case can only be finalised after the conclusion of all matters associated with the Planning

Application. Once completed, this business case will then be submitted to the Department of Finance. It will then be for the Executive to agree any further allocations as part of subsequent budgets.

Mr McNulty asked the Minister of Finance to detail the number of sports clubs that (i) have applied to the Localised Restrictions Support Scheme; and (ii) have been rejected by the Localised Restrictions Support Scheme; and to detail the reasons for refusal.

(AQW 13007/17-22)

Mr Murphy: The figures provided in this answer are based on the applicants to the Localised Restrictions Support Scheme (LRSS) which are entitled to Sport and Recreation Relief for rates.

LPS has received at 21st January 2021, 460 applications from Sport and Recreation premises. The applications break down as follows:

- 198 Approved
- 240 Rejected
- 22 Unprocessed.

Of the 240 applications rejected the rejection reason selected is as follows:

- 169 Business type not eligible
- 44 Duplicate application
- 13 Business not occupying address used on application
- 7 Self-declared as not open and trading at beginning of lock down
- 7 Other

In respect of the LRSS scheme, Sports Clubs in general are not eligible as separate support has been provided for sports clubs via the Sports Sustainability Fund administered by Sports NI.

Rejected applications primarily relate to sports clubs that are not eligible for the scheme. These are sports clubs like football, rugby, GAA etc that have sports grounds and facilities on site as part of the club and these sports constitute the primary function of the club.

Within the Sport and Recreation rating category there are a range of facilities and organisations which are eligible for support from the LRSS. These are primarily non sporting recreation facilities such as social clubs, supporter clubs which are associated with but legally separate from a sports club, Irish National Forester clubs, British Legion Clubs, etc. Bars and restaurants within sports clubs may be eligible if they are separately run and managed from the sports club they are located in. The 198 approved applications relate to these sort of uses.

Department of Health

Ms Bradshaw asked the Minister of Health whether he will be issuing guidance to support Health and Social Care Trusts in designing post-COVID-19 rehabilitation services.

(AQW 6061/17-22)

Mr Swann (The Minister of Health): The National Institute for Care and Health Excellence (NICE) published a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline can be accessed at <https://www.nice.org.uk/guidance/ng188>.

The guideline defines “post-Covid-19 syndrome” for those people with Covid-19 whose symptoms have not resolved by 12 weeks. It has been automatically accepted for Northern Ireland and should now be applied across the HSC sector. The guideline will be fully considered alongside the wider body of emerging evidence and research, to inform future policy and service decisions in Northern Ireland.

The Health & Social Care Board has been asked to initiate work on the nature and form of multidisciplinary assessment services that should be available for those with “post-COVID-19 syndrome” in Northern Ireland, acknowledging the clinic based approach announced for England.

Ms Bradshaw asked the Minister of Health when regulations will be brought before the Assembly to implement the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016.

(AQW 6254/17-22)

Mr Swann: The Department places great importance on the completion of work on regulations governing the Secondary Use of Patient Identifiable Information. However, as you will appreciate, for the past 10 months departmental resources have been reallocated to support the Department’s response to the Covid-19 pandemic.

I can confirm that the complex work to develop regulations for consideration by the Health Committee and the full Assembly has restarted. My officials intend to include discussion on Secondary use of Patient Identifiable Information within the planned

public engagement on a “Data Strategy for the use of Health and Social Care information”. The initial phase of this work will be a consultation with key stakeholders.

Draft regulations will be brought to the Assembly for formal consideration once consultations have concluded. Unfortunately such public facing work is challenging in the current circumstances.

Mr Allen asked the Minister of Health to detail the number of positive COVID-19 cases which have been contact traced to (i) a household setting; and (ii) a community setting.

(AQW 7924/17-22)

Mr Swann: The PHA currently publish weekly statistics on their website regarding the activity for the Contact Tracing Service for the previous 7 day period which can be accessed at:

<https://www.publichealth.hscni.net/covid-19-coronavirus/testing-and-tracing-covid-19/contact-tracing-service-management-information>

Ms Bunting asked the Minister of Health to detail the consultation timeline for his Department’s mental health strategy.

(AQW 8760/17-22)

Mr Swann: The public consultation on the draft Mental Health Strategy 2021-2031 was launched on 21 December 2020 and will run until 26 March 2021.

You can view the draft Mental Health Strategy and supporting consultation documentation, and respond online, by accessing the Department’s website at: <https://www.health-ni.gov.uk/mentalhealthstrategy>.

Mr Gildernew asked the Minister of Health to detail the future funding estimates for the COVID-19 Contact Tracing Service.

(AQW 8936/17-22)

Mr Swann: The overall funding requirements in 2021/22 for the response to COVID-19, including the Contact Tracing Service, are currently being considered and will be finalised in due course.

Ms Flynn asked the Minister of Health to detail the number of inpatient mental health beds, broken down by location and type of service.

(AQW 10260/17-22)

Mr Swann: Information on the number of inpatient mental health beds by location and type of service has been provided by Health & Social Care Trusts, and is detailed in the table overleaf.

Number of Inpatient Mental Health Beds by Location and Type of Service (27/11/2020)

Trust / Location	Type of service	Number of Beds
Belfast Trust	Medium Secure (Forensic)	34
	Locked Rehabilitation	16
	Brain Injury (Closing)	2
	Acute Mental Health Inpatients	80
	Total	132
Northern Trust	Addictions	10
	Rehabilitation	10
	Dementia Intensive Care	20
	Male & Female PICU	14
	General Adults	80
	Total	134

Trust / Location	Type of service	Number of Beds
Western Trust	AMH Male	28
	AMH Female	28
	Addictions	8
	ID	10
	FMI Assessment Beds	20
	Dementia Assessment Beds	20
	Total	114
Southern Trust	Adult Mental Health Acute Beds	58
	Functional Psychiatry of Older Age Mental Health	16
	Psychiatric Intensive Care Beds	10
	Dementia Assessment Beds	16
	Total	42
South Eastern Trust	Psychiatric Intensive Care Beds	6
	Low Secure/ Rehabilitation Beds	10
	Acute Mental Health from age 18 yrs	70
	Functional Mental Illness Beds	6
	Dementia Assessment Beds	30
	Total	122
	Total Number of Beds	544

Ms Sugden asked the Minister of Health (i) when the Western Health and Social Care Trust will have a dedicated occupational therapist (OT); and (ii) how many requests his Department has received in each of the past three years to access an OT for the Trust.

(AQW 11119/17-22)

Mr Swann: The Department and Western Health and Social Care Trust are unable to respond to this question without additional clarification regarding which area of Occupational Therapy is referred to.

To date, we have been unable to obtain that clarification.

The Department will be happy to respond to any subsequent request.

Mr Allister asked the Minister of Health why, following his announcement that those over 50 would be able to get the flu jab and assurances that there was no shortage of the vaccine, the public are being advised that they cannot receive the vaccine as not all those on the vulnerable list have received it.

(AQW 11652/17-22)

Mr Swann: My Department has given no such advice.

At the beginning of the flu season in 2020, I advised that the vaccination programme may be extended in NI later in the year to additional cohorts, such as healthy 50 to 64 year olds subject to vaccine availability which, in turn, was dependent on the demand by the existing eligible groups.

It was determined that there was sufficient stock available to extend the programme to those who will be aged 50-64 by 31 March 2021 and the HSC was advised of this extension on 6 January 2021. Those who will be aged 50-64 by 31 March 2021 can avail of the jab from participating community pharmacies or through their local GP practice.

Mrs Cameron asked the Minister of Health to detail the number of people who accessed palliative care services in the last year, broken down by condition.

(AQW 11873/17-22)

Mr Swann: Data on the number of people who accessed palliative care services in the last year broken down by condition is not available centrally in the Department.

Ms Sugden asked the Minister of Health what options have been explored to enable friends and relatives to more regularly and safely visit loved-ones resident in care homes.

(AQW 11942/17-22)

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.

The visiting guidance (<https://www.health-ni.gov.uk/Covid-19-visiting-guidance>) is applied in line with the Regional Alert Level which is subject to ongoing review. This is essential for maintaining safety for all, including residents, families, health and social care staff and by extension the wider population, through social distancing and appropriate Infection Control Procedures being implemented across all healthcare settings.

The guidance emphasizes that care homes should recognise the right to a family life for those residing in care homes, and particularly the importance many people attach to seeing family and friends on a regular basis. However, given the ongoing high rate of transmission of the virus, we are currently at Alert Level 5. Consequently, in terms of visiting to Care Homes, the guidance recommends:

- Indoor visiting in resident rooms for end of life visiting.
- Where the home is not in an outbreak, visiting should be facilitated where there are well ventilated designated rooms/visiting pods.
- Alternatives to face-to-face visiting for all others should be provided

Further, the guidance confirms that Care Partner contact, safely managed in line with the care home visiting policy, can continue at all Alert Levels. The full visiting guidance provides further recommendation and should still be referred to for clarity.

My officials continue to engage with a range of stakeholders, including representatives of residents and families, 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 these visiting arrangements and to help provide support.

While my officials keep the overarching guidance under review, in line with the best available scientific and medical evidence, no significant changes are currently anticipated.

Ms Sugden asked the Minister of Health to detail (i) any discussions he has had with the UK government regarding the possible ramifications of the mutations of the COVID-19 virus; and (ii) the number and locations of incidences of genetically-mutated versions of the virus seen in Northern Ireland.

(AQW 12069/17-22)

Mr Swann: My officials continue to engage with their counterparts in the Department of Health & Social Care in respect of the latest available evidence and most appropriate response following the identification of new variants of the Covid-19 virus.

The available data would suggest that the new variant is accounting for an increasing share of the identified Covid-19 cases in Northern Ireland.

However, this assessment is subject to a high degree of uncertainty at the present time as it is based on a proxy indicator identified during the testing process and the currently available results of genome sequencing of a small number of samples that are not representative of the overall population.

Mr Dickson asked the Minister of Health to detail what the arrangements for the European Health Insurance Card will be for people in Northern Ireland from 1 January 2021.

(AQW 12342/17-22)

Mr Swann: At the end of the Transition Period, under the terms of the Protocol on Social Security Coordination in the Trade and Cooperation Agreement agreed by the UK and the EU, UK insured people will be able to access needs arising care while visiting the EU.

A UK issued European Health Insurance Card (EHIC) will continue to be accepted until the individuals entitlement expires, at which point, the application will be for the new UK Global Health Insurance Card (GHIC).

As with the EHIC, the GHIC will continue to cover state healthcare (but not private treatment) and a card holder will be able to get emergency or necessary medical care in the country they are visiting. However it will currently not cover care in Norway, Iceland, Liechtenstein or Switzerland.

For those who fall under the terms of the EU Withdrawal Agreement, including all EU citizens (and their family) who were living in Northern Ireland before the 31 December 2020, will be able to apply for a legacy EHIC card.

It remains that an EHIC or GHIC is not a replacement for travel insurance as they do not cover everything, such as mountain rescue or being flown back to the UK (medical repatriation). It is still the position of the Department to recommend the travelers have both before they travel.

Up to date guidance and application portal can be found at <https://www.nhs.uk/using-the-nhs/healthcare-abroad/apply-for-a-free-ehic-european-health-insurance-card/>

Mrs Cameron asked the Minister of Health whether his Department is considering increasing the operational hours of vaccination services to enable a faster roll-out.

(AQW 12439/17-22)

Mr Swann: Delivery of the NI Covid-19 Vaccination Programme is dependent on the continued availability of sufficient supplies of vaccine. We need to ensure there is enough vaccine available to allow vaccination centres to operate efficiently. The operational hours of all vaccination centres will be kept under review and adjusted accordingly if necessary.

Mr Easton asked the Minister of Health whether he intends to provide a 24 hour roll-out of COVID-19 vaccinations.

(AQW 12486/17-22)

Mr Swann: Delivery of the NI Covid-19 Vaccination Programme is dependent on the continued availability of sufficient supplies of vaccine. We need to ensure there is enough vaccine available to allow vaccination centres to operate efficiently and we do not believe it would be possible or even required for 24/7 clinics at present. The Department will keep all options open with regards to how the vaccine is made accessible to everyone.

Mr Allister asked the Minister of Health when he will bring forward the Adoption and Children Bill.

(AQW 12525/17-22)

Mr Swann: I intend to seek the Executive's agreement to introduce the Bill in the Assembly in the current mandate.

Mr Allister asked the Minister of Health why there is no dedicated cancer strategy in Northern Ireland.

(AQW 12528/17-22)

Mr Swann: The New Decade, New Approach Agreement (January 2020) outlined a commitment that the Executive would produce a new 10 year Northern Ireland Cancer Strategy. I fully endorsed the development of this strategy.

The Strategy is being developed through a co-production approach with key representative stakeholder groups including; policy makers, health representatives, professionals, clinicians, charities and lived experience cancer patients.

It is my intention that this important piece of work will be available for consultation by summer 2021. The Strategy will also include recommendations for rebuilding cancer services that have been adversely affected by the pandemic. There are likely to be significant costs associated with some aspects of the Strategy and full implementation will be subject to the availability of funding.

Ms Ní Chuilín asked the Minister of Health whether the Addiction Ward in Holywell Hospital is closing on 12 January 2021; and how the six bed deficit for addiction in-patient services will be addressed.

(AQW 12536/17-22)

Mr Swann: The addictions ward in Holywell Hospital was temporarily stood down on 11 January 2021. Northern Health and Social Care Trust took this decision to be able to redeploy staff to adult acute mental health in-patient services at Holywell Hospital in the face of significant staffing challenges related to the Covid-19 pandemic.

Northern Health and Social Care Trust has provided assurances that this measure is temporary and will be regularly reviewed. Until it is possible to reopen the addictions ward community addictions teams in the Trust will continue to provide support to the affected patients.

Mr Middleton asked the Minister of Health what measures his Department is putting in place to provide COVID-19 vaccinations to those who are vulnerable, housebound and unable to travel.

(AQW 12540/17-22)

Mr Swann: The Northern Ireland model for COVID-19 vaccine deployment has been designed to be pragmatic, agile and flexible.

Those who are housebound will be vaccinated in their own home, as they are when receiving their seasonal flu vaccine. Due to handling restrictions with the COVID-19 vaccines, arrangements are currently being developed which will facilitate this.

Mr Newton asked the Minister of Health to detail the number of beds currently occupied by COVID-19 patients within the Nightingale provision.

(AQW 12542/17-22)

Mr Swann:

- (i) Information on the number of beds occupied by COVID-19 patients, broken down by Hospital Site, is published daily on the Department's COVID-19 dashboard; this data is available to view at the link below.
- (ii) Excel data can be downloaded to show how this number has fluctuated over the course of the pandemic:
<https://www.health-ni.gov.uk/articles/covid-19-daily-dashboard-updates>

Ms Flynn asked the Minister of Health to detail the timeframe for implementing amendments to the RQIA Independent Health Care Fees and Frequency of Inspections regulations 2011, that will result in a move away from an annual inspection regime for general dental practices.

(AQW 12571/17-22)

Mr Swann: In order to sustain the continued response to Covid-19, I have had to prioritise the work of my Department with a focus on maintaining and supporting critical business and HSC services. As a result, many departmental functions have been paused or slowed to allow staff to concentrate on key areas.

I am keen to progress the review of regulation and the further development of a risk-based, evidenced approach, including any appropriate amendments to the fees and frequency of inspections regulations, as soon as is reasonably practicable.

Mr Easton asked the Minister of Health how many COVID-19 vaccines have been delivered for use to Donaghadee Health Centre.

(AQW 12580/17-22)

Mr Swann: 300 vaccines have been delivered for use to Donaghadee Health Centre.

Ms Sugden asked the Minister of Health whether residents in assisted living accommodation will be prioritised for the COVID-19 vaccine.

(AQW 12608/17-22)

Mr Swann: For assisted-living accommodation where Trusts have assessed the residents to be at similar level of risk as Care Home residents, they will be visited by the Trust's Mobile Vaccination Teams and offered the COVID-19 vaccine.

For the remaining assisted-living accommodation locations, residents will be invited to receive the vaccine based on their age cohort/individual clinical risk, as recommended by the Joint Committee on Vaccination and Immunisation (JCVI).

Based on the vaccine that should be available by late January and throughout February, we are confident we will see rapid progress through the first 4 priority groups - care home residents and staff, the over 80s, HSCWs, those aged 70 years and over, as well as those who are clinically extremely vulnerable. Many of the residents of assisted-living accommodation sites will fall into one of these 4 priority groups.

Ms Bunting asked the Minister of Health what consultation he has had with his counterpart in the Republic of Ireland with regard to their Dying With Dignity Bill.

(AQW 12638/17-22)

Mr Swann: I am aware of the Dying with Dignity Bill which is progressing through the Oireachtas. I have had no consultation with my counterpart 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.

I recognise that this is an extremely sensitive issue and that it is important that the progress of the Dying with Dignity Bill is monitored as it progresses through the Oireachtas. I have written to Executive colleagues about this.

As the Bill is still at early stages and remains subject to scrutiny, we do not have the settled text of any potential Act. Irrespective of the outcome of the legislative process in the Republic of Ireland, the provision of health and social care services in Northern Ireland would remain subject to legislation, policies and guidance in place here.

Ms Bunting asked the Minister of Health what discussions he has had with Executive colleagues on the Republic of Ireland's Dying With Dignity Bill.

(AQW 12639/17-22)

Mr Swann: I am aware of the Dying with Dignity Bill which is progressing through the Oireachtas. I have had no consultation with my counterpart 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.

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Ms Bunting asked the Minister of Health what impact the Dying With Dignity Bill will have on service provision in Northern Ireland should the Bill be passed, given its reference to the island of Ireland.
(AQW 12640/17-22)

Mr Swann: I am aware of the Dying with Dignity Bill which is progressing through the Oireachtas. I have had no consultation with my counterpart 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.

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Mr Easton asked the Minister of Health how many COVID-19 vaccines have been delivered for use to (i) Bangor Health Centre; (ii) Silverbirch Medical Practice; (iii) Ashley Medical Centre; (iv) Cleland Park Surgery; (v) Bloomfield Surgery; (vi) Springhill Surgery; and (vii) Green Road Medical Centre.
(AQW 12679/17-22)

Mr Swann: As of noon at 15 January, the number of Covid-19 vaccines delivered for use are as follows:-

Quantity	Account	Delivered
800	Bangor Health Centre	07/01/2021
300	Bloomfield Surgery	07/01/2021
100	Cleland Park Surgery	07/01/2021
100	Green Road Medical Centre	07/01/2021
200	Ashley Medical Centre	07/01/2021
400	Springhill Surgery	07/01/2021
100	Silverbirch Medical Practice	07/01/2021
100	Silverbirch Medical Practice	15/01/2021

Mr Carroll asked the Minister of Health to detail the number of healthcare workers working solely in private or independent healthcare settings, excluding care homes.
(AQW 12691/17-22)

Mr Swann: Information on healthcare workers employed in the private or independent sector is not held by the Department or Health and Social Care (HSC) organisations.

Mr Buckley asked the Minister of Health whether Health and Social Care Trusts report regularly on permanent vacancies.
(AQW 12700/17-22)

Mr Swann: Information on the number of vacancies actively being recruited to in Health and Social Care (HSC) is routinely gathered from HSC organisations on a quarterly basis, and collectively includes both permanent and temporary vacancies at quarter end. The number of permanent vacancies only cannot be determined from this data collection.

The table below shows the number of vacancies actively being recruited to in all HSC organisations in each of the last four quarters, up to quarter ending 30 September 2020, the latest available.

	31-Dec-19	31-Mar-20	30-Jun-20	30-Sep-20
HSC Vacancies Actively Being Recruited To	6,433	6,516	5,234	4,651

Source: HSC Trusts and regional HSC organisations

Between 31 December 2019 and 31 March 2020, there was an increase of 83 HSC vacancies actively being recruited to. Since then, the number of HSC vacancies actively being recruited to has decreased by 1,865 to 4,651 at 30 September 2020.

This information is published on the Department's website at the following link:

<https://www.health-ni.gov.uk/articles/staff-vacancies>

Mr Buckley asked the Minister of Health whether the number of health and social care permanent vacancies has increased or decreased since 1 March 2020; and by what number.

(AQW 12701/17-22)

Mr Swann: Information on the number of vacancies actively being recruited to in Health and Social Care (HSC) is routinely gathered from HSC organisations on a quarterly basis, and collectively includes both permanent and temporary vacancies at quarter end. The number of permanent vacancies only cannot be determined from this data collection.

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Miss McIlveen asked the Minister of Health to detail the steps he is taking to ensure the continued supply of Bedrocan for patients in receipt of a prescription.

(AQW 12705/17-22)

Mr Swann: From 1 January 2021, as a result of the UK leaving the European Union, prescriptions issued by UK prescribers will no longer be recognised by pharmacies in the Netherlands. Dutch law also prohibits the commercial export of finished cannabis oils.

The supply of Bedrocan products was predicated on prescriptions written by UK prescribers being dispensed in a Dutch pharmacy and subsequently imported into the UK. As such, this supply route is no longer an option. There are a small number of patients who rely on certain unlicensed cannabis-based medicines that are supplied in the Netherlands against UK prescriptions.

Departmental Officials are in discussion with colleagues in DHSC and are trying to find a workable solution to this issue. I would recommend that anyone affected should discuss this issue with the specialist clinician responsible for the care of the patient.

Mr Gildernew asked the Minister of Health whether he will introduce further COVID-19 safety measures on travel, including PCR testing for all arrivals at ports and airports.

(AQW 12738/17-22)

Mr Swann: A temporary suspension of the travel corridors for Northern Ireland came into effect from 18 January 2021 in response to emerging new variants of the virus internationally. Additionally, from 21 January 2021, all international travellers coming to Northern Ireland will be required to provide proof of a negative COVID-19 test result, taken within the 72 hour period before departure, to their transport operator. Minimum testing and certification requirements, along with the information that international travellers will be required to present, are set out in the legislation. It will be the responsibility of travellers to find a test provider and to ensure that tests meet the required standards for pre-departure testing. From February, travel operators will also be required to check that passengers have completed a Passenger Locator Form.

Mr Gildernew asked the Minister of Health whether he plans to introduce a 24/7 vaccination programme similar to plans announced in England.

(AQW 12742/17-22)

Mr Swann: I refer the member to the answer provided for AQW 12486/17-22.

Mr Harvey asked the Minister of Health what plans he has to give priority of vaccination to those caring for people who are clinically extremely vulnerable.

(AQW 12743/17-22)

Mr Swann: Vaccination policy in Northern Ireland is based on the recommendations and advice provided by the independent Joint Committee on Vaccination and Immunisation (JCVI) which advises the 4 UK Health Ministers.

JCVI has advised that the first priorities for the COVID-19 vaccination programme should be the prevention of mortality and the maintenance of the health and social care systems. As the risk of mortality from COVID-19 increases with age, prioritisation is primarily based on age. The vaccination programme is therefore based on the prioritisation list as set out below:

- 1 residents in a care home for older adults and their carers
- 2 all those 80 years of age and over and frontline health and social care workers
- 3 all those 75 years of age and over
- 4 all those 70 years of age and over and clinically extremely vulnerable individuals
- 5 all those 65 years of age and over
- 6 all individuals aged 16 years to 64 years with underlying health conditions which put them at higher risk of serious disease and mortality
- 7 all those 60 years of age and over
- 8 all those 55 years of age and over
- 9 all those 50 years of age and over

Based on the vaccine that should be available by late January and throughout February, we are confident we will see rapid progress through the first 4 priority groups - care home residents and staff, the over 80s, HSCWs, those aged 70 years and over, and those who are clinically extremely vulnerable.

Mr Dunne asked the Minister of Health what is being done to encourage community pharmacies to sign up to the Ask for ANI Scheme for victims of Domestic Abuse.

(AQW 12768/17-22)

Mr Swann: The Domestic Abuse Code Word scheme will provide a further vital lifeline for domestic abuse victims trapped by their perpetrators because of Covid. A trusted source of advice and support in towns and villages across the country, pharmacies can provide a safe space for victims to sound an alarm if they are isolated at home with their abuser and unable to get help in another way.

Whilst the scheme is a voluntary one, officials in my Department are working with local pharmacies to promote the scheme and also to encourage sign up, where possible.

Where a pharmacy is unable to sign up to the scheme, for example, due to the lack of a suitable 'safe place', pharmacies can access information in order that staff are aware of domestic abuse and contacts for local services.

Mr McGlone asked the Minister of Health what consideration has been given to provision of Vitamin D to the wider population in the fight against COVID-19.

(AQW 12797/17-22)

Mr Swann: My Department has a formal link with the National Institute for Health and Care Excellence (NICE) under which NICE Clinical Guidance is reviewed locally for applicability in Northern Ireland and where found to be applicable is endorsed by the Department for implementation within Health and Social Care (HSC). NICE Covid-19 rapid guidelines are automatically endorsed as applicable in Northern Ireland from the date of publication by NICE in accordance with HSC Circular (SQSD) (NICE Covid-19 Procedures) 12/20 which is available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/HSC-SQSD-12-20.pdf>

On 17 December 2020 NICE published COVID-19 rapid guideline NG187, available at <https://www.nice.org.uk/guidance/NG187>, following a review of the current available evidence. This review concluded that there was insufficient evidence of benefit to support the use of vitamin D to prevent or treat COVID-19, outside a clinical trial setting.

In light of this, I can advise that the Department does not intend to make vitamin D available for the treatment or prevention of COVID-19 at this time, however this position will be reviewed in future should further evidence become available that would support its use for this reason. It remains the case that Vitamin D products continue to be prescribed to vulnerable patients in Northern Ireland in circumstances where it is deemed clinically appropriate to do so.

Ms McLaughlin asked the Minister of Health how many people are on the waiting list for routine cervical screening tests in GP practices; and when the backlog will be cleared.

(AQW 12911/17-22)

Mr Swann: This information is not available. As independent contractors, GP practices are responsible for managing their own appointment systems and waiting times.

Department for Infrastructure

Mr Easton asked the Minister for Infrastructure when work will start on traffic calming measures for Ballyree Drive, Bangor.
(AQW 12404/17-22)

Ms Mallon (The Minister for Infrastructure): As previously advised, 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.

Officials are 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 at this time whether this site will be included within our Local Transport and Safety Measures (LTSM) programme for 2021/22.

Mr Givan asked the Minister for Infrastructure how many of the 62 rural schools routes that are salted are within Lagan Valley.
(AQW 12409/17-22)

Ms Mallon: A list of rural schools where particular difficulty has been experienced is maintained by each of the local Roads Section Offices. In Lisburn & Castlereagh Section Office (which encompasses Lagan Valley), the list currently includes 1 school (Ballycarrickmaddy Primary School, Killutagh Road) reflecting the fact that the majority of schools within Lagan Valley are either located adjacent to the salted network or that my officials have no specific record of any forced closures of schools due to inaccessibility of the public road network due to snow or ice.

The list of rural schools requiring secondary salting may change and vary over time. As such, if you are aware of any other schools which may fall into this category, I would encourage you to forward this information to my officials for their consideration.

Mr Givan asked the Minister for Infrastructure for a timescale for the installation and operation of the 20mph zone outside Anahilt Primary School.
(AQW 12410/17-22)

Ms Mallon: I am delighted to have committed funding in this year's capital budget towards introduction of part-time 20 mph speed limits at around 100 schools across Northern Ireland. 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.

All 100 schools included in the part-time 20 mph programme for the current financial year have been informed, including Anahilt Primary School, and the process to develop the enabling legislation has commenced. I can confirm that, in parallel with the statutory processes, my officials are working to deliver these schemes and it is hoped that they will be in place and operational within the next 3-4 months.

Mr McCrossan asked the Minister for Infrastructure for a timeline for the delivery of the A5 Western Transport Corridor scheme.
(AQW 12426/17-22)

Ms Mallon: I would once again re-iterate my commitment to tackling regional imbalance, connecting communities and improving road safety and the A5 project very much aligns with this commitment.

Following the Public Inquiry held during February and March of 2020, my Department received an Interim Report from the Inspector in September. My officials have considered the issues raised and recommendations made in this Interim Report and have taken legal advice. Careful consideration will be given to all of this advice before an announcement on the next steps. Only then will it be possible to provide an indicative timeline for delivery of this Flagship project.

Mr Newton asked the Minister for Infrastructure what action she is taking to address the issue of road safety on the Garnerville Road.
(AQW 12454/17-22)

Ms Mallon: I am not aware of any significant problems or safety concerns on the Garnerville Road. If the member has any specific areas or issues in mind I would be happy to have them investigated.

Mr Newton asked the Minister for Infrastructure, following the installation of lighting trunking on the Comber Greenway, when she will install appropriate lighting to protect wildlife and allow increased use of the route.
(AQW 12455/17-22)

Ms Mallon: I recognise the importance of maintaining levels of walking and cycling on our greenways throughout the year and to do this in an environmentally sustainable way. In terms of lighting the Comber Greenway, there are a number of factors to be considered before a decision can be taken in relation to lighting. These include both environmental and financial considerations.

However, the current position is that my Department is developing a preliminary design for lighting on the Comber Greenway and I hope to be in a position to carry out a public consultation on the proposed design in the Spring.

Mr Newton asked the Minister for Infrastructure when she plans to next meet with Belfast City Council and Lisburn and Castlereagh City Council regarding the further development of the Comber Greenway.

(AQW 12458/17-22)

Ms Mallon: I have received no request from Councils to meet with them in relation to the future development of the Comber Greenway although I would be happy to do so. However, my officials have had ongoing involvement with officers from the three Councils which the Comber Greenway runs through. These discussions have focussed on both future development and future ownership and maintenance of the greenway.

Ms Anderson asked the Minister for Infrastructure, given that, in the first nine months of 2020, 1052 plug-in vehicles were registered, an 82% increase for the whole of the previous year, what action she is taking to improve the capacity of public charging network so it can adequately cope with an increase in demand.

(AQW 12478/17-22)

Ms Mallon: The e-car public charge point network is owned, operated and maintained by the Electricity Supply Board (ESB). 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.

There are currently 320 22kWh (Fast) charge points at 160 locations and a further 17 50kWh DC (Rapid) charge points in Northern Ireland. The market is also open to other commercial operators who would wish to provide charging infrastructure. There are a number of developments that are likely to impact expansion and improvement of the network. For example, the Utility Regulator's decision in March 2020 to remove the Maximum Resale Price on the electricity cost of charge points will allow commercial operators to charge above cost price of electricity supply. This should give clarity for operators wishing to provide commercial services and strengthen network provision in the North. It is anticipated, where possible the majority of EV charging should be carried out at home with the use of a home charge point.

My Department has recently been engaging with ESB on their plans to replace approx. 70 charge points i.e. 35 charge posts to upgrade and improve the reliability of the existing public network. The charge point market is also open to other commercial operators who would wish to provide electric vehicle (EV) charging infrastructure.

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. Recently, I have been able to support the EU INTERREG VA Funded FASTER electric vehicle network project. This is a joint proposal across Scotland, the south and Northern Ireland to support the overarching ambition to transition to low carbon transport systems and to demonstrate how working together across these islands 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 is to install a total of 73 EV Rapid charging points across the island of Ireland and the West of Scotland by 31 March 2023.

In addition, I am also making changes to the planning system, through permitted development rights, to make it easier to expand the charging infrastructure for electric vehicles. This will allow expansion work to proceed without the need to apply for planning permission helping to make e-charging more accessible across the North.

On 18 November 2020, the British Government confirmed it will end the sale of new petrol and diesel cars and vans by 2030, ten years earlier than planned. My officials will continue to engage with Whitehall Departments on these plans and the support for Northern Ireland to help deliver greener, cleaner transport.

My Department is working to identify further action to support the decarbonisation of transport and infrastructure services that will help to reduce carbon emissions and address the climate emergency. I remain committed to working in partnership with Executive colleagues and others across our islands to help deliver a change in the way we travel that also helps us to tackle the climate crisis.

Mr Dunne asked the Minister for Infrastructure when the Ballymoney Road, Craigavad, will be included on the gritting schedule.

(AQW 12489/17-22)

Ms Mallon: My Department receives many requests each year for additions to the winter gritting schedules. For this reason all decisions made are based on an objective assessment process set out in my Department's Winter Service policy. This process ensures that a consistent approach to winter maintenance is adopted across the entire road network, allowing my Department to grit approximately 28% of the public road network, which carries 80% of our traffic.

Unfortunately the Ballymoney Road does not meet the Department's Winter Service policy requirement for gritting because it is not deemed to be a main through route and the Whinney Hill route is gritted providing an alternative route for drivers however, my officials have confirmed that a traffic survey of the Ballymoney Road is planned and this will allow a reassessment of the route to establish if it warrants adding to the gritting schedule

Mr Muir asked the Minister for Infrastructure, pursuant to AQW 445/17-22, for an update on residents' parking schemes. (AQW 12560/17-22)

Ms Mallon: The first residents' parking scheme in Rugby Road and College Park Avenue in Belfast came into operation during April 2018. A review of the scheme has been completed and I will be in receipt of the report on this in the coming weeks.

I will want to make sure that any lessons learnt from this residents' parking scheme, and indeed the other areas that had been considered but did not make it to implementation, inform the policy for such schemes going forward. I can confirm that the report will be made publically available when I have had opportunity to consider the findings.

Ms Kimmins asked the Minister for Infrastructure whether her Department can carry out the procurement process for the A1 in a shorter timescale than two years as quoted at the Committee for Infrastructure meeting on 9 December 2020. (AQW 12562/17-22)

Ms Mallon: Following any decision to move to the next stage, my officials will undertake the necessary work to complete regulatory and legal requirements. To prepare for construction, the next steps include making the Statutory Orders and preparing and seeking approval of a formal economic case. This work is estimated to take 6-9 months to complete.

Subject to availability of funding, contract documents would then be prepared before a design and build tender competition would be initiated to select a suitable contractor. For a project of the scale and scope of A1 Junctions Phase 2, preparation of contract documents is expected to take approximately 6 months, and the prequalification and tender stages of the competition, are expected to take a minimum of twelve months to complete.

Whilst every opportunity will be taken to expedite the overall process, including undertaking tasks concurrently whenever possible, it is likely to take at least 24 months to commence construction work from a decision to proceed to construction. I would like to reassure you that I remain fully committed to progressing this project at pace and am keen to progress it to the next stage as quickly as practicable, whilst of course completing all of the necessary statutory processes and securing the necessary funding.

Mr Storey asked the Minister for Infrastructure to detail the funding allocation for minor works in each of the last five years. (AQW 12629/17-22)

Ms Mallon: Funding allocations for minor works on the road network has been provided in the form of outturn expenditure for the five most recent years, 2015-16 to 2019-20 as set out in the table below.

Minor Works	Financial Year £m				
	2015-16	2016-17	2017-18	2018-19	2019-20
Total Outturn	14.353	12.165	11.326	14.184	13.084

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 12314/17-22, (i) what discussions have taken place between her Department and local councils to establish what constitutes good planning practice in respect of conducting EIA determinations; and (ii) whether her Department endorses, or has endorsed, the use of the terms Yes, No and N/A as a satisfactory means of addressing the schedule 3 criteria of the EIA regulations. (AQW 12659/17-22)

Ms Mallon: Discussions are ongoing with councils as part of my Department's Environmental Governance Work Programme across a range of issues relating to environmental impact assessment (EIA) in the planning regime. This has included discussions at regular scheduled meetings with councils' Heads of Planning as well as with local government planning staff at training events delivered by an external EIA expert with whom the Department has contracted. The identification and promotion of good practice is intended to help inform rather than constrain thinking and practice in this area.

As I have said in response to AQW 12314/17-22 the onus is on a planning authority which is determining an application for planning permission to meet their statutory obligations including, where appropriate, recording their decisions and making them available in line with the requirement for public access. The relevant legislation does not specify the use of any particular terminology and nor has the Department endorsed any particular terminology.

Mr Muir asked the Minister for Infrastructure to detail (i) NI Water's level of financial reserves relative to the start of the pandemic; and (ii) what action her Department is taking to ensure that NI Water continues to hold sufficient levels of reserves. (AQW 12660/17-22)

Ms Mallon: I can advise in terms of:

(i) NI Water's level of financial reserves relative to the start of the pandemic;

According to the company's most recent published Annual Report and Accounts, NI Water at 31 March 2020 had around £1.1 billion in reserves. Of this, £451m is retained earnings, which represents the sum of profits carried forward

from prior years. However these are all paper figures resulting from technical accounting treatment. There is no 'cash in the bank' to back this up and much of the value is in the form of water and sewerage assets.

Unlike, for example the Northern Ireland Transport Holding Company, NI Water is not classified as a Public Corporation so it cannot use "reserves" to fund water and sewerage services.

Because of its classification as a Non Departmental Public Body, NI Water can only spend in year to the level of Public Expenditure budget cover which is provided by my department from the Executive. The level of reserves it holds is irrelevant in this sense, as there is no Public Expenditure cover for this quantum.

Even if there were no Public Expenditure budget constraints and NI Water could use its reserves, it does not have cash to back up the paper accounting figures that appear in its balance sheet.

(ii) **what action her Department is taking to ensure that NI Water continues to hold sufficient levels of reserves.**

As described in the answer to part (i), the level of reserves that NI Water holds does not correlate to its ability to spend, so there is nothing that could be described as representing a sufficient level of reserves.

What I have been doing is making representations to Executive colleagues, outlining to them the importance to the whole economy of investing in our water and sewerage infrastructure. The Utility Regulator in PC21 has 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.

I am continuing to make representation to the Minister for Finance on the need for sufficient funding for the water and sewerage sector in the medium to longer term, which is particularly important as we approach the start of the PC21 period (1 April 2021 to 31 March 2027).

Mr Muir asked the Minister for Infrastructure to detail (i) Translink's current level of reserves; and (ii) what action she is taking to ensure that Translink's reserves remain at a level where the organisation can continue to operate as a going concern.[R] (AQW 12661/17-22)

Ms Mallon:

- (i) I can confirm that Translink's cash reserves are currently at a level which enables it to meet its daily financial obligations because my Department has been able to put procedures in place to protect Translink's cash reserves above a minimum independently assessed threshold. However, these reserves are projected to reach the minimum threshold by the end of this financial year not least due to the impact of current lockdown restrictions.
- (ii) You will be aware of my commitment to maintaining and developing our public transport network. This is a key priority for me both in maintaining and developing sustainable modes of transport which is underpinned by my Department's impressive capital investment in our public transport network, but also in contributing where I can to the health and prosperity of our community by encouraging modal shift towards the widespread use of public transport by our citizens.

You will also be aware of the engagement I have had with Executive colleagues on the future financial stability of our public transport provider. I have taken action throughout my time as Minister to underline my commitment and I have instructed my officials to explore ways to ensure that my Department continues to meet its obligations to Translink's financial viability under the current Public Service Agreement. This work is ongoing but to date has resulted in £90m COVID-19 mitigation funding being provided to support our public transport services and our essential workers throughout the pandemic.

Mr Muir asked the Minister for Infrastructure how much her Department has spent on consultancy fees for roads projects in each of the last three financial years.

(AQW 12664/17-22)

Ms Mallon: The Department engages consulting engineers to assist in the development and delivery of its Strategic Road Improvement (SRI) Programme through a Major Works Framework. Assistance in delivering smaller scale highway improvement schemes is sourced when necessary through an Engineering Services Consultancy Partnering Contract.

In each of the last three years the fee expenditure on the SRI Programme has been £13.4m in 2017/18; £11m in 2018/19; and £13m in 2019/20. In this financial year (to the end of December 2020) expenditure totals £9.1m.

The Consultancy Partnering Contract has expended £2.0m in 2017/18; £2.0m in 2018/19; and £1.5m in 2019/20 on roads related projects. In this financial year (to the end of December 2020) expenditure totals £0.9m. This includes the development and delivery of minor/major road improvement projects, structures, cycling measures and the works associated with Belfast Rapid Transport.

Mr Easton asked the Minister for Infrastructure, as it is difficult to receive replies on Taxi Drivers Financial Assistance Scheme issues, whether she will consider supplying a point of contact for these queries.

(AQW 12678/17-22)

Ms Mallon: To ensure that all our resources were focused on processing the thousands of applications received as a matter of priority, queries about an application were directed to the dedicated mailbox for response by a member of the team. However, provision of a contact number for the next scheme is currently being considered in advance of its launch.

Mr Boylan asked the Minister for Infrastructure whether she has explored ways for emergency workers, who require licences to carry out their work, to be able to safely access driving tests.
(AQW 12681/17-22)

Ms Mallon: During the initial lockdown period, the Driver and Vehicle Agency (DVA) assessed requests from key workers to provide them with priority driving tests appointments, once driving tests resumed.

From 1 September 2020, the DVA resumed priority driving tests for key workers, and those who had their driving tests cancelled between the end of March and late June. The DVA continued to accept and assess requests for consideration as a key worker until 5 October 2020 when the application process for key workers closed and the booking system opened to all customers.

The DVA has received a number of requests from key workers requesting that they reinstate a priority service for them to avail of early appointments. The DVA is actively considering the facilitation of priority requests from key workers whose jobs are ancillary to medical, health or social care services and who are required to drive for the purposes of their work. However this approach, if implemented, would be based on engagement with the relevant employers, rather than with the individual learners, to provide the DVA with a list of any relevant staff that fall within this priority group and the numbers involved would be expected to be very limited.

Mr Boylan asked the Minister for Infrastructure to outline how her statement that we are working against the predicted backdrop of a deficiency in energy supply by 2025, in response to a query regarding the North/South Interconnector in the Assembly on 15 September 2020, compares to the All-island Generation Capacity Statements of 2018-2027, 2019-28 and 2020-29 forecasting of supply.
(AQW 12682/17-22)

Ms Mallon: The All-Island Generation Capacity Statement (GCS) 2018-2027 stated that in the median demand scenario, there was surplus capacity, reducing to modest levels by 2025 due to the assumed unavailability of the Kilroot coal plant. The All-Island Generation Capacity Statement (GCS) 2019-2028 identified that as a result of Kilroot decommissioning in 2025, Northern Ireland would go into a generation deficit in 2025 if median and high demand scenarios are applied. The All-Island Generation Capacity Statement (GCS) 2020-2029 stated that in the Median, High and Low demand scenarios, Northern Ireland is within the adequacy standard to 2029, taking account of both the closure of the Kilroot coal units and new generation which was awarded new generation contracts in the SEM T-4 2023/2024 SEM auction in April 2020.

Previous references to the deficit in energy supply by 2025 were obtained through the evidence submitted during the processing of the planning application and this is available to view on the NI Planning Portal (planning references O/2009/0792/F & O/2013/0214/F). This reflects the position as set out in the All-Island Generation Capacity Statement (GCS) 2019-2028.

The different forecasting results within the three generation capacity statements illustrate that adequacy shifts year-on-year.

Mr Dunne asked the Minister for Infrastructure for an update on the delivery of the greenway scheme which will upgrade the North Down coastal path from Kinnegar to Donaghadee.
(AQW 12684/17-22)

Ms Mallon: The greenway scheme between Kinnegar and Donaghadee is a project being developed by Ards and North Down Borough Council and the Council is therefore best placed to provide an update on its delivery. My Department has provided a small amount of capital grant funding to the Council towards the cost of widening a section of the North Down Coastal Path between Stricklands Glen and Brompton Road, Bangor. I understand that this work is to be completed before the end of the 2020/21 financial year.

Mr Dunne asked the Minister for Infrastructure for an update on the greenway scheme running from Kinnegar to Belfast which is proposed to run through Belfast Harbour Estate.
(AQW 12685/17-22)

Ms Mallon: The draft Belfast Bicycle Network, which my Department consulted upon in 2017, included two possible routes from Kinnegar, Holywood to the Connswater Community Greenway. One of these routes would pass through the harbour estate and the other would pass through the Sydenham area of Belfast. Work is ongoing to finalise the Belfast Bicycle Network and I hope to publish this later in 2021.

Mr Dunne asked the Minister for Infrastructure when successful applications for the Taxi Drivers Financial Assistance Scheme 2020 will be paid.
(AQW 12686/17-22)

Ms Mallon: Payments have now been made to all eligible applicants who provided the necessary evidence to support their applications. The applicants who unfortunately did not meet the criteria for the scheme have been notified of this outcome as well as my intention to run a further scheme in early February for which they may be eligible.

Miss McIlveen asked the Minister for Infrastructure whether her officials will carry out a review of the speed limit and current road safety measures on the A20 Portaferry Road, Newtownards.
(AQW 12702/17-22)

Ms Mallon: A speed limit assessment at Portaferry Road, Newtownards was carried out in 2017 and concluded that the existing speed limit is appropriate; therefore there are no plans to reduce the national speed limit at this location at this time. However should circumstances change, for example as a consequence of further frontage development along the road, then the situation can be reviewed.

The Department has introduced a number of traffic management measures along the A20 Portaferry Road over the past 15 years including new road markings, warning signage, reflector posts and edge of carriageway road studs. I am aware of a recent incident on the Portaferry Road and my officials will consider the outcome of any investigations undertaken by the PSNI and in particular any actions, including a speed assessment, that are identified that fall within the remit of my Department.

Miss McIlveen asked the Minister for Infrastructure to detail (i) the timescale for the installation of lighting along the Comber Greenway from Dundonald to Comber; and (ii) whether consideration is being given to grit this section of greenway.
(AQW 12703/17-22)

Ms Mallon: I recognise the importance of maintaining levels of walking and cycling on our greenways throughout the year and to do this in an environmentally sustainable way. In terms of lighting the Comber Greenway, there are a number of factors to be considered before a decision can be taken in relation to lighting. These include both environmental and financial considerations.

My Department is currently developing a preliminary design for lighting on the urban section of the Comber Greenway and I hope to be in a position to carry out a public consultation on the proposed design in the Spring. I will give consideration to whether the consultation should also seek views about lighting the section from Dundonald to Comber.

The Comber Greenway does not currently meet my Department's criteria for inclusion in the salted network and whilst I would like to expand our winter service provision unfortunately it is not possible to do so at present due to the severe resource budget constraints and many other pressures faced by my Department.

Ms Ní Chuilín asked the Minister for Infrastructure (i) whether she will install suicide prevention infrastructure on the motorway and Westlink bridges in North Belfast; and (ii) if so, when.
(AQW 12730/17-22)

Ms Mallon: Suicide prevention and promoting positive emotional and mental health and well-being is a priority for me. My Department has been working closely with partners as part of the 'Relink the Westlink' project and I recently met with them and my officials to discuss the emerging finding and options for a number of potential pilot interventions that could be applied to bridges on the M2 Westlink corridor.

My Department has commenced a feasibility study that will firstly identify the most appropriate bridge for the pilot and then assess that bridge from an engineering perspective, to identify any potential constraints or construction issues. Upon completion of these investigations we will commission the recommended works and, if appropriate, roll these interventions out to other high risk bridges on the network.

Dr Archibald asked the Minister for Infrastructure for an update on the A6 Derry to Dungiven dualling project, including the Dungiven bypass.
(AQW 12733/17-22)

Ms Mallon: Construction work is progressing well on the 25.5km A6 Dungiven to Drumahoe dualling scheme, which includes the construction of the Dungiven bypass. When complete, this Flagship scheme will enhance the connectivity of the North West, improve journey time reliability, reduce journey times and improve road safety.

Covid-19 initially disrupted or stopped many activities due to difficulties in the supply chain, social distancing requirements and staff absences. Although the situation is now much improved, Covid-19 continues to have an impact. The scheme is expected to be complete in 2022, largely as planned, however.

I am committed to the delivery of phase 2 of the A6 Derry to Dungiven Road project, which extends from Drumahoe to the A2 Caw roundabout, progress will depend on a range of factors including future Budget settlements.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 11665/17-22, to detail (i) what scoping study has been done to pursue additional capacity for park and ride spaces in Bangor town centre; (ii) what work has been undertaken with

Ards and North Down Borough Council on improving walking and cycling connectivity; and (iii) the works to be undertaken at Bangor station for enhanced cycle storage facilities.

(AQW 12745/17-22)

Ms Mallon:

- i) The Department has considered park and ride facilities in the North Down area, including Bangor but unfortunately the Department has been unable to identify a suitable location with sufficient land available for a development of this type.
- ii) As you are aware, I am particularly keen to deliver green infrastructure to create active travel opportunities for local communities as part of our Green Recovery for Northern Ireland. My officials have already been liaising with Council officers, Chamber of Commerce and local traders in relation to recovery plans in each of the five towns in the Borough, including Bangor. We will continue to work collaboratively to develop proposals for Bangor that will improve active travel opportunities.
- iii) Plans for an upgrade of passenger's facilities at Bangor Station are currently at the feasibility study stage. I can confirm that in line with my priority to increase sustainable modes of travel, this study will include the scoping of enhanced cycling storage at the station. Progress of this project however will be dependent upon the project receiving the necessary approvals along with budget being made available within my Department.

Miss Woods asked the Minister for Infrastructure, pursuant to AQW 11903/17-22, what development proposals she is referring to that will necessitate road openings and alterations in the Kinnegar area.

(AQW 12746/17-22)

Ms Mallon: I can confirm that the proposed development referred to relates to planning application LA06/2015/0720/F for 35 apartments on Kinnegar Drive in Holywood.

Mr Easton asked the Minister for Infrastructure what areas of Bangor are potentially in danger of flooding as a result of flood plains.

(AQW 12761/17-22)

Ms Mallon: Access to the government's latest flood hazard map information for all areas, including Bangor, is publicly available through Flood Maps NI. This information can be found on my Department's website at <https://www.infrastructure-ni.gov.uk/topics/rivers-and-flooding/flood-maps-ni>

A detailed assessment of the flood risk to Bangor was carried out by my Department as part of the development of the North Eastern Flood Risk Management Plan (NEFRMP) which was published in 2015 to meet the requirements of the EU Floods Directive. This assessment concluded that of the 6 main watercourses that flow through Bangor, only one of these, the Ballyholme Stream is considered to present a significant risk of flooding to property.

In addition, my Department recently commenced a 6 month Public Consultation on the 2nd cycle draft Flood Risk Management Plan in December 2020. The Consultation will conclude on 25 June 2021. The draft Plan can be viewed or downloaded via the following link:-

<https://www.infrastructure-ni.gov.uk/consultations/consultation-draft-flood-risk-management-plan-2021-2027-second-cycle>

Mr Easton asked the Minister for Infrastructure whether Transport NI check that road markings are regularly refreshed.

(AQW 12762/17-22)

Ms Mallon: Road safety is a key priority for my Department and we are fully committed to the aim of reducing the number of accidents on our roads. Road markings serve a very important function in conveying to road users information and requirements about the road and there is no doubt that poorly maintained road markings can have a negative impact on road safety. With this in mind, my officials undertake regular routine maintenance inspections of all roads during which all defects, including defective signs and road markings, are noted.

Where the condition of the road markings falls below the required standards, they are renewed as soon as possible. However, in order to ensure that the highest priority, safety related maintenance works are undertaken, my Department targets the limited resources available towards road safety related functions including pothole repairs and grass cutting.

Maintenance of traffic signs and road markings are generally concentrated on regulatory signs and markings such as longitudinal markings necessary for continued road safety. However there is often scope near the end of the financial year to use additional resource funding that becomes available to refresh road markings so if there are any specific locations that are causing concern, then please identify these to the local maintenance section office.

Ms Flynn asked the Minister for Infrastructure (i) whether a business case has been prepared for pedestrian safety measures at the McDonalds restaurant on the McKinsty Road; and (ii) how long the process will take to install new pedestrian safety measures.

(AQW 12830/17-22)

Ms Mallon: I can advise that my officials from Eastern Division have commissioned a feasibility study on options to improve pedestrian facilities in the vicinity of the new McDonald's restaurant at the McKinsty Road Roundabout, Derrriaghy. When the study has been completed and considered, my Department will be in a position to advise on possible improvement works and the likely timescales. It is currently expected the initial findings of this study will be available by the end of February 2021.

Mr Chambers asked the Minister for Infrastructure, given the negative impact to road safety of standing water on roadways (i) whether she can confirm when roadside gully cleaning is scheduled to be carried out on the Warren Road, Donaghadee; and (ii) when they were last cleared at this location.

(AQW 12840/17-22)

Ms Mallon: I can confirm that the gullies at A2 Warren Road are programmed to be cleaned by the end of February 2021.

Department of Justice

Mr McCrossan asked the Minister of Justice to detail the number of fines issued for COVID-19 restriction breaches, broken down monthly by Assembly constituency.

(AQW 12429/17-22)

Mrs Long (The Minister of Justice): The Department does not hold the information requested. Fixed Penalty Notices (FPNs) in respect of breaches of COVID regulations may be issued by the Police Service of Northern Ireland (PSNI), local councils, Border Force and any other body designated by the Department of Health.

The issue of fixed penalty notices by the Police Service of Northern Ireland and the 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 or to District Councils.

Ms P Bradley asked the Minister of Justice, out of the 11 council areas, how many town centre or public-facing CCTV cameras are funded by (i) her Department; and (ii) any other agency which her Department oversees.

(AQW 12433/17-22)

Mrs Long: My Department does not specifically fund town centre or public-facing CCTV cameras in any of the eleven council areas.

The Department of Justice Interfaces Programme occasionally receive requests to contribute to the costs of upgrading CCTV cameras specifically linked to an interface structure reduction or removal scheme. These requests are considered on a case-by-case basis and, if approved, the Department is resourced through the Executive T:BUC Strategy funding allocation to the Interfaces Programme to facilitate the work required. The Interfaces Programme does not currently fund any public facing CCTV cameras.

In partnership with the Northern Ireland Policing Board, my Department provides funding to Policing and Community Safety Partnerships (PCSPs) to deliver Community Safety initiatives and support community confidence in policing in the eleven council areas. However, PCSPs do not fund the purchase, installation or maintenance for CCTV systems.

Mr Newton asked the Minister of Justice to detail the number and type of academic and vocational qualifications gained by those within (i) Woodlands Juvenile Justice Centre; and (ii) Hydebank Wood Young Offenders Centre; and (iii) all prisons, over the past three years.

(AQW 12456/17-22)

Mrs Long: The Northern Ireland Prison Service (NIPS) is committed to supporting individuals in its care to improve their learning and skills while in custody, thereby increasing employability and life chances, as a key enabler to effective rehabilitation and to reduce the risk of reoffending. A wide and varied curriculum is designed and delivered to inspire and engage individuals but also to provide the opportunity to attain recognised skills and qualifications relevant to the current and projected employment market.

NIPS also have students studying with the Open University (OU) who are required to complete an Access module which introduces them to studying by Distance Learning.

The Education Authority (EA) is responsible for the provision of Education at Woodlands and follows the EOTAS (Education Other Than at School) curriculum. The education and training provided in Woodlands should also foster a young person's personal responsibility, develop their interests and skills in particular areas and help to prepare them for reintegration back into the community and into education, training or employment.

Over the last three years (to December 2020), the total number of qualifications attained by students in NIPS and Woodlands is 4,120. The tables below set out the detail of the academic and vocational qualifications gained.

Woodlands

EA - 2018 – Calendar Year

Note: These figures are for those qualifications registered through the Woodlands EOTAS Examination Centre Number - they do not include figures for qualifications which are registered through External Education Placement Centre Numbers or through the People First Centre Number.

OCNNI Essential Skills: Entry Level Literacy (EL1/2/3)	13
OCNNI Essential Skills: Level 1 Communication	8
OCNNI Essential Skills: Level 2 Communication	3
CCEA GCSE English	1
OCNNI Essential Skills: Entry Level Numeracy (EL1/2/3)	29
OCNNI Essential Skills: Level 1 Application of Number	12
OCNNI Essential Skills: Level 2 Application of Number	5
CCEA GCSE Mathematics	3
OCNNI Essential Skills: Level 1 ICT	9
OCNNI Essential Skills: Level 2 ICT	2
CCEA Occupational Studies: Engineering (Motor Vehicle)	1
CCEA Creative Craft: Level 1: Painting and Drawing	6
CCEA Creative Craft: Level 2: Painting and Drawing	16
CCEA Creative Craft: Level 1: Mixed Craft	2
CCEA Creative Craft: Level 2: Mixed Craft	8
St John's Ambulance First Aid Certificate	14
Koestler Award for Arts	2
OCNNI Level 1 Award in Personal and Social Development (Provided in conjunction with BYTES)	4
Total	138

EA - 2019 – Calendar Year

Note: These figures are for those qualifications registered through the Woodlands EOTAS Examination Centre Number - they do not include figures for qualifications which are registered through External Education Placement Centre Numbers or through the People First Centre Number.

OCNNI Essential Skills: Entry Level Literacy (EL1/2/3)	27
OCNNI Essential Skills: Level 1 Communication	7
OCNNI Essential Skills: Level 2 Communication	4
OCNNI Essential Skills: Entry Level Numeracy (EL1/2/3)	46
OCNNI Essential Skills: Level 1 Application of Number	6
OCNNI Essential Skills: Level 2 Application of Number	3
OCNNI Essential Skills: Level 2 ICT	6
CCEA Entry Level Geography	2
CCEA Creative Craft: Level 1: Painting and Drawing	2
CCEA Creative Craft: Level 2: Painting and Drawing	19
CCEA Creative Craft: Level 1: Mixed Craft	2
CCEA Creative Craft: Level 2: Mixed Craft	12
OCNNI Level 2 Award in Vocational Skills (Vehicle Valeting / Routine Vehicle Maintenance)	6
OCNNI Level 2 Award in Drug Awareness	4
OCNNI Level 2 Award in Alcohol Awareness	1

St John's Ambulance First Aid Certificate	6
CSR Card (Health and Safety)	6
OCNNI Level 1 Award in Personal and Social Development (Provided in conjunction with BYTES)	8
OCNNI Credits (7) in PSD Related areas (Provided in conjunction with BYTES)	3
Total	170

EA - 2020 – Calendar Year

Note: These figures are for those qualifications registered through the Woodlands EOTAS Examination Centre Number - they do not include figures for qualifications which are registered through External Education Placement Centre Numbers or through the People First Centre Number.

OCNNI Essential Skills: Entry Level Literacy (EL1/2/3)	15
OCNNI Essential Skills: Level 1 Communication	1
OCNNI Essential Skills: Level 2 Communication	1
OCNNI Essential Skills: Entry Level Numeracy (EL1/2/3)	25
OCNNI Essential Skills: Level 1 Application of Number	1
OCNNI Essential Skills: Level 2 Application of Number	3
CCEA GCSE Mathematics	3
OCNNI Essential Skills: Level 2 ICT	1
CCEA Creative Craft: Level 1: Drawing and Painting	7
CCEA Creative Craft: Level 2: Drawing and Painting	13
CCEA Creative Craft: Level 2: Mixed Craft	1
OCNNI Level 2 Award in Vocational Skills (Practical Baking Skills / Practical Kitchen Skills)	2
OCNNI Level 2 Award in Vocational Skills (Vehicle Valeting / Routine Vehicle Maintenance)	2
OCNNI Level 2 Award in Vocational Skills (Using Tools and Equipment Within a Motor Vehicle Workshop / Routine Vehicle Braking Systems)	1
OCNNI Level 2 Certificate in Vocational Skills (Oral Presentation Skills in Practice / Practical Baking Skills / Practical Kitchen Skills / Routine Vehicle Maintenance / Vehicle Valeting)	1
OCNNI Level 2 Award in Drug Awareness	1
CSR Card (Health and Safety)	3
Total	81

People 1st - Post 16 Provision

OCNNI Units in Vocational Skills	Level 1 Construction Units	Level 2 Construction Units	Level 1 Hair & Beauty Units	Level 2 Hair & Beauty Units	Level 1 Catering Units	Level 2 Catering Units	Level 1 Horticulture Units	Level 2 Horticulture Units	Level 1 Enterprise	Total
2018	0	13	12	8	13	2	4	0	N/A	52
2019	0	8	21	6	5	0	9	7	N/A	56
2020	N/A	N/A	0	0	9	0	3	1	3	16
	0	21	33	14	27	2	16	8	3	124

RSPH Food Hygiene	Level 1	Level 2	Total
2018	1	0	1
2019	7	1	8
2020	8	0	8
	16	1	17

C&G Certificate in Barbering Level 2	Total
2018	2
2019	0
2020	0

Hydebank Wood College

	Subject	18/19	19/20	20/21
Academic Qualifications	Food Prep & Production	9	33	5
	Barbering	0	11	0
	Horticulture	12	16	0
	Catering & Hospitality	6	56	2
	Art	0	30	2
	'A' Level Art	0	0	0
	Enterprise & Employability	0	10	0
	ESOL	0	1	2
	Industrial Cleaning	19	43	0
	Joinery	0	24	0
	Hair & Beauty	41	70	0
	Essential Skills	16	65	8
Total		103	359	19
Vocational Qualifications	RSPH	148	274	22
Total		148	274	22

Note: Figures for 2020/21 are recorded to December 2020. The COVID pandemic has impacted on delivery of a number of subjects and therefore the qualifications achieved in that year.

Maghaberry

	Subject	18/19	19/20	20/21
Academic Qualifications	Food Prep & Production	19	0	0
	Barbering	0	22	7
	Horticulture	21	86	0
	Catering & Hospitality	37	58	0
	Art	13	9	0
	'A' Level Art	2	0	0
	Enterprise & Employability	46	4	3
	ESOL	47	37	0
	Business Administration	0	0	0
	Industrial Cleaning	18	6	0
	Joinery	2	5	0
	Brick Laying	0	10	0
	Painting & Decorating	3	7	0
	Tiling	1	8	0
	GCSE Irish	0	0	6

	Subject	18/19	19/20	20/21
	GCSE Maths	0	4	3
	Essential Skills	105	48	0
Total		314	304	19
Vocational Qualifications	Health & Safety in the Workplace	0	106	33
	Food Safety & Hygiene	0	87	13
	Food Allergens	0	24	0
Total		0	217	46

Note: Figures for 2020/21 are recorded to December 2020. The COVID pandemic has impacted on delivery of a number of subjects and therefore the qualifications achieved in that year.

Magilligan

	Subject	18/19	19/20	20/21
Academic Qualifications	Literacy	80	62	2
	Numeracy	22	0	0
	Art	12	30	0
	ESOL	0	19	0
	Creative Writing	29	23	9
	Nutrition	0	17	0
	Food Safety	96	186	0
	ICT	92	112	8
	Entry Level ICT	40	15	8
	Employability	22	52	2
	CSR Card	70	111	0
	Moving & Handling	0	0	0
	Customer Service	0	14	0
	Irish	0	5	0
	Cyber Security	0	0	4
Total		463	646	33
Vocational Qualifications	Plastering	6	12	3
	Wall & Floor Tiling	30	29	4
	Construction Skills	26	16	10
	Welding	88	71	0
	Painting & Decorating	41	30	0
	Horticulture	55	56	0
	Barbering	12	79	0
Total		258	293	17

Note: Figures for 2020/21 are recorded to December 2020. The COVID pandemic has impacted on delivery of a number of subjects and therefore the qualifications achieved in that year.

Open University**2018/2019***

Establishment	Access	Modules	Degree
Hydebank Wood			
Maghaberry			1
Magilligan			
Total	0	0	1

*Details of the Access and standard modules are not held by NIPS for this period.

2019/2020

Establishment	Access	Modules	Degree
Hydebank Wood	1	0	0
Maghaberry	7	10	0
Magilligan	1	5	0
Total	9	15	0

2020/2021

Establishment	Access	Modules	Degree
Hydebank Wood	0	0	0
Maghaberry	2	22	1
Magilligan	2	1	0
Total	4	23	1

Ms Hunter asked the Minister of Justice how many people have been issued with fines for not wearing a face covering.
(AQW 12481/17-22)

Mrs Long: The Department does not hold the information requested. Fixed Penalty Notices (FPNs) in respect of breaches of COVID regulations may be issued by the Police Service of Northern Ireland (PSNI), local councils, Border Force and any other body designated by the Department of Health.

The issue of fixed penalty notices by the Police Service of Northern Ireland and the associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board, and PSNI publish information on the numbers of FPNs issued on a weekly basis. 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 or to District Councils.

Mr Newton asked the Minister of Justice to detail (i) the number of domestic abuse incidents recorded each month from March to December 2020; and (ii) how this compares with the same period in 2019.
(AQW 12543/17-22)

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 Catney asked the Minister of Justice whether young offender institutions currently have access to free period products.
(AQW 12633/17-22)

Mrs Long: In Woodlands Juvenile Justice Centre all females have access to free period products and a full range of personal intimate care items.

Young people also receive support, advice and guidance from primary healthcare staff and residential staff in relation to these matters.

Mr Catney asked the Minister of Justice whether there is free access to period products in prisons.
(AQW 12634/17-22)

Mrs Long: Sanitary products are provided free of charge to all women within Hydebank Wood Women's Prison. These products are readily available and accessible without request in all residential locations. Product levels are regularly checked and replenished as required.

Ms Bunting asked the Minister of Justice what consideration she has given to mandatory minimum sentences for attacks on blue lights services.
(AQW 12637/17-22)

Mrs Long: The current maximum sentence for assault on police, fire and rescue and ambulance workers when dealt with in a magistrates' court is 6 months' imprisonment. This is the normal maximum sentence available in the magistrates' courts. In the Crown Court the maximum is 2 years imprisonment.

Sentencing in individual cases is a matter for the independent judiciary who consider all the circumstances of a case, the available sentencing range and relevant sentencing guidance in performing this complex task.

Mandatory minimum sentences are extremely rare and are not widely supported because of the fettering of judicial independence and discretion.

Recognising the seriousness of such attacks, the Recorder of Belfast recently stated that those convicted of attacking medics or other healthcare workers should expect to be sent to prison.

My Department's recent Sentencing Review consultation considered sentencing in relation to attacks on front line public services. 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 responses demonstrated support for increasing the maximum sentence in the magistrates' courts. Development of recommendations is at an advanced stage and I will be considering the way forward in due course.

Mr Harvey asked the Minister of Justice when the findings and recommendations of the NI Prison Service pay review, carried out last year, will be made available to the public.
(AQW 12653/17-22)

Mrs Long: NIPS Management is currently waiting on the POA to confirm its position in relation to the 2020 pay award. As soon as this has been received, final approval will be sought from the Department of Finance. I will then invite the Pay Review Body to publish the report on their website.

Mr Harvey asked the Minister of Justice when the findings and recommendations of the NI Prison Service pay review, carried out last year, will be made available to the Prison Officers Association.
(AQW 12654/17-22)

Mrs Long: NIPS Management met the POA on 16 November to set out the PSPRB recommendations and, in addition, proposed some structural changes. Subsequent to this, the POA Chair was invited to view the Report in December to assist the trade union in reaching its decision. Following confirmation of a decision from the POA, final approval will be sought from the Department of Finance. I will then invite the Pay Review Body to publish the report on their website.

Miss Woods asked the Minister of Justice how many challenges to an extension of Rule 32 have been received by the Northern Ireland Prison Service, in each year for the last five years.
(AQW 12655/17-22)

Mrs Long: The table below records the number of times the Prison Service has received a challenge to a decision to extend Rule 32 which resulted in Judicial Review over the last five years. Of these, one decision to extend Rule 32 was quashed by the court. Of the other four, two were dismissed at hearing, one was withdrawn and the other one was resolved.

2016/17	2
2017/18	2
2018/19	1
2019/20	0
2020/21 (to 19 January 2021)	0

Mr Dunne asked the Minister of Justice to detail any plans to further roll-out the Ask for ANI Scheme for victims of domestic abuse to other local services and community facilities.

(AQW 12767/17-22)

Mrs Long: The national safe code word scheme, Ask for ANI, was launched on 14 January 2021 and offers a lifeline to victims, ensuring they get urgent help in a safe and discreet way. The scheme was initially rolled out across the UK to 2,300 Boots stores and 255 independent pharmacies who, as essential and trusted high street retailers, are able provide a safe space for victims to raise an alarm and seek support.

This is an important scheme providing support to those affected by domestic abuse, particularly given current restrictions when a trip to a pharmacy may be the only way to access emergency support. Locally, at this stage, 95 stores have signed up to the scheme; Boots pharmacies as well as a small number of independent pharmacies.

The lead for this initiative currently sits with the Department of Health, given the key involvement of pharmacies at this stage. That Department is working with local pharmacies to promote the scheme and also to encourage sign up, where possible. We will want to consider how the scheme may be made more widely available, in terms of the number and types of locations accessed by victims of domestic abuse.

Mr Beattie asked the Minister of Justice how many people have been issued with fines for not wearing a face covering, broken down by area.

(AQW 12856/17-22)

Mrs Long: The Department does not hold the information requested. Fixed Penalty Notices (FPNs) in respect of breaches of COVID regulations may be issued by the Police Service of Northern Ireland (PSNI), local councils, Border Force and any other body designated by the Department of Health.

The issue of fixed penalty notices by the Police Service of Northern Ireland and the associated statistics is a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board, and PSNI publish information on the numbers of FPNs issued on a weekly basis. 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 or to District Councils.

Mr K Buchanan asked the Minister of Justice what action her Department is taking to address substance misuse in Mid Ulster.

(AQO 1396/17-22)

Mrs Long: The role of this Executive is to protect its citizens, keep communities safe and to help them feel safe and secure. One of the avenues to achieve this is through collectively tackling substance misuse and associated harm, with key partners working closely together to deliver on programmes and interventions around health, safeguarding, education, justice, employment and housing.

At a strategic level my officials are working closely with the Department of Health, which leads on the development of a new cross-sectoral Executive Strategy, to tackle the harm from substance use. This strategy, currently out for public consultation, addresses the importance of preventing and reducing harm related to the use of drugs including through early intervention, treatment and support to empower recovery. The Justice System can assist with this in relation to those it comes into contact with, in addition to working with partners to reduce the availability of substances that cause harm, focussing on the disruption of organised crime gangs involved in the supply of drugs and ensuring those involved face the full force of the law.

Taking a problem-solving justice approach, my Department, together with partners, has developed a number of initiatives to help individuals tackle issues directly or indirectly associated with substance misuse, for example Substance Misuse Courts, Support Hubs, and a piloted Family Drug and Alcohol Court.

At a local level, in partnership with the Northern Ireland Policing Board, we provide funding for Policing and Community Safety Partnerships (PCSPs). PCSPs have a key role, working with relevant voluntary, community and statutory organisations, in tackling those substance related issues of most concern to local communities. Mid Ulster PCSP is engaged in prevention / early intervention work including through chairing the district multi-agency Support Hub which works with individuals with substance use issues; the installation of RAPID bins for disposal of illicit drugs; and the delivery of prevention messages and initiatives in post primary schools.

In addition, the Executive Action Plan to Tackle Paramilitary Activity, Criminality and Organised Crime is supporting a number of projects in the Mid Ulster area to address the harm caused to communities by paramilitary organisations. The Paramilitary Crime Task Force is a specific resource focused on tackling the criminality associated with paramilitary groups, including the supply of drugs.

Ms Hunter asked the Minister of Justice what discussions have taken place between departmental officials and the Department of Health regarding the administration of vaccines to prisoners within a custodial setting.

(AQO 1397/17-22)

Mrs Long: The care of people who come into contact with the Justice system is of paramount importance and is taken very seriously by my Department. This is particularly important in the context of the work of the Northern Ireland Prison Service, as we seek to care for and support 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. The Trust is supported by the Health and Social Care Board and the Public Health Agency.

While responsibility for the delivery of vaccination programmes, including the vaccination programme for COVID-19, sits with the Department of Health, the Northern Ireland Prison Service works closely with the Trust and health bodies to facilitate the delivery of vaccination programmes within our prison establishments. This is to ensure that those in our care have access to vaccinations in line with the provision of vaccines in the wider community.

By working together we will provide good outcomes for those in our care.

Dr Aiken asked the Minister of Justice what advice she has requested from the Attorney General on the primacy of the European Court of Justice.

(AQO 1398/17-22)

Mrs Long: By long standing convention, whether or not the Attorney General has been asked for advice may not be disclosed.

Neither the substance of any advice nor the fact that advice has been requested may be disclosed.

Ms Rogan asked the Minister of Justice what engagement her Department has had with the Northern Ireland Office on bringing forward legislation to implement the legacy mechanisms agreed in the Stormont House Agreement.

(AQO 1399/17-22)

Mrs Long: The Northern Ireland Office is responsible for bringing forward legislation to create new legacy mechanisms. The Member will be aware that the draft Bill to give effect to the legacy mechanisms agreed in the Stormont House Agreement was overtaken by the Secretary of State's announcement in March 2020 of proposed new legacy arrangements. The emphasis has moved from justice and investigation to reconciliation and information recovery.

When the Secretary of State published his proposals, he promised to engage with stakeholders on the proposals. However, we are still awaiting meaningful political engagement to agree a way forward. I have since taken opportunities to press the Secretary of State for clarity on his proposals and the associated funding. However, this detail is not yet forthcoming and I will continue to press this matter so that we can reach agreement on legacy arrangements that meet the needs of families and the requirements of Article 2.

Mr Butler asked the Minister of Justice for an update on the cost of maintaining the separated prison regime.

(AQO 1402/17-22)

Mrs Long: If a prisoner, whether sentenced or on remand, applies for and subsequently meets the criteria set by the Secretary of State for Northern Ireland for separation, then the Prison Service is required to hold that individual in accommodation apart from the other prisoners at that establishment.

At present there are 35 adult male prisoners in Maghaberry, 17 Loyalists and 18 Dissident Republicans accommodated on four landings in Bush and Roe Houses; and 3 Dissident Republican female prisoners held on one landing in Fern House at Hydebank Wood.

It costs the Prison Service in excess of £2m per annum to operate separation at Maghaberry, and the estimated annual running costs at Hydebank are £355,000.

Irrespective of whether we agree with the concept of separation or not, it is vital that these landings are appropriately staffed and security is commensurate with the level of risk the Prison Service is required to manage.

Ms Ennis asked the Minister of Justice what input her Department has had into the Independent Review of Administrative Law.

(AQO 1400/17-22)

Mrs Long: My Department's input to the Independent Review of Administrative Law solely entailed the provision to the Review's Secretariat of data on the number of Judicial Review leave applications, Judicial Review applications and ancillary applications received and disposed of by courts in Northern Ireland from 2005 to June 2020.

The exercise of devolved powers are not within the scope of the Review.

Mr Storey asked the Minister of Justice for an update on progress toward the implementation of the New Decade, New Approach commitment to increase police numbers to 7,500.

(AQO 1403/17-22)

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 Police Service of Northern Ireland (PSNI) officer numbers has been approved by the Department of Finance to proceed to Outline Business Case.

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 McCrossan asked the Minister of Justice whether any additional measures, including financial support, will be put in place to provide PSNI officers with urgent training and support to enable them to police effectively the COVID-19 restrictions.
(AQO 1401/17-22)

Mrs Long: I meet with the Chief Constable on a regular basis and we discuss a range of issues, including any support the PSNI requires as a result of the pandemic. The PSNI has advised that they do not require additional resources to effectively police the current restrictions in the COVID-19 health regulations at this time.

The Department of Justice will continue to work closely with PSNI colleagues to keep this situation under review. As Minister of Justice, I will do all that I can to enable the PSNI to continue to deliver essential services during these challenging times.

Mr Allister asked the Minister of Justice to detail the legal basis for the claim that the COVID-19 regulations give authority to the PSNI to enter private homes without a warrant.
(AQW 12953/17-22)

Mrs Long: The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (NI) 2020 are the responsibility of the Department of Health. Any questions regarding the Health Protection Regulations should be directed to the Department of Health.

However, I am advised that the powers available to ensure enforcement of the regulations, including the power of entry, are provided by virtue of Regulation 7 of the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020.

Operational policing decisions on enforcing public health restrictions are a matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. The Chief Constable is also operationally independent from the Northern Ireland Executive.

As Justice Minister I am committed to respecting the operational independence of the Chief Constable and the Policing Board.

Any questions regarding the PSNI's approach to enforcing the public health regulations should be directed to the Chief Constable.

Department for the Economy

Mrs Cameron asked the Minister for the Economy whether her Department has made any recent assessments of the potential economic benefit to having a rail link from Belfast International Airport.
(AQW 8345/17-22)

Mrs Dodds (The Minister for the Economy): Research has shown that improved connectivity can have a number of benefits, including the promotion of economic growth and investment, lowering input costs, improved regional attractiveness and better transport links for local people. I will continue to seek out opportunities to enhance NI's connectivity. However this specific issue does not fall within the remit of my department.

Miss Woods asked the Minister for the Economy for her assessment on what impact a zero COVID-19 strategy would have on the economy in Northern Ireland.
(AQW 10799/17-22)

Mrs Dodds: A zero COVID-19 society is the optimum outcome that the Executive has been actively pursuing since the outbreak of Coronavirus in Northern Ireland in February 2020.

The Executive have supported the Department of Health in the production of the original and subsequent amendments to The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020, and now through the NI COVID-19 Vaccination Programme, there is genuine hope that this can be achieved.

However, it will require a continuous and collective effort, right across our entire society, including of course, from Executive Ministers and other political and civic leaders to deliver this outcome

In the meantime, Departmental Economists are continuously analysing the impact of Coronavirus on business sectors, the labour market and the NI economy in general.

It is not possible at this time, to provide an accurate assessment of the impact that a zero COVID-19 strategy would have on the economy in Northern Ireland.

Mr McCrossan asked the Minister for the Economy (i) whether her Department supports the creation of digital hubs in towns across Northern Ireland; and (ii) whether she has considered funding these.

(AQW 10868/17-22)

Mrs Dodds: A Digital Inclusion Unit has been established within the Department of Finance (DoF), whose responsibility and aim is to promote a digitally inclusive society throughout Northern Ireland, including rural areas. The Unit is delivering a range of projects, working in close partnership with a number of public and private organisations

The DoF Digital Transformation Strategy, 'Making Lives Better, A Strategy for Digital Transformation of Public Services 2017 to 2021', identifies a number of enablers for a digitally transformed society. One of these is access to Information Technology in 'Digital Hubs'.

Discussions have taken place with LibrariesNI on a pilot project, designed to raise awareness and demonstrate the role libraries can play in providing access to and promoting a wide range of public services.

Further information on digital inclusion activities can be accessed by contacting the Digital Inclusion Unit at future@finance-ni.gov.uk

The Department for Economy has not considered funding for digital hubs at this time.

The Department for the Economy (DfE) however fully recognises that Digital Inclusion has never been more important. DfE's £165 million 'Project Stratum' will provide next generation broadband access to 79,000 rural homes who previously could not access high quality broadband transforming how these families work and access vital services.

This Project will also contribute towards one of the Department's key priorities of creating a more regionally based economy. It will facilitate greater choice in where individuals and businesses can work from, including the option for many to work from home, or from local premises in towns and villages throughout Northern Ireland.

Ms Sugden asked the Minister for the Economy to detail the support available to owners of self-catering accommodation who have seen reductions in business due to Executive regulations, in particular the essential travel only element of the COVID-19 regulations.

(AQW 11057/17-22)

Mrs Dodds: The travel industry has been impacted particularly hard by COVID-19, both locally and on a global scale.

Under current regulations and associated restrictions, which came into effect on 26th December 2020, self-catering businesses are required to close, except in a very limited number of scenarios. As such, they may be eligible for either the Localised Restrictions Support Scheme or the Covid Restrictions Business Support Scheme, depending on their particular circumstances.

The Executive has also allocated £4.1 million to support Bed & Breakfast, Guest House and Guest Accommodation providers. My Department is working with Tourism NI to develop this targeted financial support scheme, which will come into effect before the end of January 2021.

It will be for the Executive to collectively decide on how any additional financial resources should be allocated, including those aimed at supporting local businesses and the wider economy.

Mr McNulty asked the Minister for the Economy (i) how many (a) two; (b) three; (c) four; and (d) five day priority written questions her Department has received since the return of devolution in January 2020; and (ii) how many of these questions (a) were answered on time; and (b) remain unanswered.

(AQW 11477/17-22)

Mrs Dodds: From 17th January to 2nd December 2020 my Department has received an extraordinary number of Questions for Written Answer, including a total of 89 Priority Written Questions. It has not been possible to answer all of these within the required timescales.

Ms Rogan asked the Minister for the Economy whether she will bring forward plans to assist car dealers in purchasing motability cars from Britain.

(AQW 11960/17-22)

Mrs Dodds: It is not within the remit of my Department to assist car dealers purchase cars.

Mr Dickson asked the Minister for the Economy to provide (i) a timeframe for introducing a COVID-19 financial support scheme for company directors; and (ii) what actions her Department is taking to ensure work on the scheme is completed as soon as possible.

(AQW 12208/17-22)

Mrs Dodds:

- (i) The Limited Company Directors Support Scheme (LCDSS) will open for applications at 6pm on Thursday 21 January. This scheme will support limited company directors impacted by the pandemic.
- (ii) The scheme will be delivered by Invest Northern Ireland on behalf of the Department for the Economy. Applications will be verified and payments made as quickly as possible.

More information and eligibility criteria for the scheme are available at www.nibusinessinfo.co.uk/lcdss

Ms Hunter asked the Minister for the Economy (i) what date the Business, Planning and Financial Support Grant Scheme opened for applications; (ii) what date the first payment was made; (iii) how many applications were made from the East Derry constituency; (iv) how many payments were made by Wednesday 16 December; and (v) to detail the total amount paid.

(AQW 12261/17-22)

Mrs Dodds: The Business & Financial Planning Grant is a scheme to provide financial support to businesses to work with a consultant to assess the impact of COVID-19 and develop a strategic recovery plan with financial forecasts.

This is different to an emergency support scheme, such as those provided by the NI Executive and the UK government.

- (i) The Business and Financial Planning Grant scheme opened to applications on 7 October.
- (ii) Grant amounts are offered based on applications submitted with payments made once the work is completed. Payments will be made against receipted expense claims. To date no payments have been made, but all payments are expected to be made by 31 March 2021.
- (iii) Four applications were started from the East Londonderry constituency. Of those applications started, three were submitted and Letters of Offer have been issued.
- (iv) No payments were made by Wednesday 16 December.
- (v) Payment of grants will be made against receipted expenses. To date, no payments have been made, but all payments are expected to be made by 31 March 2021.

Mr Dickson asked the Minister for the Economy what alternative arrangements are being made for work experience and examinations for further education students as a result of the COVID-19 pandemic in this academic year.

(AQW 12377/17-22)

Mrs Dodds:

- My Department has established an Advisory and Oversight Group (AOG) to ensure that appropriate plans are developed and implemented by providers so that educational provision and related activity in the Further Education (FE) sector and Non-Statutory Contractors (NSC) can safely resume for both staff and learners at the earliest opportunity.
- The AOG has developed the Framework for Safe Resumption of On-Site Education and Related Activity which provides guidance to the FE sector and NSCs based on relevant and most up to date medical and scientific advice.
- The Framework document sets out the procedures that must be followed to ensure that employers and placement providers have appropriate health and safety measures in place and the level of COVID-19 related risk to learners on training/ apprenticeship, as well as any staff undertaking workplace assessments or monitoring visits, has been appropriately mitigated. In relation to examinations my Department has been working closely with the further education sector throughout the pandemic to ensure that vocational education is delivered as effectively as possible.
- In response to the ongoing disruption to teaching and learning time, I recently announced further flexibilities in relation to externally assessed vocational exams due to take place in January, including BTecs and Cambridge Technicals.
- Learning centres now have the choice to either proceed with January exams or not, based on their own judgement of the current situation and taking into consideration the personal circumstances of their students and staff.
- Alternative arrangements will be put in place for those students who do not sit January exams to ensure they are not disadvantaged.
- Subsequently the 6 further education colleges took the decision on 7 January to cancel January BTec exams and they are now working with student and awarding organisations to put alternative arrangements in place.
- In conjunction with key stakeholders, my Department is currently giving consideration to the most appropriate approach to vocational exams and assessments in the summer given the high likelihood of continued disruption to teaching and learning.

Mr Easton asked the Minister for the Economy when the COVID-19 Directors Grant will open for applications.
(AQW 12408/17-22)

Mrs Dodds: The Limited Company Directors Support Scheme (LCDSS) will open for applications at 6pm on Thursday 21 January.

Mr McCrossan asked the Minister for the Economy whether her Department has considered providing funding to establish digital hubs in rural areas.
(AQW 12427/17-22)

Mrs Dodds: A Digital Inclusion Unit has been established within the Department of Finance (DoF), whose responsibility and aim is to promote a digitally inclusive society throughout Northern Ireland, including rural areas. The Unit is delivering a range of projects, working in close partnership with a number of public and private organisations

The DoF Digital Transformation Strategy, 'Making Lives Better, A Strategy for Digital Transformation of Public Services 2017 to 2021', identifies a number of enablers for a digitally transformed society. One of these is access to Information Technology in 'Digital Hubs'.

Discussions have taken place with LibrariesNI on a pilot project, designed to raise awareness and demonstrate the role libraries can play in providing access to and promoting a wide range of public services.

Further information on digital inclusion activities can be accessed by contacting the Digital Inclusion Unit at future@finance-ni.gov.uk

The Department for Economy has not considered funding for digital hubs at this time.

The Department for the Economy (DfE) however fully recognises that Digital Inclusion has never been more important. DfE's £165 million 'Project Stratum' will provide next generation broadband access to 79,000 rural homes who previously could not access high quality broadband transforming how these families work and access vital services.

This Project will also contribute towards one of the Department's key priorities of creating a more regionally based economy. It will facilitate greater choice in where individuals and businesses can work from, including the option for many to work from home, or from local premises in towns and villages throughout Northern Ireland.

Ms McLaughlin asked the Minister for the Economy (i) whether the employment grant of £680,000 offered to Cayan, now known as TSYS, by Invest NI has been paid; (ii) whether Invest NI will seek to recover this sum from TSYS now that the company is withdrawing from Belfast and Derry; (iii) whether any additional funds to support the location of Cayan/TSYS in Northern Ireland have been paid; and (iv) for her assessment of Invest NI's arrangements for grant recovery where companies that have received financial support relocate out of Northern Ireland.
(AQW 12472/17-22)

Mrs Dodds: In 2016 Invest NI offered the company a total of £680,000 in Selective Financial Assistance to support the creation of up to 170 new jobs in a new Customer Support Services team. The company created and sustained a total of 139 jobs. Consequently the company was paid a total of £556,000 against vouched and approved grant claims.

In 2020 the company's US Parent, Global Payments Inc., initiated a strategic review of all its Customer Support operations. The outcome of this review was the decision to on-shore the vast majority of its international Customer Support operations around the world to the USA. Regrettably, in January 2020, after a period of statutory consultation, the company informed staff of its intention to close its Customer Support operation in Northern Ireland, and the associated redundancy of 109 staff.

It is important to emphasise that this decision does not affect the TSYS's Software Engineering operations, established in 2013, which will continue to employ over 100 staff across two centres in Belfast and Londonderry. The company is therefore not planning to 'withdraw' from Northern Ireland. It will continue to be an important employer and make a significant contribution to the Northern Ireland economy, including through wages and salaries of over £5m per annum.

Invest NI will consider the terms, conditions and obligations under the relevant Letter of Offer and make an appropriate determination of any clawback due, in line with Invest NI policy.

Invest NI has robust arrangements in place to ensure that grant is recovered where this is appropriate, according to the terms, conditions and obligations of Letters of Offer, and to maintain value-for-money for the public purse.

Ms McLaughlin asked the Minister for the Economy whether she will work with InterTrade Ireland to develop an enhanced business plan to strengthen the all-island economy and enlarged all-island supply chains.
(AQW 12473/17-22)

Mrs Dodds: InterTradeIreland's (ITI) business planning documents are required to be approved by the North South Ministerial Council (NSMC). ITI's 2021 Business Plan and 2020-2022 Corporate Plan were both approved at the Institutional NSMC meeting on 16 December 2020.

Prior to NSMC approval, officials in my Department carefully considered the strategies and objectives set out in both the Business Plan and Corporate Plan to ensure these align with those of my Department. A similar approach will be taken with future Business and Corporate Plans.

ITI's corporate vision set out in these plans is to create an all-island ecosystem in which Northern Ireland and Ireland co-operate to facilitate cross-border opportunities that deliver for business.

Cross-border trade and innovation continue to be the twin pillars of ITI's supports as they have proven to deliver additional value and performance for participating businesses.

My Department will continue to work with and support the body as it delivers across its range of supports.

Ms McLaughlin asked the Minister for the Economy, pursuant to AQW 11456/17-22, (i) whether she has published the evaluation study into Project Kelvin; (ii) if not, whether she will now do so; and (iii) if she is not prepared to do so, to detail the reasons.

(AQW 12474/17-22)

Mrs Dodds:

- (i) The evaluation of Project Kelvin has not been published, although its key findings have been made available;
- (ii) I am content that the evaluation be published. However, the report contains commercially sensitive data and I have asked my officials to undertake a due diligence exercise to identify and redact confidential information. This will be completed as quickly as possible, and the evaluation published on my Department's website. My officials will advise the Member when this has been achieved.

Ms Anderson asked the Minister for the Economy, in light of the recent announcement that TSYS are cutting 120 jobs in Derry and Belfast; (i) what action her Department is taking to explore the recovery of the sum of £680,000 in employment grant that InvestNI invested in the company; and (ii) if this money can be recovered, whether she will act swiftly to ensure that this money is recouped into the public purse.

(AQW 12477/17-22)

Mrs Dodds: In 2016 Invest NI offered the company a total of £680,000 in Selective Financial Assistance to support the creation of up to 170 new jobs in a new Customer Support Services team. The company created and sustained a total of 139 jobs. Consequently the company was paid a total of £556,000 against vouched and approved grant claims.

Regrettably, in January 2020, following a strategic review of its global Customer Support operations, and after a period of statutory consultation, TSYS informed staff of its intention to close its Customer Support operation in Northern Ireland, and the associated redundancy of 109 staff.

Invest NI has been engaged in regular contact with the company prior to, and throughout, the statutory consultation period, and they are working to mitigate the impact of the decision by the company, including exploring opportunities for alternative employment opportunities for those staff affected.

It is important to emphasise that TSYS will continue to employ over 100 software engineering staff across two centres in Belfast and Londonderry and to make a significant contribution to the Northern Ireland economy, including through wages and salaries of over £5m per annum.

Invest NI will consider the terms, conditions and obligations under the relevant Letter of Offer and make an appropriate determination of any clawback due, in line with Invest NI policy. If it is determined that grant clawback is appropriate Invest NI will pursue this accordingly, thereby ensuring that any monies due are recouped into the public purse.

Mr Dickson asked the Minister for the Economy whether she is considering providing COVID-19 financial support to individuals who became self-employed in the 2020/21 financial year.

(AQW 12496/17-22)

Mrs Dodds: The UK Government's Self-Employed Income Support Scheme (SEISS) was launched in March 2020, and many thousands of people throughout Northern Ireland have availed of this support. However, it excluded those who started trading in 2019/20.

Therefore, on 3 December 2020, the Minister for the Economy launched the Newly Self-Employed Support Scheme (NSESS), which is specifically targeted at this population.

However, there is a £10 million funding envelope for the scheme and the eligibility criteria was designed within this funding envelope. The utilisation of any underspend from this scheme as well as any wider funding support will be a decision for the Executive to make collectively.

I along with my Executive colleagues continue to consider all options to provide support to as wide a range of businesses as possible during this pandemic.

Mr Dickson asked the Minister for the Economy to detail plans for the High Street and Tourism Vouchers schemes, including (i) when the schemes will be launched; and (ii) how she will ensure that the expenditure for such schemes will be made in this financial year.

(AQW 12499/17-22)

Mrs Dodds: Unfortunately, due to the recent rise in the number of cases of Coronavirus, and the subsequent restrictions which have been deemed necessary by the Executive, it has been decided that it would not be appropriate to implement the High Street Stimulus Scheme and the Holiday at Home Scheme in the current financial year, ending 31 March 2021, given that much of retail and hospitality remains closed and the public health messaging is to remain at home.

Therefore, any implementation in the immediate future would be contrary to the current Coronavirus Health Regulations and the latest information and advice from the Chief Medical Officer and Chief Scientific Adviser.

The Department for the Economy remains supportive of the policy intervention and intends to put forward a bid to the Executive for these schemes in 2021/22.

Ms Armstrong asked the Minister for the Economy what tariff will be allocated for all exams and coursework at further education colleges and universities to ensure the impact of COVID-19 is taken into account when calculating grades.
(AQW 12503/17-22)

Mrs Dodds: There are no plans at present to apply a discrete COVID-19 tariff for assessment units.

The normal 'special consideration' arrangements for learners will apply in those qualifications where assessments are going ahead. This special considerations process caters for learners who are unable to take assessments due to illness.

CCEA Regulation is working with OFQUAL, Qualifications Wales and the relevant awarding organisations to ensure NI learners are not disadvantaged in any arrangements implemented by awarding organisations. Regulators and awarding organisations are aware of the impact of COVID-19 on teaching and learning. A range of adaptations and flexibilities have been introduced in vocational qualifications to address the challenges posed by the pandemic.

The priority for all awarding organisations is to ensure that learners receive fair and equitable results that allow for due consideration of progression pathways, whether that be to further study or employment.

CCEA Regulation maintains regular contact with University and Colleges Admissions Service (UCAS) and Irish Universities Association (IUA), and in particular Queen's University Belfast and the University of Ulster. All are acutely aware of the impact of COVID-19 and CCEA Regulation will continue to work with them and all relevant stakeholders to ensure progression pathways are open to learners following Summer 2021 awarding.

However, ultimately universities are autonomous institutions and therefore responsible for their own policies and procedures regarding examinations and coursework assessment. The Department has no remit in this matter. How the Universities take into account the disruption caused by the Covid-19 pandemic when calculating grades will be a matter for each institution to decide.

Mr McCrossan asked the Minister for the Economy for her assessment of the relocation of Royal Mail staff from Castleberg to Strabane.
(AQW 12513/17-22)

Mrs Dodds: Postal Services is a reserved matter. I appreciate that the 16 jobs transferring out of Castleberg may impact the local economy, however, the relocation of staff is a decision for Royal Mail.

Mr Frew asked the Minister for the Economy how many energy capacity amber alerts there have been in Northern Ireland each tariff year, running from October to September, from 2014 onwards.
(AQW 12530/17-22)

Mrs Dodds: The data is shown in the table below.

Period	Number of amber alerts
1/10/2014 – 30/9/2018	0
1/10/2018 – 30/9/2019	4
1/10/2019 – 30/9/2020	3
1/10/2020 to date	7

Mr Muir asked the Minister for the Economy (i) whether Moss Road in Holywood, BT18, will be included in the Project Stratum broadband improvement works; and (ii) when these works are due for completion.
(AQW 12557/17-22)

Mrs Dodds:

- (i) The Project Stratum intervention area contains 11 premises located on the Moss Road, Holywood.
- (ii) Fibrus Networks, the contractor appointed to deliver Project Stratum, has published details of the deployment plan, and provided an on-line postcode/address checker, enabling citizens and businesses to confirm if/when their premises are

included for improvement, on its Project Stratum dedicated website at www.hyperfastni.com. This will be updated as the project progresses.

Ms McLaughlin asked the Minister for the Economy to detail the (i) total contribution; and (ii) annual contribution for each of the last ten years, made by the Department for the Economy and the Department for Enterprise, Trade and Investment towards the cost of a gas supply network in Northern Ireland.

(AQW 12567/17-22)

Mrs Dodds: In the 2019/20 financial year, the Department paid grant totalling £28,105,492.15 to support construction of new high pressure gas transmission networks connecting eight further towns in the West (Strabane, Dungannon, Coalisland, Cookstown, Magherafelt, Omagh, Enniskillen and Derrylin) to natural gas. The Department has not provided any other financial support to gas networks during the period in question.

Ms McLaughlin asked the Minister for the Economy (i) for her assessment of the economic benefits for Northern Ireland of being in both the EU Single Market and the UK's Internal Market; (ii) what strategy her Department will adopt to maximise the benefits of retention of membership of the EU Single Market; and (iii) what strategy her Department will adopt to strengthen the all-island economy.

(AQW 12568/17-22)

Mrs Dodds: COVID restrictions have disrupted economies and supply chains at the same time these major trading adjustments have come into place, which results in an unstable economic picture. Taken together, these factors make it difficult to give a definitive assessment of economic benefits or impacts of the new trading environment.

Since I took office, I have sought to engage with the UK Government to seek mitigations against any impact on trade with GB arising from the Protocol and to press for a comprehensive UK-EU trade agreement. My priority has been to ensure that trading arrangements preserve Northern Ireland's place in the UK internal market whilst maximising our opportunities to grow exports to the Republic of Ireland, the rest of the EU and other international markets.

Whilst the UK-EU Trade and Cooperation Agreement (TCA) has been secured and elements of the Protocol implemented, key aspects of GB to NI trade in goods remain unresolved with time limited derogations in place. My immediate priority is to continue to press for sustainable long term solutions to protect trading arrangements with our largest market in GB. Issues with GB business readiness for customs requirements, parcels and online deliveries and steel remain concerns.

On services, which are not covered by the Protocol, the TCA contains provisions on tradable services which will result in increased barriers to trade with the EU, including the Republic of Ireland. The inclusion of a bridging mechanism for data transfer is welcome but a positive adequacy decision from the EU is still required to avoid disruptions to data flows.

I will be continuing to work to secure favourable arrangements which will allow businesses in NI to maximise sales in the UK, EU and further afield. My officials will continue to engage with InvestNI, InterTradeIreland and others to identify and capitalise on market access and growth opportunities. This work will inform the development of a future Economic Strategy for NI.

Mr Dickson asked the Minister for the Economy, pursuant to AQW 11853/17-22, to detail (i) the expected funding gap; and, (ii) any assessment her Department has made of where funding could be diverted from to support European Social Fund projects.

(AQW 12595/17-22)

Mrs Dodds: I have bid in January monitoring for funding that would see my department utilise available domestic funding for existing ESF projects within the current financial year.

These budgetary actions would effectively enable my department to defer spending EC funds of c£25.9 million until 2022-23 when EC funding would have otherwise run out. This will provide additional time to develop appropriate succession Programmes and secure the necessary funding for these valuable interventions.

Mr Dickson asked the Minister for the Economy whether she will extend financial support to those that have not been able to avail of UK-wide or Northern Ireland self-employed COVID-19 support schemes, due to the requirement that 50% of income comes from self-employment.

(AQW 12596/17-22)

Mrs Dodds: The UK Government's Self-Employed Income Support Scheme (SEISS) was launched in March 2020, and many thousands of people throughout Northern Ireland have availed of this support. However, it excluded those who started trading in 2019/20.

Therefore, on 3 December 2020, the Minister for the Economy launched the Newly Self-Employed Support Scheme (NSESS), which is specifically targeted at this population.

On 7 January 2021 I announced changes to ensure that those that moved from paid employment (PAYE) to self-employment during 2019/20 would not have their income from the previous employment taken into account.

However, I acknowledge there remain self-employed individuals impacted by the limits on the NSESS and SEISS. Including those who became self-employed 2018/19 or before.

There is a £10 million funding envelope for the scheme and the eligibility criteria was designed within this funding envelope. The utilisation of any underspend from this scheme as well as any wider funding support will be a decision for the Executive to make collectively.

I along with my Executive colleagues continue to consider all options to provide support to as wide a range of businesses as possible during this pandemic.

Mr O'Dowd asked the Minister for the Economy (i) whether she is aware that the Pearson Group intends to proceed with BTec examinations in the North West Regional College on 18 and 19 January 2021; (ii) what actions have been taken to protect the health and safety of staff and pupils in the college during these examinations; and (iii) whether she will instruct the Pearson Edexcel to cancel BTec examinations being scheduled for January 2021.

(AQW 12602/17-22)

Mrs Dodds: BTecs are offered nationally by Pearson across the UK and are principally regulated by OFQUAL, in conjunction with the other national regulators. Given the ongoing disruption caused by the pandemic on vocational teaching and learning, I recently agreed, in conjunction with Ministerial colleagues in England and Wales, that learning centres would have the choice as to whether to proceed or not with external examinations, such as BTecs, in January.

I have provided an assurance that any student who does not sit January external exams will either be offered an alternative exam date later in the year if appropriate, or they will receive an award based upon teacher/tutor judgement. Given the national nature of BTecs, this position applies consistently across the 3 nations to ensure the ongoing integrity and portability of the qualifications and I welcome the additional flexibility afforded to vocational providers and students.

On 7 January, the 6 further education colleges in Northern Ireland announced their decision to cancel all January BTec exams and I fully support this decision, which was taken in the best interests of students and staff. All BTec exams at North West Regional College have therefore been postponed and will not go ahead on 18 and 19 January. All staff and affected students have been informed of this position and I have reiterated the importance of vocational learners continuing to engage and staying focussed on their studies during these challenging times..

The safety, health and well-being of all learners and staff is of paramount importance when delivering on-site educational activity, including the sitting of examinations and assessments. The colleges must adhere to guidance outlined in the 'Framework for Safe Resumption of On-Site Education and Related Activity' and are required to undertake the necessary risk assessments to ensure the health and safety of all those on campus.

Risk assessments consider individual settings and scenarios to ensure that health and safety legislation and guidance is fully adhered to. Risk assessments are frequently reviewed and, where necessary, updated to ensure they continue to capture all risks, remain relevant and that any changes in government or public health guidance are incorporated into control measures. The colleges must ensure that mitigations such as additional Personal Protective Equipment and Perspex screens are provided where required.

In light of the new highly transmissible strain of Covid-19, it will now be mandatory for all learners, staff, and visitors to wear face coverings whilst on campus, unless they have a medical exemption.

Mr Allister asked the Minister for the Economy how is the Irish Language Unit in NI Screen funded; and with what oversight.
(AQW 12626/17-22)

Mrs Dodds: Northern Ireland Screen officials responsible for this area of work are funded through the Irish Language Broadcast Fund (ILBF). As broadcasting is a reserved matter, the ILBF is funded by the Department of Culture, Media and Sport (DCMS), along with the Ulster-Scots Broadcasting Fund.

Northern Ireland Screen's Board is responsible for the oversight of the ILBF and is answerable to the British Film Institute on behalf of the DCMS.

Ms Sheerin asked the Minister for the Economy, given that Clinically Extremely Vulnerable (CEV) people have been advised by the Chief Medical Officer that they should not attend work, what financial support will be made available to employers who are now advised to furlough people who are either CEV or live with someone who is.

(AQW 12651/17-22)

Mrs Dodds: From 26 December 2020, Clinically Extremely Vulnerable (CEV) people who are working and are unable to do so from home are advised not to attend the workplace.

At present this is advice only, those individuals who are deemed CEV should use their own judgement about attending work, depending on the Covid-security of their working environment. All employers however have a 'duty of care' for staff which means taking all steps they reasonably can to support the health, safety and wellbeing of their staff.

Any employee who cannot attend work due to this latest advice will be eligible for Statutory Sick Pay, and can use their Chief Medical Officer (CMO) letter as evidence for their employer. This advice is in place for six weeks initially, and will be reviewed in line with the current restrictions more generally.

Employers have not been advised to furlough staff who are CEV or live with someone who is, as this may not be the best or appropriate option for either, depending on the employment status or contractual issues that may apply to each individual scenario.

The Coronavirus Job Retention (furlough) Scheme is a UK Government scheme, which was introduced in March 2020, and it enables employers to access 80% of their employees' salary.

It has been widely used and welcomed by employers throughout Northern Ireland since March 2020. Due to the continued presence of COVID-19, the UK Government has extended the scheme on a number of occasions, and employers are currently able to furlough staff until at least the end of April 2021.

In addition to the furlough scheme, the UK Government and the NI Executive have provided and continue to offer an unprecedented range of financial support to businesses and employers, including direct grants, rates relief packages, and weekly payments during periods of imposed restrictions.

The full range of available support can be found on the following websites:

<https://www.nibusinessinfo.co.uk/campaign/coronavirus-updates-support-your-business>

<https://www.gov.uk/coronavirus/business-support>

Ms McLaughlin asked the Minister for the Economy for her assessment of the reasons for the repeated electricity outages in recent weeks in Derry City and Strabane District Council area.

(AQW 12665/17-22)

Mrs Dodds: This is a matter for NIE Networks. Enquiries can be submitted through the help and advice section in the NIE website. (www.nienetworks.co.uk)

Mr Dickson asked the Minister for the Economy, pursuant to AQW 11548/17-22, to detail (i) the projects included in the scheme and the amount paid out to each; (ii) the projects that continue to pay back loans; and (iii) the amount the Department expects to be repaid out of the £17.8 million in loans issued.

(AQW 12692/17-22)

Mrs Dodds: The aim of the Sustainable Utilisation of Poultry Litter (SUPL) Scheme 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.

Two companies received support through the SUPL scheme:

- Glenmore Generation Ltd received £9.3m of support by way of a commercial loan. There have been no repayments received to date. The situation is fluid, however based on the information currently available there is a risk that the loan will not be repaid.
- Anaerobic Advantage Ltd received £8.5m of support by way of a commercial loan and equity investment. Repayments are ongoing and based on information currently available are due to continue.

Mr Dickson asked the Minister for the Economy, pursuant to AQW 11550/17-22, when the first instalment for the loan was due to be repaid to the Department.

(AQW 12693/17-22)

Mrs Dodds: The aim of the Sustainable Utilisation of Poultry Litter (SUPL) Scheme 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.

The loan was made on the basis that once the plant was operational and profitable repayments would commence.

Dr Archibald asked the Minister for the Economy whether students from the north and studying in the south, and vice versa, will continue to have home student fee status from the academic year 2021/22 onwards.

(AQW 12731/17-22)

Mrs Dodds: Fees for University courses in the Republic of Ireland is a matter for their Department of Further and Higher Education, Research, Innovation and Science. In January 2020 Republic of Ireland Ministers announced that UK students starting courses in academic year 2020/21 would continue to be charged the same €3,000 as their 'home' students for the duration of their courses.

In recent years they have announced their fee policy in the January before the academic year starts, so hopefully they will announce their intentions in the coming days.

I can confirm that Republic of Ireland students starting courses in Northern Ireland from academic year 2021/22 onwards, will continue to be eligible for home fee charges on the same basis as present.

Mr Allister asked the Minister for the Economy how, and in what manifest form, her Department has met its obligations under the Aarhus Convention to make publicly available full information on the impact of its policy commitment to a 70 per cent renewable target.

(AQW 12804/17-22)

Mrs Dodds: Whilst I have made clear my intention that any new renewable electricity target would not be below 70%, I should clarify that my Department has not yet set any formal targets. A number of targets are still being considered through the development of the new Energy Strategy.

There have already been opportunities provided for the public to input to the development of targets through the Call for Evidence launched in December 2019, and there will be further opportunities through the planned Energy Strategy Options Consultation which I intend to publish in March 2021.

Any resulting policies or programmes that flow from the target will, of course, be subject to the full range of impact assessments as appropriate, including those affecting the environment.

Mr McHugh asked the Minister for the Economy whether there will be a VAT charge from Dublin or London on cars which come into the north under the VAT margin scheme, but are then sold to customers in the south.

(AQW 12816/17-22)

Mrs Dodds: I welcome the commitment made by the chancellor of the Duchy of Lancaster that HMT and HMRC will reinstate the VAT margin scheme to ensure NI customers will pay no more than those elsewhere in the UK.

I am also pleased that this commitment was followed by a written Ministerial Statement made on January 14th, making clear that the UK Government has started the process of seeking a derogation to allow the margin scheme to continue to be used in NI in respect of second hand motor vehicles purchased in GB since the end of the transition period.

As VAT is charged at the point of sale, if a second-hand car purchased in GB is then sold by a NI vendor to a customer in Ireland, the vendor will have to account for the UK VAT in their UK VAT return and it will be part of the purchase price.

There may however be other costs from exporting to Ireland. There is guidance for whether a good is defined as 'at risk' of entering the EU (including RoI), and which will therefore attract the EU tariff, on the UKG webpages. There is also specific information for rules of origin on second-hand goods. There are vouchers available, if you meet the criteria, from InterTradeIreland for specific professional advice on Brexit: <https://intertradeireland.com/brexit/funding>.

My Department has organised a webinar by HMRC on 26th January on VAT for all NI businesses. Details will be published on the InvestNI EU Exit website shortly (<https://www.investni.com/eu-exit>)

Mrs Barton asked the Minister for the Economy what tariffs and administration are involved when importing and exporting steel to or from Northern Ireland.

(AQW 12862/17-22)

Mrs Dodds: The UK Government has assured me that action is being taken to protect NI steel imports. Purchases of steel from GB of UK origin can be brought into NI using an interim quota arrangement. Purchases of steel in free circulation in the EU can be brought directly into NI without any tariffs. HMRC expect to provide guidance to business this week on RoW imports directly into NI.

Other customs administration will be in line with imports and exports of other goods.

Mr McCrossan asked the Minister for the Economy to detail what actions her Department is taking to ensure security of supply of steel imports into Northern Ireland.

(AQW 12866/17-22)

Mrs Dodds: Security of steel imports into NI is vital to the long-term sustainability of our manufacturing sector. Any tariffs on steel will be damaging for businesses and I have spoken to UK Government Ministers and asked them to ensure this issue is resolved. I have also met with local businesses that are concerned about this issue.

The UK Government has assured me that action is being taken to protect NI steel imports. Purchases of steel from GB of UK origin can be brought into NI using an interim quota arrangement. Purchases of steel in free circulation in the EU can be brought directly into NI without any tariffs.

I understand HMRC intend to publish guidance this week on RoW imports directly into NI which I hope will provide much needed clarity.

I will be keeping this issue under constant review to ensure that the UK Government is living up to the commitments it has made to the NI manufacturing sector.

Mr Allister asked the Minister for the Economy why the accounts of the Office of Industrial Tribunal and the Fair Employment Tribunal have not been published since 2013.

(AQW 12887/17-22)

Mrs Dodds: The Office of the Industrial Tribunals and Fair Employment Tribunal have never published accounts and are not statutorily required to do so.

Up until 2013 there was a practice of publishing statistical information under the title of “annual report”. There is no statutory obligation to publish this information.

Ms Ní Chuilín asked the Minister for the Economy when the High Street Voucher Scheme, announced last year, will start. **(AQW 12958/17-22)**

Mrs Dodds: Unfortunately, due to the recent rise in the number of cases of Coronavirus, and the subsequent restrictions which have been deemed necessary by the Executive, it has been decided that it would not be appropriate to implement the High Street Stimulus Scheme in the current financial year, ending 31 March 2021, given that much of retail and hospitality remains closed and the public health messaging is to remain at home.

Therefore, any implementation in the immediate future would be contrary to the current Coronavirus Health Regulations and the latest information and advice from the Chief Medical Officer and Chief Scientific Adviser.

The Department for the Economy remains supportive of the policy intervention and intends to put forward a bid to the Executive for this scheme in 2021/22.

Northern Ireland Assembly

Friday 29 January 2021

Written Answers to Questions

The Executive Office

Mr Durkan asked the First Minister and deputy First Minister (i) whether the Central Good Relations Fund is impacted by restrictions as a result of COVID-19; and (ii) whether they will give an extension to complete their scheduled programmes and activities after 31 March 2020.

(AQW 3667/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): Officials worked with groups delivering Central Good Relations Fund projects to establish activity which they were unable to deliver as a result of COVID-19 restrictions. This was minimal, given the stage in the year. (ii) An extension to complete any outstanding activities could not be offered as the Contract with The Executive Office, the Letter of Offer, ended on 30 March 2020. However, any costs incurred by groups have been met by The Executive Office.

Mr Allister asked the First Minister and deputy First Minister, as we move towards lifting restrictions on weddings, whether they will ensure any limitation on the number of attendees is not arbitrarily fixed but linked to the capacity of the venue to facilitate any required social distancing.

(AQW 5052/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Under the current restrictions in place from 26 December until 5 March, a wedding or civil partnership ceremony in any venue is permitted for up to 25 people including the celebrant and children. Pre- and post-ceremony celebrations are not permitted.

Information on the current COVID-19 Regulations and what they mean can be found on nidirect at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

The Executive considers the latest medical/scientific advice, the level of transmission and the impact of relaxations on the future trajectory of the pandemic when making decisions on the restrictions required at any time.

Mr McGrath asked the First Minister and deputy First Minister for their assessment of the lack of answers to written questions submitted to the Executive Office.

(AQW 6949/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: While we constantly strive to ensure that responses are provided in a timely fashion, we regret that this is not always possible on all occasions. We would again highlight the unique nature of our responsibilities, which requires joint consideration and agreement on an appropriate response, and which adds an additional element which has a significant bearing upon the timescales required.

Our department, in common with the others, has also experienced disruption as a result of Covid-19 which has impacted upon the timelines of responses to questions because of the need to divert and dedicate staffing resources in response to this emergency.

Mr Allister asked the First Minister and deputy First Minister when AQW 5965/17-22 will be answered.

(AQW 7295/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: AQW 5965/17-22 was answered on 29th October 2020.

Mr McGrath asked the First Minister and deputy First Minister, in relation to their Written Ministerial Statement about the recruitment of the Head of Civil Service, to outline what are 'the challenges (that) cannot be underestimated'.

(AQW 7722/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: This is a critical time as the Executive continues to manage its response to, and recovery from the Coronavirus pandemic. This includes addressing significant health, societal and economic issues and putting us in the best possible place to rebuild our economy, rejuvenate our society and transform our public services.

The NI Executive is currently developing a new strategic, Outcomes-based Programme for Government (PfG). This Programme will provide a basis for the Executive to partner with civic society, respond to the needs of people and communities and build an inclusive society, where outcomes of individual and collective wellbeing are the key drivers for the government agenda.

The Head of the Civil Service will lead the NICS in addressing these challenges, ensuring that it continues to deliver public services during the pandemic and maintains its focus on the Executive's PfG commitments.

This will involve continuing to improve the scope, responsiveness and user friendliness of services to a wide range of customers against a backdrop of financial constraints, a major programme of reform and ensuring that it has the confidence and trust of a range of stakeholders and the wider NI community.

Additionally, the Head of the Civil Service will lead the work of the Executive Covid Taskforce whose purpose is to co-ordinate an integrated programme of work in response to the Covid-19 pandemic including planning for recovery.

A further ongoing priority will be managing the implementation of the NI Protocol and Trade Development Agreement following EU Exit.

The Head of the Civil Service will also have a personal involvement in and commitment to the national and international dimension of the work of the Executive. This includes close co-operation with colleagues in the UK Government, devolved administrations in Scotland and Wales, the Irish Government and the wider representational role with offices currently in Washington, Beijing and Brussels.

Ms Bunting asked the First Minister and deputy First Minister whether they would be willing to produce a modern slavery statement following the publication of the UK Government's modern slavery statement in March 2020.
(AQW 9398/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We are committed to tackling modern slavery and will work with other Ministers to ensure that the Executive's approach remains in step with those of other administrations.

The Department of Justice is taking the lead for the Executive on Changes to Transparency in Supply Chains. We note that the Minister of Justice's response to your AQW 9322/17-22 has provided further detail on the work being undertaken by her department in co-operation with officials in other departments, and which will provide a basis for the development of a modern slavery statement.

Mr Muir asked the First Minister and deputy First Minister for an update on the formation of the (i) Compact Civic Advisory Panel; and (ii) Citizens Assembly.
(AQW 9411/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We remain committed to the re-establishment of the Compact Civic Advisory Panel and the Convening of at least one Citizens Assembly each year. Preparatory work has begun but COVID-19 has unavoidably impacted both on this work due to the necessary diversion of staffing resources and also on their potential ability to function most effectively due to the current social constraints in which we are operating.

Ms McLaughlin asked the First Minister and deputy First Minister for their assessment of the proposal from some businesses that the likely need for a future circuit breaker can be anticipated and can therefore (i) be planned for in advance; (ii) have dates set in advance; and (iii) coincide, at least in part, with planned school holiday periods.
(AQW 9548/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: In determining the nature and extent of any restrictions required to curb the transmission of the virus, the Executive will always be guided by the most up-to-date scientific advice; the ability of the health service to cope; and the wider impacts on our health, society and the economy.

The Executive's approach in this regard is therefore not time bounded because it is vital that we retain the flexibility needed to respond to the complex and ever evolving situation based on all relevant evidence.

The Executive remains committed to providing businesses and individuals with as much notice as is possible before the introduction of restrictions to allow planning to take place in advance.

Miss Woods asked the First Minister and deputy First Minister, with regard to the COVID-19 restrictions in effect from 27 November 2020, (i) for a definition or prescriptive list of homeware stores for the purposes of essential retail; and (ii) whether Men's Sheds can continue to operate.
(AQW 11165/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: The guidance on the Regulations that were in place from 27 November until 10 December stipulated that a homeware store must sell goods for furnishing or equipping a home.

Men's Sheds were permitted to operate if ancillary to health reasons and were required to open in line with all Public Health Agency guidance, including social distancing and hygiene requirements.

Under the latest set of Regulations that were introduced on 26 December, homeware stores are not included in the list of essential retail permitted to open.

Information on the current COVID-19 Regulations and what they mean for business sectors and individuals can be found on nidirect at: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-regulations-guidance-what-restrictions-mean-you>

Ms McLaughlin asked the First Minister and deputy First Minister whether they will place on the Executive's agenda the Assembly's motion on Onshore Petroleum Licensing and Drilling and its resolution that the Executive should instigate an immediate moratorium on petroleum licensing for all exploration for, drilling for, and extraction of, hydrocarbons until legislation is brought forward that bans all this.

(AQW 11979/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: We note that, in responding to the debate on the Motion on 13 October, the Minister for the Economy outlined the process which she has initiated to develop future policy on petroleum exploration, and advised that any proposals arising from this would be brought to the Executive for its agreement. In these circumstances we would not propose to pre-empt its conclusions by engaging the Executive at this time.

Mr Durkan asked the First Minister and deputy First Minister what arrangements are in place for (i) the emptying of bins; and (ii) the cleaning and monitoring of the public toilets on the Ebrington site.

(AQW 12080/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Waste bins on Ebrington are emptied on a daily basis, seven days a week with collections increased during busy periods. The Public Toilets are cleaned twice daily. Both services are completed under contract.

There has been considerable additional football on Ebrington in the past year which, whilst welcomed, has increased the volume of waste and use of on-site toilet facilities.

In recognition of this, additional recycling bins are being provided and the toilet facilities cleaned more regularly during busy periods. The cleanliness of the site is constantly monitored by officials to ensure any enhanced arrangements are made should they be required.

Mr Middleton asked the First Minister and deputy First Minister for a list of currently (i) occupied; and (ii) unoccupied buildings in the Ebrington site, Londonderry.

(AQW 12539/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Details of occupied and unoccupied buildings on Ebrington are available in the Ebrington Development Brochure at www.yourebrington.com/work

Department of Agriculture, Environment and Rural Affairs

Ms S Bradley asked the Minister of Agriculture, Environment and Rural Affairs (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 11112/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs):

- (i) The DAERA Tackling Rural Poverty and Social Isolation (TRPSI) Programme supports a range of initiatives which address rural loneliness and isolation issues. I have secured an increased budget of £5m this year to support new and enhanced activities in response to the impact of Covid 19. Initiatives supported include: Rural Support charity and helpline; Rural Community Development Support Service and Networks; Rural Transport; Micro Capital Grant for businesses and communities; Coronavirus Community Fund; Access and Inclusion investment; Digital Inclusion and Rural Hubs; Recreational walkways; Health and well-being support; and Village Revitalisation investment.
- (ii) I am supportive of the development of a preventing loneliness strategy.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 10323/17-22 and AQW 10324/17-22, whether he will ask the North South Ministerial Council to dismiss Mr. Ian McCrea from the board of the Loughs Agency, if he has not done so already.

(AQW 11421/17-22)

Mr Poots: The appointment of Board Members to North/South Bodies and the applicable conditions of appointment are matters for the NSMC. I can confirm that Mr McCrea attended the FCILC board meeting on 18th December 2020.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs, in order to target the worst polluting vehicles to address air pollution, whether he has considered introducing a city-wide low emission zone for Belfast.

(AQW 12336/17-22)

Mr Poots: As you will be aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department.

While a city-wide low emission zone for Belfast has not been specifically proposed in this document, I would like to draw your attention to Section 2.9 titled, Clean Air Zones. This section outlines Defra's Action Plan for tackling nitrogen dioxide, which is centred on an approach whereby Clean Air Zones (CAZs) are implemented in urban areas where nitrogen dioxide levels exceed EU limit values. A national Clean Air Zone Framework has been published.

Low Emission Zones (LEZs) are then discussed and it is proposed that LEZs are more suited to nitrogen dioxide exceedances in city centre streets. The section concludes with a number of questions, from which it is hoped valuable feedback will be received. The questions are as follows:

Low Emissions Zones

Q: Do you think that DAERA should develop a Low Emissions Zone Framework for dealing specifically with transport emissions in Northern Ireland?

or

Q: Would you be in favour of Low Emissions Zones for urban areas also covering other sources of pollution, for example those from household heating?

Q: What are your views on vehicle charging cordons for entry to the most polluted parts of urban areas in Northern Ireland?

Air Quality Management Areas (AQMA) are also discussed and I would refer you to pages 133 to 134. The current approach with AQMAs is explained and is compared to emerging best practice solutions; for example, traffic emissions at a particular junction are best considered in the context of wider urban infrastructure. Page 138 explains how this revised process could function using an example. The Discussion Document again asks a number of questions:

AQMAs

Q: Should AQMAs should be discontinued and replaced instead with Low Emissions Zones, which cover all aspects of air quality, including Smoke Control?

Q: Where applicable, should the entirety of urban districts should be declared as AQMAs (or Low Emissions Zones)?

These questions are designed to generate discussion, however, you will note that they are 'open' in nature to encourage wide debate and discussion. Constructive comments relevant to any topic will therefore be greatly appreciated and strengthen the consultation process.

I would encourage you to consider the Clean Air Zones proposals, in addition to all other sections of the Discussion Document and respond through the formal route. This will ensure your thoughtful and valued comments, in relation to Clean Air Zones, in addition to any other comments or suggestions you may have, are captured as part of the final assessment. The Discussion Document, Abridged version and response details are available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs, from 1 January 2021, what change in rules will apply to the return of cattle from Great Britain which are taken there for the purpose of (i) shows; and (ii) sales.

(AQW 12354/17-22)

Mr Poots: From 1 January 2021 livestock can only be moved from Great Britain (GB) to Northern Ireland (NI) if they satisfy the same requirements for third country imports into the EU, this includes cattle returning from GB which have been taken there for shows or sales.

All livestock moving from GB to NI, need:-

- To be accompanied by the correct signed export health certificate (EHC) issued under the authority of the Department for Environment, Food and Rural Affairs (DEFRA);
- To be pre-notified via the TRACES NT system at least 24 hours before the movement into NI;
- To meet required residency conditions; including residency in GB from birth or for 6 months prior to move; resident on their current holding for at least 40 days before the move with no contact with other imported cloven-hooved animals;
- To be identified with a tag printed with the country code "GB" in addition to their official identity code. For animals originating in NI this will require applying a third "export tag" printed with the animal's existing ID and the letters "GB".

Additionally such livestock

- Must not be moved on to another holding for at least 30 days after arrival (apart for a move to direct slaughter);
- Must enter through a designated NI point of entry; and

- If moving from England and Wales specifically must have had a negative bTB test in the 30 days preceding the movement.

I am acutely aware of the issues regarding the movement of livestock from GB to NI and in particular the implications for breeders of pedigree livestock, who buy, sell or show animals at venues in GB. I fully appreciate the difficulties regarding the requirements of the EHC for the movement of livestock.

I have written to the European Commission to highlight the issues with what I regard as the unnecessary animal health and residence requirements within the EHCs for GB to NI livestock movements. I will also continue to engage on these issues with my Ministerial Colleagues across the UK and have requested my officials similarly continue to engage with their GB counterparts to explore potential mitigations where possible.

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs what work his Department is undertaking to ensure the importation of seeds from GB will not damage the agriculture and horticulture sectors.

(AQW 12511/17-22)

Mr Poots:

Marketing

Northern Ireland remains aligned with the EU for the purposes of marketing agricultural seed (cereal, fodder, vegetable, beet and oil and fibre). Seed produced in Great Britain (GB) can only be marketed in Northern Ireland when the EU grants the UK (GB) equivalence for seed production.

In advance of the UK's withdrawal from the European Union, it was established that an urgent application for UK (GB) equivalence needed to be submitted to the European Commission. The grant of equivalence would mitigate the potential damage to the agriculture and horticulture sectors due to the unavailability of seed from GB. The UK Government, following consultation with, and input from DAERA officials, submitted a request for UK (GB) equivalence in February 2020.

In early January 2021, the EU published a draft Council Decision to grant equivalence to UK (GB) for seed of cereal, fodder, beet and oil and fibre, which looks likely to be adopted and come into force in early 2021. This decision will apply retrospectively from 1 January 2021. It means the EU recognises that the requirements and systems in UK (GB) offer the same assurance as the Union's system. Given the retrospective nature of the Decision, it has been decided that GB seed can be marketed with immediate effect in Northern Ireland, under the rules of the Organisation for Economic Co-operation and Development (OECD).

The EU has not included vegetable seed in the draft Decision, which means that vegetable seed from GB will not be able to be marketed in Northern Ireland. My officials are engaging with their counterparts in Defra to establish the reason for the omission and to push the EU for vegetable seed to be included in any equivalence decision. In the meantime, officials are exploring legal options as to whether vegetable seed from GB can continue to be marketed in Northern Ireland in the absence of equivalence.

In addition to equivalence for production and marketing, seeds for sowing entering Northern Ireland from GB also require a Phytosanitary Certificate (PC) as detailed below.

Plant Health

My Department continues to work to ensure that no damage occurs to the agriculture and horticulture sector through implementing plant health official controls, which protect against unwanted pests and pathogens entering Northern Ireland. EU Regulations in relation to these sanitary and phytosanitary (SPS) controls on regulated plants and plant products, including seeds, continue to apply in Northern Ireland from 1 January 2021.

Seed Potatoes

Under EU Regulations, seed potatoes are classified as having a high biosecurity risk and, as such, are prohibited from entering the EU regulatory zone, including Northern Ireland, from countries outside of the EU, unless a derogation has been agreed by the EU.

Plants and Plant Products

Regulated plants and plant products, including seeds, entering NI from Great Britain (GB) require a Phytosanitary Certificate (PC) issued by the competent authority in GB, confirming the consignment is free from relevant pests and diseases. There is a cost for the PC which falls to the GB business, although these businesses may avail of help with this cost through the UK Government's Movement Assistance Scheme.

Guidance for the Sector

Forest Service Plant Health have developed detailed Q & A guidance for the sector on compliance with the regulations which is available on the DAERA website. Two seminars targeted at the sector were delivered online in advance of January 1st and continuing engagement with stakeholders on a one to one basis has been occurring daily. Forest Service Plant Health are currently engaged with CAFRE Crops & Horticulture Development Branch to deliver a seminar on the 27th January 2021.

Plant Health Equivalence

The UK Government's request for UK (GB) equivalence in February 2020 included plant health issues and the removal of plant health prohibitions. While the EU have since removed prohibitions on ware potatoes from GB to EU and NI, and granted equivalence on the marketing of some seeds and plant reproductive material, other prohibitions continue to apply. I will continue to press the UK Government and the EU to recognise the impacts of the current prohibitions and restrictions for NI businesses and seek the removal of the remaining prohibitions and restrictions to minimise disruptions to movements from GB to NI.

Mr Newton asked the Minister of Agriculture, Environment and Rural Affairs (i) how many illegal puppy farms have been uncovered; (ii) how many prosecutions have followed; and (iii) what sentences or penalties have resulted, in each of the last three years.

(AQW 12544/17-22)

Mr Poots: Responsibility for taking action against illegal dog breeding establishments rests with local councils. My Department does not, therefore, have access to the information you have requested. I have, however, instructed my officials to write to each council and ask that they supply this information directly to you.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs whether (i) new environmental information was received by his Department before it launched the recent public consultations on 16 December 2020 in respect of the reviews of the abstraction licence and consent to discharge licence for the proposed gas caverns project at Islandmagee; and (ii) all new environmental information must form part of any public consultation process.

(AQW 12556/17-22)

Mr Poots: All of the new environmental information was consulted on under the marine licence consultation conducted between December 2019 and March 2020. Application forms to support the reviews of both the Abstraction licence and Consent to Discharge were received by my Department in April 2020.

The review of these authorisations is being advertised under the requirements of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 and all new environmental information, which has been made public during the Marine Licence consultation is available as part of this process. In the normal course of determining the applications, officials will have ongoing dialogue with the applicants to clarify some key points, which will inform the final consent standards and limits.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs, in light of the legal advice received by his Department that the current protocol on ammonia emissions is vulnerable to legal challenge, whether his Permanent Secretary has sought and received a ministerial direction in respect of its continued application.

(AQW 12593/17-22)

Mr Poots: I can confirm that the Permanent Secretary has not sought or received a ministerial direction in respect of the continued application of the current protocol on ammonia emissions.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs for an update on the recent avian influenza outbreak.

(AQW 12643/17-22)

Mr Poots: Highly Pathogenic Avian Influenza (HPAI) H5N8 has been confirmed on two holdings in Northern Ireland (NI). These incursions are the first detections of HPAI in NI ever.

The first case, in Clough, County Antrim, was confirmed by the Chief Veterinary Officer on 6 January 2021. A further case near Lisburn was officially confirmed on 11 January 2021.

In order to mitigate for onward disease spread, all birds on these premises were humanely culled and disease control zones established around each holding. The imposition of zones requires the licensing of certain animals and products of animal origin both into and out of these zones.

Epidemiological investigations are underway to determine the likely source of infection, and determine the risk of disease spread. Veterinary officials will visit all poultry holdings within the 3 km protection zone of each infected premises to provide assurance that there has been no onward disease spread.

Notifiable avian disease has been negated in a further eight holdings in NI where suspicion was reported after veterinary investigations were carried out. Any further suspect cases will be investigated as they are reported, with restrictions placed on suspect holdings until testing and veterinary investigations can negate the presence of notifiable avian disease.

On 1 December 2020 I declared an Avian Influenza Prevention Zone (AIPZ) across NI. I also announced the introduction of a mandatory housing order as a further measure to the AIPZ from Wednesday 23 December 2020.

I continue to urge all keepers of birds to critically review and improve their biosecurity measures in order to keep their birds safe. A biosecurity checklist is available to download from the DAERA website to aid flock keepers in this review

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what discussions he has had with the Minister of Education on the incorporation of air quality within the Northern Ireland curriculum.

(AQW 12644/17-22)

Mr Poots: Discussions with the Minister of Education, on the incorporation of air quality within the Northern Ireland curriculum have taken place.

Furthermore, air quality is currently incorporated within the Northern Ireland curriculum in specific subjects, for example Geography at Key Stage 3 and GCSE level. For younger children in Key Stage 1 & 2, The World Around Us element of the curriculum introduces how to appreciate the environment and the pupil's role in maintaining and improving it as well as understand how actions can affect the environment.

As you will be aware, I recently launched a twelve week public consultation on Monday 23rd November 2020 on the Clean Air Strategy Discussion Document, developed by my Department (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document).

Should you have any suggestions relating to air quality in the Northern Ireland curriculum, or any other matter you feel should be included in the future Clean Air Strategy for Northern Ireland, I would encourage you to submit your comments through the formal route using the designated inbox (casni@daera-ni.gov.uk), this will ensure your important comments, are captured as part of the final assessment.

The questions put forward in the discussion document are designed to generate discussion, however, you will note that they are 'open' in nature to encourage wide debate and discussion. Constructive comments relevant to any topic will therefore be greatly appreciated and strengthen the consultation process.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what steps his Department is taking to support local community organisations co-ordinating beach cleans.

(AQW 12645/17-22)

Mr Poots: My Department is committed to providing support to local communities to address the problem of beach litter. Since 2007/8 over £3 million has been awarded to Keep Northern Ireland Beautiful (KNIB) which helps address the problem of marine and terrestrial litter through measures such as the Marine Litter Survey. For instance in 2019, this support resulted in the removal of 540 bags of litter from the 11 reference beaches. Through my Department's support, KNIB also leads on initiatives, such as the Single Use Plastic Project and the Eco-schools programme, to tackle the source of marine litter.

DAERA is one of the main funders of the Live Here Love Here campaign which is also delivered by KNIB. The campaign promotes community spirit and civic pride through people working together improving local environmental quality.

The Live Here Love Here campaign has a number of strands: a small grants scheme, which periodically provides grants to community groups; the Clean Coasts strand, which includes dedicated action promoting clean-up events and other activities on beaches and inland waterways; and Adopt a Spot initiative, which enables volunteers across Northern Ireland to adopt an area and look after it. The Live Here Love Here website (<https://www.livehereandlovehere.org/cgi-bin/generic?instanceID=56>) also provides information such as local council contacts for the removal of litter.

Ms McLaughlin asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of proposals for clean air legislation in Wales and England that would restrict the sale and burning of coal and wet wood for domestic heating.

(AQW 12750/17-22)

Mr Poots: I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

You will note in the Discussion Document under Section 1.8, titled, The UK Clean Air Strategy, that the Defra proposals to introduce legislation to prohibit the most polluting solid fuels, such as bituminous ('household' or 'smoky') coal, as well as wet wood, are highlighted.

Chapter 3 - Household Emissions discusses the matter further. Section 3.1, Legislation and Controls, provides further information on Smoke Control Areas and section 3.8, Further Smoke Control Measures in England, specifically looks at the approach taken by Defra. Page 96 then goes on to ask six questions:

- Q: Should urban areas, in their entirety, be designated as Smoke Control Areas?
- Q: Should the law should be changed so that non-smokeless fuels may not under any circumstances be sold in Smoke Control Areas?
- Q: Should government ban the sale to the general public of smoky / bituminous / household coal in Northern Ireland?
- Q: Should government ban the import, into Northern Ireland, of high-sulphur coal?
- Q: Should government ban the sale to the general public of unseasoned wood in Northern Ireland at retail outlets?

Q: Are there any further things you think that central and local government could be doing to address air pollution from burning solid fuels?

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process.

I would, however, like to encourage you to formally respond to these and any other questions you may have a viewpoint on, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr Hilditch asked the Minister of Agriculture, Environment and Rural Affairs what powers local councils have to address illegal fly-tipping.

(AQW 12766/17-22)

Mr Poots:

- Since 2003, District Councils (DCs), through Article 28 of the Waste and Contaminated Land Order (Northern Ireland) Order 1997, have the power to direct the clean-up of illegally dumped waste (in contravention of Article 4 of the 1997 Order) by those responsible and seek cost recovery for non-compliance.
- DCs may also undertake clean up in order to prevent pollution of land, water or air or harm to human health or to eliminate or reduce the consequences of the deposit regardless of whether those responsible have been identified.

Mr Beggs asked the Minister of Agriculture, Environment and Rural Affairs to detail the procedures and conditions that must now be met to enable (i) pets; (ii) cattle; (iii) sheep; and (iv) horses to move between the United Kingdom and Northern Ireland.[R]

(AQW 12775/17-22)

Mr Poots:

Pets

The EU Pet Travel Regulation (Regulation (EU) 576/2013) details the documentary, health and compliance check requirements for the travel of pet dogs (including assistance dogs), cats and ferrets between or into EU Member States (MS) which are needed to avoid the quarantining of animals. The Regulation continues to apply in NI following the end of the transition phase and as a result, there are now additional requirements for pet travel from Great Britain (GB) to NI.

All pets moving from Great Britain (GB) to NI will need:-

- a microchip
- a rabies vaccination
- a tapeworm treatment (dogs only)
- an EU animal health certificate or valid EU pet passport
- to enter NI through a Travellers' Point of Entry
- to wait 21 days from the date of the rabies vaccination before travelling

To allow time for these changes to be communicated and allow travellers time to prepare for the new documentary and health requirements there will be no routine checks carried out on those travelling with pets from GB to NI until 1 July 2021. From this date travellers will be expected to be fully compliant with the requirements outlined above.

Livestock (Cattle and Sheep)

From 1 January 2021 livestock, including cattle and sheep, can only be moved from GB to NI if they satisfy the same requirements for third country imports into the EU, this includes livestock returning to NI from GB which have been taken there for shows or sales.

All livestock moving from GB to NI will need to meet the following requirements:

- To be accompanied by and meet the conditions of the relevant export health certificate (EHC) issued under the authority of the Department for Environment, Food and Rural Affairs (DEFRA);
- (For breeding and production sheep) To be accompanied by and meet the conditions of the relevant DAERA specific import licence;
- To be pre-notified via the TRACES NT system at least 24 hours before the movement into NI;
- To meet required residency conditions; including residency in GB from birth or for 6 months prior to move and resident on their current holding for at least 40 days before the move with no contact with other imported cloven-hooved animals;
- Must not be moved on to another holding for at least 30 days after arrival (apart for move to direct slaughter); and
- To enter NI through a designated point of entry.

Horses

From 1 January 2021 all equine movements from GB to NI will need to meet the following requirements:

- To be accompanied by and meet the conditions of the relevant EHC;

- To be pre-notified via the TRACES NT system at least 24 hours before the movement into NI;
- To meet required residency conditions; and
- To have a passport if registered or have a supplementary travel ID in addition to their passport if unregistered.

Mr Beggs asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) the procedures and conditions that must be met to enable (a) the movement of animals to the rest of the United Kingdom to briefly attend shows and competitions; and (b) the animals to return home to Northern Ireland; and (ii) when this guidance will be published.[R]
(AQW 12776/17-22)

Mr Poots: In the case of livestock (cattle, sheep, pigs and goats) moving from Northern Ireland (NI) to Great Britain (GB) there is no change to the certification arrangements.

In the case of livestock moving from GB to NI, the certification requirements which must now be met following the end of the transition period are contained within the relevant export health certificates (EHC) as published on the Department for Environment, Food and Rural Affairs (Defra) website. Guidance and detail on EHCs is available on the Defra website at https://www.gov.uk/export-healthcertificates?destination_country%5B%5D=eu&commodity_type%5B%5D=livestock.

Specifically, the EHCs require that livestock moving to NI from GB (whether returning after attending a show, sale, competition or for whatever reason) must remain resident in GB for six months prior to the movement to NI, and on the export premises itself, for the 40 days prior to the return / move to NI.

I am acutely aware of the issues regarding the movement of livestock from GB to NI and in particular the implications for breeders of pedigree livestock, who buy, sell or show animals at venues in GB, and fully appreciate the difficulties which the existing EHC requirements now present. I have written to the European Commission to highlight what I regard to be unnecessary additional animal health and residence requirements for GB to NI livestock movements, and the resultant difficulties they have caused for these important livestock movements.

I will also continue to raise these issues with my Ministerial colleagues across the UK, and have requested my officials similarly continue to engage with their counterparts to explore potential mitigations where possible.

Further guidance and any updates on livestock moves from GB to NI are available on my Department's website at <https://www.daera-ni.gov.uk/topics/animal-health-and-welfare/importing-animals-animal-products-and-products>.

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 256/17-22, whether he has issued a direction to his officials to continue operating the current operational protocol for the assessment of impacts of ammonia emissions.
(AQW 12808/17-22)

Mr Poots: In June 2020, I instructed my Departmental officials to continue to employ the Department's current protocol on ammonia emissions in the provision of statutory planning advice and assessment of permit applications, until an expedited review of the extant protocol is complete.

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs what discussions he has had with the Department for Environment, Food and Rural Affairs in relation to allocating Northern Ireland its share of the new quota on the basis of the established principle of fixed quota allocation units.
(AQW 12813/17-22)

Mr Poots: The 2018 UK Government white paper on fisheries set out an intention to discuss with Devolved Administrations the allocation of additional quota, secured through future negotiations with the EU, on a different basis than the principle of Fixed Quota Allocation (FQA) Units.

My Department has been fully engaged in these discussions and I wrote to both the Secretary of State for the Environment, Food and Rural Affairs and to the UK Fisheries Minister on the 13th October 2020 setting out my views on the DEFRA proposals. I have also raised this issue with the DEFRA Fisheries Minister on 18th November and most recently on the 18th January 2021.

It remains my view that additional quota must first be allocated to ensure continued activity of our existing fleets in the Irish Sea and around the wider UK. My preference is to continue to use the existing FQA allocation system for all UK quota, however we need to fully consider the proposals to ensure that all administrations get a fair outcome and this will only be possible when the Coastal State negotiations, which will set the total quota available for many species, have concluded. My Department are fully involved in these negotiations.

I will continue to closely monitor both the negotiations and allocation discussions

Mr McHugh asked the Minister of Agriculture, Environment and Rural Affairs to detail the remedial actions that were taken to address the land slippage on adjacent property during, and as a result of, the construction of the Slieveglass Windfarm at Kirlish Road, Castlederg.
(AQW 12815/17-22)

Mr Poots: The Northern Ireland Environment Agency (NIEA) last received a planning consultation relating to Slieveglass Windfarm at Kirlish Road, Castlederg in 2017 (LA10/2016/1131/F). NIEA provided advice about potential environmental impacts. It was the responsibility of the planning authority to determine applications associated with this windfarm.

The local planning authority has not consulted NIEA about this development in regards to any land slippage on adjacent property as a result of construction or any remedial actions taken to address this.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether the new Clean Air Strategy will include a national advisory board on air quality, chaired by him, which would be comprised of experts, academia and representatives from NGOs, local authorities and high polluting sectors like transport and energy.

(AQW 12831/17-22)

Mr Poots: As you will be aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department (available to view at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document)

While a national advisory board on air quality has not been proposed in this document, I would like to draw your attention to Section 7.2 titled, Air Quality Forum. This section outlines DAERA's commitment to setting up an Air Quality Forum, which is intended to, among other things, oversee measures associated with improving the air quality indicator, as well as to discuss any reforms coming from the current review of air quality policy. The Forum will also serve to act as a focus between government departments, district councils and other stakeholders.

A number of questions are put forward that are specific to the Air Quality Forum proposal and responses are sought. Please refer to questions twenty seven to twenty nine. I would encourage you to consider the Air Quality Forum proposals, in addition to all other sections of the Discussion Document and respond through the formal route using the dedicate inbox (casni@daera-ni.gov.uk). This will ensure your valued comments, in relation to a national advisory board on air quality, in addition to any other comments or suggestions you may have, are captured as part of the final assessment.

Following the period of public discussion, responses received will be reviewed, options considered and range of proposals formulated. Once I have considered the options and decided on a policy direction, officials shall begin to draft the first Clean Air Strategy for Northern Ireland. This will be a more focussed and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area, Executive approval will also be sought at that time.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to consider (i) a city-wide Low Emission Zone (LEZ) for Belfast, targeting the worst polluting vehicles of all classes; and (ii) smaller localised LEZs for specific hotspots in other communities.

(AQW 12832/17-22)

Mr Poots: As you will be aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department.

While a city-wide low emission zone for Belfast and smaller localised LEZs for specific hotspots in other communities, has not been specifically proposed in this document, I would like to draw your attention to Section 2.9 titled, Clean Air Zones. This section outlines Defra's Action Plan for tackling nitrogen dioxide, which is centred on an approach whereby Clean Air Zones (CAZs) are implemented in urban areas where nitrogen dioxide levels exceed EU limit values. A national Clean Air Zone Framework has been published.

Low Emission Zones (LEZs) are then discussed and it is proposed that LEZs are more suited to nitrogen dioxide exceedances in city centre streets. The section concludes with a number of questions, from which it is hoped valuable feedback will be received. The questions are as follows:

Low Emissions Zones

Q: Do you think that DAERA should develop a Low Emissions Zone Framework for dealing specifically with transport emissions in Northern Ireland?

or

Q: Would you be in favour of Low Emissions Zones for urban areas also covering other sources of pollution, for example those from household heating?

Q: What are your views on vehicle charging cordons for entry to the most polluted parts of urban areas in Northern Ireland?

Air Quality Management Areas (AQMA) are also discussed and I would refer you to pages 133 to 134. The current approach with AQMAs is explained and is compared to emerging best practice solutions; for example, traffic emissions at a particular junction are best considered in the context of wider urban infrastructure. Page 138 explains how this revised process could function using an example. The Discussion Document asks a number of questions relating to AQMAs:

Q: Should AQMAs be discontinued and replaced instead with Low Emissions Zones, which cover all aspects of air quality, including Smoke Control?

Q: Where applicable, should the entirety of urban districts should be declared as AQMAs (or Low Emissions Zones)?

These questions are designed to generate discussion and you will note that they are 'open' in nature to encourage wide debate and discussion. Constructive comments relevant to any topic will therefore be greatly appreciated and strengthen the consultation process.

I would encourage you to consider the Clean Air Zones proposals, in addition to all other sections of the Discussion Document and raise your suggestions through the formal route using the dedicated inbox (casni@daera-ni.gov.uk). This will ensure your thoughtful and valued comments, in relation to Clean Air Zones, in addition to any other comments or suggestions you may have, are captured as part of the final assessment. The Discussion Document, Abridged version and response details are available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to make it a requirement that every local council develops a walking and cycling strategy with targets to decrease the percentage of journeys by private car. (AQW 12833/17-22)

Mr Poots: As you are aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department.

Introducing a requirement that local councils develop a walking and cycling strategy with targets to decrease the percentage of journeys by private car, has not been expressly proposed in this document. I would, however, like to highlight Chapter 2 to you, which is titled Transport. This chapter outlines the importance of transport movements to our economy and way of life, as well as the significant air pollution generated by road transport. While road transport is responsible for a range of emissions, those of greatest concern are nitrogen oxides and particulate matter. High concentrations of nitrogen dioxide monitored at ground level in our towns and cities are largely due to vehicle exhaust emissions. Reduction of these emission is clearly a key objective.

Chapter 2 of the Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document) explains the work ongoing towards a 'Modal Shift' in encouraging active travel (walking and cycling) and greater use of public transport. It is anticipated that such a shift, could have a significant impact on reducing air pollution from transport, whilst improving the health and wellbeing of individuals.

It is recognised within the Clean Air Strategy Discussion Document that increasing the proportion of journeys undertaken by walking, cycling and public transport has the potential to reduce the number of private cars on our roads, and to decrease associated emissions of nitrogen oxides.

The Discussion Document may not fully address the walking strategy element of your suggestion, however, active travel, in the form of a Bicycle Strategy for NI is firmly included. This is further supported by the proposal to develop transport policies which prioritise walking, cycling and public transport (particularly in our towns and cities) rather than prioritising the flow of motor vehicles (page 55).

Recommendations are sought through responses to the Discussion Document and I would like to highlight the follow question to you, which you may have a particular interest in responding to:

Q: Are there any potential measures not included here that you believe could help encourage a shift away from private car use to walking, cycling, and public transport?

The Chapter 7 question relating to Communications may also be another opportunity for you to further promote the concept of a walking and cycling strategy. Please see question:

Q: Is increasing awareness of air quality impacts at a local level is the best way of promoting behaviour change by individuals to reduce air pollution?

The questions put forward in the discussion document are designed to generate discussion and you will note that they are 'open' in nature, to encourage wide debate and discussion. Constructive comments relevant to any topic will therefore be greatly appreciated and strengthen the consultation process.

I would encourage you to consider the Transport and Communications chapters, in addition to all other elements of the Discussion Document and respond through the formal route using the designated inbox (casni@daera-ni.gov.uk), this will ensure your important comments, are captured as part of the final assessment.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether he would consider a clean air fund that provides targeted funding for those local councils with consistent exceedances or elevated levels of air pollution. (AQW 12834/17-22)

Mr Poots: My Department financially supports district councils in monitoring air quality through the Local Air Quality Management (LAQM) grant and has done for many years. Through the LAQM grant scheme, councils can apply annually for financial support in connection with air quality monitoring, reviews, assessments, management and the preparation and implementation of action plans.

The criteria for funding are based on the identification of air quality problems where parameters listed in the UK Air Quality Strategy are exceeded or may be exceeded and support is needed for longer-term monitoring and council-led mitigation measures. This effectively means that funding is targeted for those local councils with consistent exceedances or elevated levels of air pollution.

As you are aware, I recently launched a twelve week public consultation, The Clean Air Strategy Discussion Document, developed by my Department. The matter of funding for local councils to support air quality improvements, has been addressed in this document.

Changes to the way in which grant funding may be allocated, is proposed on page 131 of the Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document). It is proposed that the grant application process will change to allow Local Authorities and also non-governmental organisations or other similar bodies to bid for money to develop projects which demonstrate outcomes where the activities, supported by the grant money, will have a direct impact on the improvement of air quality in the region or location. These Projects could be designed to focus on tackling one or two sources of pollution or they may focus specifically on areas with exceedances.

The Discussion Document poses a LAQM question:

Q: What are your views on the proposals to change the LAQM process, in particular to grant funding for outcome-based measures as opposed to monitoring?

I would like to encourage you to review the proposed changes put forward and respond to this Discussion Document question, through the formal route using the designated inbox (casni@daera-ni.gov.uk) to help inform the final Clean Air Strategy for Northern Ireland. This will ensure that your important comments, are captured as part of the final assessment.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to introduce a clean air act for Northern Ireland that would (i) enshrine in law World Health Organisation air quality guidelines; (ii) introduce stricter regulations on the types of fuel that can be burned residentially to help consumers choose less-polluting fuels; (iii) mandate his Department to produce a statutory air quality strategy every ten years; (iv) provide a statutory duty on local councils to appropriately monitor and assess air pollution and take action against it; and (v) introduce a right to breathe, whereby local councils are obliged to inform vulnerable groups when certain levels are breached.

(AQW 12835/17-22)

Mr Poots: I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

- (i) You will note in the Discussion Document under Section 1.3 Health-Based Air Quality Standards and other Sources of Evidence, World Health Organisation air quality guidelines are discussed. Question 1. goes on to ask:

Should there be legally binding targets for particulate matter, which are based on WHO guidelines?

- (ii) Stricter regulations on the types of fuel that can be burned residentially is addressed under Section 1.8 The UK Clean Air Strategy, which looks at the Defra proposals to introduce legislation to prohibit the most polluting solid fuels, such as bituminous ('household' or 'smoky') coal, as well as wet wood.

Chapter 3 - Household Emissions discusses the matter further. Section 3.1, Legislation and Controls, provides further information on Smoke Control Areas and section 3.8, Further Smoke Control Measures in England, specifically looks at the approach taken by Defra. Page 96 then goes on to ask six question which you may wish to consider, including:

Q: Should government ban the sale to the general public of smoky / bituminous / household coal in Northern Ireland?

Q: Should government ban the sale to the general public of unseasoned wood in Northern Ireland at retail outlets?

- (iii) Northern Ireland has not had its own dedicated Clean Air Strategy before now. I and my Department have firmly committed developing and implementing the first Clean Air Strategy for Northern Ireland. Your question as to whether I propose to mandate my Department to produce a statutory air quality strategy every ten years is noted. The process undertaken so far demonstrates our commitment to this strategy. The final policy direction in relation to a mandate or time-frame will be decided after analysis of all responses received. However, given our commitment to the process to date, you can be assured that decisions in this respect will seek to deliver a robust strategy.
- (iv) District councils have a duty to review and assess air quality within their districts, under Part III of The Environment Order (NI) 2002. Statutory duty on local councils to appropriately monitor and assess air pollution and take action against it, is currently in place. The Local Air Quality Management (LAQM) system has been established for councils to fulfil their statutory duties and assess compliance with objectives in the UK Air Quality Strategy and to declare AQMAs and Action Plans where they have ascertained high levels of air pollution, which are in breach of objectives (or are at risk of being so). This topic is reviewed further in the Discussion Document and I would ask that you review Chapter 6 Local Air Quality Management, in addition to the associated question put forward on pages 134 and 137. All proposals on this matter are welcome.

- (v) Your comment on an introduction of a right to breathe whereby local councils are obliged to inform vulnerable groups when certain levels are breached is noted. While the Clean Air Strategy Discussion Document does not use this phrase, it is in essence, trying to ensure the air we breathe in Northern Ireland is wholesome and of the highest standard possible. All comments relating to a right to breathe are welcome.

You may be interested to know that on 7 May 2020 I launched Northern Ireland's first air quality app. The App gives the public up to date information on air pollution levels across Northern Ireland and a five day air quality forecast. Users can set up a push notification, to alert them to when levels of elevated pollutants are detected or forecast. The public can also access valuable health advice on the impacts of reduced air quality, enabling them to make more informed decisions about their activities on days when air quality is poor. This App is free to download, for both iPhone and Android.

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process. I would, however, like to encourage you to formally respond to these and any other questions you may have a viewpoint on, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr Givan asked the Minister of Agriculture, Environment and Rural Affairs to detail the parameters for the consultation around the draft Clean Air Strategy.
(AQW 12842/17-22)

Mr Poots: To ensure the best air quality outcomes are achieved, a two-staged approach has been adopted. The approach is as follows:

- 1 Launch the Discussion Document to a 12 week public consultation. This took place on the 23rd November 2020. The Discussion Document is a lengthy document that discusses evidence, existing policies and poses questions to promote discussion; and
- 2 Draft the Clean Air Strategy. This will be based on analysis of stakeholder views and Ministerial policy direction. This will be a shorter document, and will be subject to a further public consultation and Executive approval.

Following the period of public discussion, responses received will be reviewed, options considered and a range of proposals formulated. Once I have considered the options and decided on a policy direction, officials shall begin to draft the first Clean Air Strategy for Northern Ireland. This will be a more focused and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area, Executive approval will also be sought at that time.

Mr Givan asked the Minister of Agriculture, Environment and Rural Affairs whether a national advisory board on air quality is being considered by his Department.
(AQW 12843/17-22)

Mr Poots: As you will be aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department (available to view at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document).

While a national advisory board on air quality has not been proposed in this document, I would like to draw your attention to Section 7.2 titled, Air Quality Forum. This section outlines DAERA's commitment to setting up an Air Quality Forum, which is intended to, among other things, oversee measures associated with improving the air quality indicator, as well as to discuss any reforms coming from the current review of air quality policy. The Forum will also serve to act as a focus between government Departments, district councils and other stakeholders.

A number of questions are put forward that are specific to the Air Quality Forum proposal and responses are sought. Please refer to questions twenty seven to twenty nine. I would encourage you to consider the Air Quality Forum proposals, in addition to all other sections of the Discussion Document and respond through the formal route using the dedicate inbox (casni@daera-ni.gov.uk). This will ensure your valued comments, in relation to a national advisory board on air quality, in addition to any other comments or suggestions you may have, are captured as part of the final assessment.

Following the period of public discussion, responses received will be reviewed, options considered and range of proposals formulated. Once I have considered the options and decided on a policy direction, officials shall begin to draft the first Clean Air Strategy for Northern Ireland. This will be a more focussed and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area, Executive approval will also be sought at that time.

Mr Givan asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to encourage every local council to develop a walking and cycling strategy.
(AQW 12845/17-22)

Mr Poots: As you are aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document, developed by my Department.

Introducing a requirement that local councils develop a walking and cycling, has not been expressly proposed in this document. I would, however, like to highlight Chapter 2 to you, which is titled Transport. This chapter outlines the importance of transport movements to our economy and way of life, as well as the significant air pollution generated by road transport. While road transport is responsible for a range of emissions, those of greatest concern are nitrogen oxides and particulate matter. High concentrations of nitrogen dioxide monitored at ground level in our towns and cities are largely due to vehicle exhaust emissions. Reduction of these emission is clearly a key objective.

Chapter 2 of the Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document) explains the work ongoing towards a 'Modal Shift' in encouraging active travel (walking and cycling) and greater use of public transport. It is anticipated that such as shift, could have a significant impact on reducing air pollution from transport, whilst improving the health and wellbeing of individuals.

It is recognised within the Clean Air Strategy Discussion Document that increasing the proportion of journeys undertaken by walking, cycling and public transport has the potential to reduce the number of private cars on our roads, and to decrease associated emissions of nitrogen oxides.

The Discussion Document may not fully address the walking strategy element of your suggestion, however, active travel, in the form of a Bicycle Strategy for NI is firmly included. This is further supported by the proposal to develop transport policies which prioritise walking, cycling and public transport (particularly in our towns and cities) rather than prioritising the flow of motor vehicles (page 55).

Recommendations are sought through responses to the Discussion Document and I would like to highlight the follow question to you, which you may have a particular interest in responding to:

Q: Are there any potential measures not included here that you believe could help encourage a shift away from private car use to walking, cycling, and public transport?

The Chapter 7 question relating to Communications may also be another opportunity for you to further promote the concept of a walking and cycling strategy. Please see question:

Q: Is increasing awareness of air quality impacts at a local level is the best way of promoting behaviour change by individuals to reduce air pollution?

The questions put forward in the discussion document are designed to generate discussion and you will note that they are 'open' in nature, to encourage wide debate and discussion. Constructive comments relevant to any topic will therefore be greatly appreciated and strengthen the consultation process.

I would encourage you to consider the Transport and Communications chapters, in addition to all other elements of the Discussion Document and respond through the formal route using the designated inbox (casni@daera-ni.gov.uk), this will ensure your important comments, are captured as part of the final assessment.

Mr Givan asked the Minister of Agriculture, Environment and Rural Affairs whether he plans to introduce a scheme where vulnerable groups are advised when certain air quality levels are breached.
(AQW 12846/17-22)

Mr Poots: On 7 May 2020 I launched Northern Ireland's first Air Quality App. The App gives the public up to date information on air pollution levels across Northern Ireland and a five day air quality forecast. Users can set up a push notification to alert them to when levels of elevated pollutants are detected or forecast. Alerts can be further tailored to specific council districts.

An air pollution alert text service is also available. Subscribers can receive high or very high air pollution alerts to their mobile phone, providing notification of when air pollution levels are elevated. To subscribe to the 'Air Aware' service, text AIR to 67300. Alerts are free but text messages to the service cost your normal standard rate. A free helpline providing the latest air pollution information in Northern Ireland is available by contacting the helpline telephone number: 0800 556677

The public can also access valuable health information through the App on the impacts reduced air quality can have on health, as well as guidance on when to seek medical advice. Health guidance has been developed in partnership with Department of Health officials.

The Air Quality App, Air Aware text service and free helpline allow people to protect their health using reliable, local air quality data. Further information on this, and a host of other excellent air quality information is available from our website at <https://www.airqualityni.co.uk/> and NI Direct at <https://www.nidirect.gov.uk/articles/air-pollution-and-health>

Mr McCrossan asked the Minister of Agriculture, Environment and Rural Affairs for an update on the upgrading of Gortin Glens Forest Park.
(AQW 12865/17-22)

Mr Poots: Fermanagh and Omagh District Council (FODC) advise that most of the current Phase Two works at Gortin Glens Forest Park should be completed by the end of March 2021. Phase Two works include: upgrading of the café/restaurant and educational facilities; providing Picnic Shelters; the provision of additional Mountain Bike Trails (approx. 200m) and walking

trails (250m); enhancing the Campsite area; a new access corridor suitable for equestrian parking and access to bridle trails; developing an entrance feature; and, additional equipment at the play area for children with disabilities.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs how his Department plans to (i) improve pollution monitoring; and (ii) promote awareness campaigns and public health alerts so that people living in every part of Northern Ireland are aware of local pollution levels and how to minimise the impact on their health.

(AQW 12918/17-22)

Mr Poots:

- (i) Northern Ireland currently has twenty air quality monitoring stations. Some of these are operated on behalf of my Department, while others are managed by district councils through the Local Air Quality Management framework, for which DAERA provides funding support.

This established monitoring network has provided data that has helped to inform our understanding of existing air quality in Northern Ireland, in addition to allowing long term trends to be identified, such as demonstrating that air quality in Northern Ireland has improved substantially in recent decades e.g. concentrations of sulphur dioxide over the past twenty years.

The existing network has also helped to identify problems and has highlighted when we have fallen short of limits for e.g. nitrogen dioxide in Belfast Stockman's lane linked to vehicle emissions. This allows us to advise the public that there are problems and those who are vulnerable can better protect themselves.

Additional particulate monitors are currently being installed at a number of sites and will provide further detail on air quality:

- A new FIDAS monitor in North Down Holywood is now up and running, monitoring both fine particulate matter (PM10) and ultra-fine particulate matter (PM 2.5) as of November 2020.
- A new FIDAS monitor for Lisburn Seymour Hill has been delivered and is awaiting installation.
- Mid and East Antrim Council are currently procuring a FIDAS monitor for the Ballykeel. An installation date is expected from the council early in 2021.

- (ii) On 7 May 2020 I launched Northern Ireland's first Air Quality App. The App gives the public up to date information on air pollution levels across Northern Ireland and a five day air quality forecast. Users can set up a push notification to alert them to when levels of elevated pollutants are detected or forecast. Alerts can be further tailored to specific council districts.

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A further key action to promote awareness, has been the launch of the Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document). This Discussion Document, which I launched on the 23 November 2020 to a twelve week public consultation, has been developed by my Department. The Discussion Document is designed to give stakeholders the opportunity to share their opinions on a wide range of air quality issues facing Northern Ireland, by presenting the evidence followed by thought provoking questions. It does not set out policy options or indicate a particular policy position at this stage.

The Discussion Document forms part of a two-stage approach to developing the first Clean Air Strategy for Northern Ireland. All of the responses from our stakeholders will be carefully considered and will be used to shape future policies for Ministerial consideration.

I would like to encourage you to formally respond to this consultation with any views you may have on further improving pollution monitoring, promoting awareness campaigns and public health alerts, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs what monitoring arrangements are in place to ensure farmers comply with Environmental Farming Schemes.

(AQW 12937/17-22)

Mr Poots: Beneficiaries of the Environmental Farming Scheme (EFS) select options or submit management plans which, if eligible, are detailed in a scheme agreement which must be accepted online. These options or management plans are

subject to a range of control measures to ensure Agreement Holders comply with their commitment. Scheme requirements and control measures are set out in associated documentation, namely the Information Sheets and the Scheme Terms and Conditions. The claim process for EFS Options and capital items (Non-Productive Investments (NPIs) is integrated with the Single Application. The control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to EFS are detailed in Regulations (EU) No 1305/2013 and (EU) No 1306/2013 of the European Parliament and of the Council, Commission Delegated Regulation (EU) 640/2014, Commission Implementing Regulation 809/2014 and The Rural Development Programme Regulations (Northern Ireland) 2015.

All claims are subject to a range of checks which may include administrative checks and On-The-Spot-Checks (OTSCs). Administrative checks, which are carried out on all claims, include cross-checks with other DAERA databases and checks on additional information submitted with a claim, for example invoices, receipts and proof of payment. Field records, which must be kept by scheme participants, may also be checked for EFS Option and NPI compliance.

Further to administrative checks, DAERA is obliged to carry out OTSCs on at least 5% of claims. The legislation requires that OTSCs are selected both at random (1%) and targeted on a risk basis (4%). These checks include visual inspection and physical or Global Positioning System (GPS) measurement, supported by confirmation from the inspector that the 'Terms and Conditions' of the Scheme and the 'Requirements and Controls' of the Options/NPIs as stated in the relevant Information Sheet have or have not been met.

In addition, specifically targeted risk inspections or additional checks can be carried out where DAERA believes a scheme breach may be occurring or in areas where controls require strengthening. For example additional checks were implemented in 2020 to confirm the installation of drinking trough pipework (DTP) following findings by the Northern Ireland Audit Office.

Mr Allister asked the Minister of Agriculture, Environment and Rural Affairs, pursuant to AQW 2143/17-22 (i) whether a decision has now been taken on the introduction of a contaminated land regime in Northern Ireland; and (ii) if so, whether he will publish an implementation timetable.

(AQW 12949/17-22)

Mr Poots: I can advise that I have considered the recommendations from a risk assessment conducted by the NIEA of the financial, environmental and health risks associated with not having a specific Contaminated Land regulatory regime in Northern Ireland and my officials will be preparing a business case to assess the resources required to implement this regime to inform any decision.

Ms Ní Chuilín asked the Minister of Agriculture, Environment and Rural Affairs what financial support his Department has given to the Belfast Hills Partnership.

(AQW 12959/17-22)

Mr Poots: The table below sets out the funds my Department has paid to the Belfast Hills Partnership (BHP) through the Environment Fund (EF), which is administered by NIEA.

Financial Year	Funding Provided £
2017-18	69,540.00
2018-19	47,752.00
2019-20	55,621.00
2020-21 to date	58,213.00

This assistance has enabled the BHP to carry out a range of projects that support my Department's key strategic environmental objectives.

The Partnership has received a Letter of Offer from the Department for £61,818 for 2021-22 along with an indicative level of funding for 2022-23 of £61,818, subject to budget availability.

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) how many badgers have been removed from the roadsides; (i) how many were tested for tuberculosis; and (ii) how many tested positive for tuberculosis, in each of the last five years.

(AQW 12979/17-22)

Mr Poots: During calendar years 2016 to 2020 inclusive the following numbers of badgers were collected at the roadside by DAERA staff and submitted to the Agri-Food and Biosciences Institute (AFBI) for post mortem examination for bovine tuberculosis (bTB)

Year	Number of badgers removed from the roadside	Number of badgers tested for tuberculosis	Number of badgers tested positive for tuberculosis	Percentage positive
2016	414	343	57	17%

Year	Number of badgers removed from the roadside	Number of badgers tested for tuberculosis	Number of badgers tested positive for tuberculosis	Percentage positive
2017	361	345	68	20%
2018	531	434	70	16%
2019	318	296	50	17%
2020	286	234	22 (51 tests ongoing)	-

Miss Woods asked the Minister of Agriculture, Environment and Rural Affairs pursuant to AQW 12467/17-22 and with regard to the Northern Ireland Environment Agency (i) when environmental statements within contracts and tenders around addressing unnecessary single use plastic were amended; (ii) the details of the amendments made; and (iii) whether he will lay a copy of the environmental statements within contracts and tenders in the Assembly Library.

(AQW 13066/17-22)

Mr Poots: In response to your follow-up questions I can confirm the following information:

- (i) amendments to the wording of contracts and tenders to address the unnecessary use of single use plastic were first introduced in November 2019 by NIEA, specifically in relation to the management of ice cream concessions at NIEA country parks;
- (ii) the tender application for the ice cream concession included the conditions below, which also forms part of the agreement signed by successful tenderers:

Sustainability

The Northern Ireland Environment Agency is committed to environmental protection and sustainability. To be in keeping we would wish to see Tenderers adopt a sustainable business management approach. Tenderer's attention is in particular drawn to the single use plastic clause (Clause 4)

"The Licensee shall ensure that single use plastics including cutlery, cups, straws, stirrers, plates and packaging are not used or provided, unless otherwise agreed with the Agency. The concessionaire shall use alternative products which are commercially recyclable or 100% compostable. NIEA reserves the right to monitor this and to terminate the contract if this clause is broken. Evidence must be supplied by the concessionaire as to the type and specifications of materials to be used as alternatives to single use plastics if requested".

- (iii) the wording and inclusion of clauses is specific to each contract or tender and may change or even become redundant relatively quickly as new policies and legislation are introduced, therefore it is uncertain how helpful it would be to place a copy of such statements in the Assembly Library. For example, the wording of the above single use plastic clause will require review once the single use plastic bans I previously announced are introduced next year.

Mr Chambers asked the Minister of Agriculture, Environment and Rural Affairs (i) for an update on investigations by the Northern Ireland Environment Agency into dumping of building spoil at a site on Ballymacormick Road, Bangor; and (ii) what action it intends to take in relation to any evidence they have of unlicensed or illegal dumping being conducted at this location.

(AQW 13087/17-22)

Mr Poots: My officers have completed an investigation of this incident including an inspection of the location, and have ascertained that the site in question has Planning Permission and a Waste Management Licensing Exemption authorising the activities taking place, (LA06/2015/0578/F and WMEX 29/95 refer). There is no evidence of unlicensed or illegal dumping being conducted and therefore my officers will be taking no further action with this matter.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs, regarding the TVR Wildlife Intervention Research Project, why a full analysis was undertaken of this project.

(AQW 13118/17-22)

Mr Poots: The findings of the Test, Vaccinate or Remove (TVR) Wildlife Intervention research project will be fully analysed and results published in a number of separate papers. Each of these papers address specific aspects of the interaction between cattle and badgers, and explore how these interactions may affect the spread of bovine TB.

I am pleased to confirm that six papers have already been published. The papers published to date, as a direct result of the TVR Project include:

- Quantifying intraherd cattle movement metrics: Implications for disease transmission risk. *Prev Vet Med.* 2020 Dec; 185:105203. doi: 10.1016/j.prevetmed.2020.105203. Epub 2020 Nov 5. PMID: 33221040.
- Phylo-dynamic analysis of an emergent *Mycobacterium bovis* outbreak in an area with no previously known wildlife infections. Open-accessible on the Cold Spring Harbor Laboratory bioRxiv pre-print server for biology (not peer-reviewed).

- Grazing cattle exposure to neighbouring herds and badgers in relation to bovine tuberculosis risk. Research in Veterinary Science, 133, 297-303. <https://doi.org/10.1016/j.rvsc.2020.09.032>
- Evaluating the application of the Dual Path Platform VetTB test for badgers (*Meles meles*) in the Test and Vaccinate or Remove (TVR) wildlife research intervention project in Northern Ireland. Research in Veterinary Science, 130, 170-178. <https://doi.org/10.1016/j.rvsc.2020.03.007>
- Interspecies visitation of cattle and badges to fomites: A transmission risk in bovine tuberculosis? Ecology and Evolution, 9, 8479-89. DOI:10.1002/ece3.5282
- Arnold, M.E., Courcier, E.A., Stringer, L.A., McCormick, C.M., Pascual-Linaza A.V., Collins, S.F., Trimble, N.A., Ford, T., Thompson, S. and Menzies, F.D. (2021). A Bayesian analysis of a test and vaccinate or remove study to control bovine tuberculosis in badgers. PLoS ONE, <https://doi.org/10.1371/journal.pone.0246141>

Further papers are in the process of being finalised or have already been submitted for peer review and, if accepted, will be published in due course.

Mr McAleer asked the Minister of Agriculture, Environment and Rural Affairs what engagement he is having with the British Government to resolve the issue of cattle movements taking place between GB and the north without isolation or standstill periods.

(AQW 13197/17-22)

Mr Poots: From 1 January 2021 livestock can only be moved from Great Britain (GB) to Northern Ireland (NI) if they satisfy the same requirements as for third country imports into the EU, this includes cattle returning from GB which have been taken there for shows or sales.

I am acutely aware of the issues regarding the movement of livestock from GB to NI and in particular the implications for breeders of pedigree livestock, who buy, sell or show animals at venues in GB. I fully appreciate the difficulties regarding the requirements that must now be met within Export Health Certificates (EHCs) for the movement of livestock from GB to NI.

I have written to the European Commission to highlight the issues with what I regard as unnecessary additional requirements within the EHCs for GB to NI livestock movements. I will also continue to engage on these issues with my Ministerial Colleagues across the UK, and have requested my officials similarly continue to discuss with their counterparts to explore potential mitigations where possible.

Mr Catney asked the Minister of Agriculture, Environment and Rural Affairs for an update on Northern Ireland Environment Agency action at the Mullaghglass landfill site.

(AQW 13455/17-22)

Mr Poots: It is clear that residents in the Lisburn and West Belfast area are continuing to experience odour issues. I have made it clear that this is not acceptable. I am aware though that there are a number of sources of odours in the wider area which may be contributing to this problem.

Since our meeting on the 15 January, my officials within the Northern Ireland Environment Agency (NIEA) have been working with Environmental Health Officers from both Lisburn and Belfast Councils and have undertaken further odour checks throughout the area to confirm the presence of odours and pinpoint all possible sources of the problem. They have also been engaging with a number of the operators of regulated sites to identify short and longer term mitigations to urgently address this matter.

With regard to Mullaghglass itself, NIEA officials met with the operator on 20 January and agreed a number of urgent actions to be put in place, with work on these starting on 1 February. The operator has identified immediate odour mitigation actions that will be implemented to complement the medium / long term actions within the site's revised odour management plan. These improvements include: installation of a new horizontal gas collection system, extending odour abatement measures to other parts of the site and changing the means of temporary daily cover as a precautionary measure. Following these urgent actions the operator plans to install the next set of gas extraction wells in March 2021 in the area of the most recent waste deposits and will extend the final capping to a further 20,000 m² of the site.

I have also asked my officials to review the evidence and all the enforcement options available to both NIEA and local councils that could be taken to help bring about a resolution to this issue.

Further meetings with elected representatives and residents have been arranged during the week commencing 1 February to provide updates on progress.

Department for Communities

Mr Givan asked the Minister for Communities, given bars in social clubs are treated differently in the Localised Restrictions Support Scheme, whether they have to continue to pay Liquor and Entertainment license renewals, Fire Safety inspections and be subject to inspections under Licensing legislation.

(AQW 12413/17-22)

Ms Hargey (The Minister for Communities): Bars in social clubs are registered to supply alcoholic drinks to its members and guests and must obtain a certificate of registration from a county court. A certificate of registration is valid for a registration period of 5 years. The current registration period ends in March 2023.

Entertainment licences are renewed annually. To alleviate some of the hardship for businesses and social clubs resulting from Covid-19 restrictions, I have decided to introduce a temporary easement to the cost of renewing entertainment licences. Full details will be communicated to councils in the coming weeks.

While acknowledging bars in registered clubs are currently closed due to current Covid-19 regulations, the Registration of Clubs (NI) Order 1996 makes provision for the police to enter and inspect club premises in order to ascertain that all provisions within the legislation are being complied with.

I have written to the Department of Health, which is responsible for fire safety inspections carried out by the Northern Ireland Fire & Rescue Service. I will provide the information on receipt.

Ms P Bradley asked the Minister for Communities for a breakdown by council area of the 234 intimidation paramilitary housing points awarded as of 25 August 2020.

(AQW 12432/17-22)

Ms Hargey: 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, with the established homeless reason 'Intimidation' and further to that reason in particular 'Intimidation Paramilitary' as defined under Rule 23 of the Housing Selection Scheme, broken down by Local Government District. Numbers less than 10 cannot be reported as to do so would potentially identify individuals.

Local Government District	Number Of Cases
Antrim & Newtownabbey Borough Council	34
Ards & North Down Borough Council	26
Armagh City, Banbridge & Craigavon Borough Council	<10
Belfast City Council	64
Causeway Coast & Glens Borough Council	12
Derry City & Strabane District Council	22
Fermanagh & Omagh District Council	<10
Lisburn & Castlereagh City Council	30
Mid & East Antrim Borough Council	27
Mid Ulster District Council	<10
Newry, Mourne & Down District Council	<10
Total	234

Mr Middleton asked the Minister for Communities for an update on the development of the Fort George Site, Londonderry.
(AQW 12538/17-22)

Ms Hargey: My Department has completed the necessary remediation work which has prepared the Fort George site for future development. At this time, I am considering the most appropriate method for regenerating the wider site.

There are a number of options to consider, including the Western Health and Social Care Trust's health care proposal and wider marketing of the site. My Department is currently considering next steps.

Miss Woods asked the Minister for Communities what financial assistance and advice is issued by her Department to people applying for Discretionary Support or other funds; and to lay a copy of this advice in the Assembly library.

(AQW 12552/17-22)

Ms Hargey: Advice on the wide range of benefits available to people according to their individual needs and circumstances is set out in the nidirect webpage and my Department's own internet site – accessible via the following links www.communities-ni.gov.uk.

In respect of Discretionary Support specifically, my Department's Finance Support Service provides assistance and advice to people who are in need of short-term financial help through the following schemes.

- Universal Credit Contingency Fund short-term living expenses grant
- Discretionary Support self-isolation grant
- Discretionary Support

- Short-term benefit advance
- Social Fund budgeting loan
- Social Fund Sure Start Maternity Grant

Information on each of these schemes is also available at <https://www.nidirect.gov.uk/articles/extra-financial-support>

To help ensure people are accessing the full range of financial support available, the Make the Call Service provides information and advice through its Freephone helpline. <https://www.nidirect.gov.uk/contacts/contacts-az/make-call-service>

A Freephone COVID-19 Community Helpline was also set up as part of the Department's response to the COVID-19 crisis. The Helpline is managed by the Department's regional strategic advice partner, Advice NI.

The Helpline connects citizens to support with food, fuel, pharmacy and psychological support services. It also links in with frontline independent advice services to provide advice on issues such as employment, debt and benefits.

Citizens can also visit the AdviceNI website for more information about support and services available <https://www.adviceni.net/>

Mr Chambers asked the Minister for Communities to list the companies that have submitted successful tenders for work on cavity wall insulation projects on Housing Executive properties, in each of the last five years; and the locations of these projects.

(AQW 12582/17-22)

Ms Hargey: The Housing Executive has completed 3 schemes in total relating to cavity wall insulation projects in the last five years. These projects were initiated in 2016/17 and the scheme and contractor information is as follows:

Scheme Name	Contractor Name	Contract Start Date
Stirling Avenue, West Winds CWI	Belfast Insulation Co.	15/08/2016
CWI Whiterock	Energy Store Ltd.	03/10/2016
Strand Ave Holywood CWI	Belfast Insulation Co.	31/10/2016

Mr Carroll asked the Minister for Communities for an update on work to abolish or alter the 6 month rule for those with terminal illness getting quicker access to benefits.

(AQW 12592/17-22)

Ms Hargey: As seen in the Assembly debate on 6 October 2020, all Executive parties are united on this issue to change the status quo.

Reforming terminal illness provision is a priority for the Department and I can assure you that work is ongoing in respect of bringing forward proposals to change the special rules.

I will update the Assembly on the way forward, when I am in a position to do so, and hope that all members will work with me to deliver change.

Mr Dickson asked the Minister for Communities for an update on progress on the Housing Executive's 2021 House Condition Survey.

(AQW 12597/17-22)

Ms Hargey: The Housing Executive's 2021 House Condition Survey has been subject to a consultation with the House Condition Survey Steering Group and Users on how it should be progressed in light of the coronavirus pandemic. The consultation is nearing completion and updates on the proposed way forward will be available on the House Condition Survey web page. It is estimated that this will be by the end of January 2021.

Mr Allister asked the Minister for Communities, pursuant to AQW 7221/17-22, how much funding her Department plans to provide to community groups to mark the centenary of Northern Ireland.

(AQW 12721/17-22)

Ms Hargey: There are no plans in my Department for a funding stream available to community groups for the purpose of marking the centenary.

A number of areas within my Department will be including the centenary as part of their programming, namely PRONI, the Ulster-Scots Agency and National Museums NI.

Ms McLaughlin asked the Minister for Communities (i) how many canteen and food services within jobs and benefits offices are operated by a privately contracted company; (ii) what has been the level of operation of canteens and food services in each jobs and benefits office; and (iii) what financial assistance has been given to cover the losses made by the canteens as a result of the majority of jobs and benefits offices' staff working from home.

(AQW 12749/17-22)

Ms Hargey:

- (i) Within Department for Communities there are two sites with canteens operated by privately contracted companies, Foyle Jobs and Benefits Office and Lisahally Benefit Processing Centre.
- (ii) Pre Covid-19 there were around 240 staff working in Foyle JBO. This had reduced to around 95 by October 2020 and 45 in January 2021. Not all staff avail of the canteen facilities. The canteen closed in line with Government guidance during Covid-19 and reopened on 6th July 2020, after being risk assessed and Covid-19 safety measures having been put in place. The reopening of this service consisted of a takeaway service only offering a breakfast menu and a limited lunch menu.

The contractor participated in the "Eat out to help out" scheme from 1st - 29th August 2020, again offering breakfast with a limited lunch menu, and continued this service until further restrictions were announced by the Government effective from 26th November 2020. From this date the service reverted to a takeaway service, again offering breakfasts and a limited pre-order sandwich service. Effective from 14th January 2021 the canteen service closed with no date yet known for reopening.

- (iii) No direct financial assistance has been provided to the contractor by the Department as the contract is a zero cost contract meaning there is no mechanism for direct financial assistance by the Department. A Supplier Relief scheme was put in place between March and October 2020 to provide relief to contractors impacted by the Covid-19 pandemic. Financial assistance via this scheme was however limited to contracts where payments to contractors by the Department had reduced as a result of the pandemic. The Department does not make any payments to this contractor.

The Department did vary the contract to allow the contractor to provide the "free lunch" service to staff working in Foyle and Lisnagelvin offices from 6 May 2020 until 3 July 2020 giving him some additional business and income. The contractor was also provided with a letter in December, to support his claim for a Covid Relief Payment, confirming that footfall in the canteen had greatly reduced due to reduced numbers of staff in the building and that the Department had placed restrictions on how the food service could operate in line with Covid-19 Regulations. More recently, the contractor has been advised that should they choose to, the service could be suspended for the lockdown period to allow them to seek other financial assistance, for example, claiming means tested benefits.

Mr O'Dowd asked the Minister for Communities when the Housing Executive will transfer the land required to build social housing at Drummellan in Craigavon to Choice Housing, the body appointed to build the houses.
(AQW 12789/17-22)

Ms Hargey: I can advise that the Housing Executive is working closely with Choice Housing Association to conclude the transfer of the land required for new social housing at Drumellan, Craigavon.

The transfer of the land is expected to take place in March 2021, subject to processing of extinguishments and conveyancing, which are underway.

All parties are working together to facilitate a start on-site in March 2021.

Ms P Bradley asked the Minister for Communities to detail the future plans for the land owned by her Department at Old Ulster Bar Corner, Church Street, Antrim.
(AQW 12796/17-22)

Ms Hargey: My officials in the Regional Development Office have been engaging with colleagues in the Strategic Investment Board, Departmental Solicitor's Office and Land and Property Services in relation to the regeneration of Ulster Bar Corner with a view to issuing a Development Brief for the site. In light of the accelerated effect on all town centres of the Coronavirus pandemic, the planned approach to the Ulster Bar Corner site is being reviewed to ensure the best regeneration opportunities for the site can be realised.

Mr Allister asked the Minister for Communities why Housing Executive contractors are being required to go into homes to carry out non-emergency repairs during the current lockdown.
(AQW 12802/17-22)

Ms Hargey: The current regulations introduced on January 7, specifically Regulation 6, deals with restrictions on gatherings in private dwellings. It provides exceptions to these restrictions for "(c) Building or maintenance works or the provision of the services of any trade or profession at the private dwelling".

This means that Trades and other professions that carry out work activities within other private dwellings e.g. electrician, plumber, (but not close contact services), tutors etc., are permitted to visit other people's private dwellings for the purposes of their work activity and at the home owner's discretion.

Contractors must adhere to Public Health Agency (PHA) guidance at all times, appropriate PPE must be worn and tenants/ householders must agree to provide access.

All employers are required to minimise risk and maximise safety.

Ms McLaughlin asked the Minister for Communities whether she is continuing to finance the boiler replacement scheme; and to detail the rationale for this decision.

(AQW 12822/17-22)

Ms Hargey: The Boiler Replacement Scheme was introduced in September 2012. As at the end of December 2020, the Scheme has been successful in encouraging more than 38,000 households to replace older inefficient boilers with new boilers. While a higher level of assistance is given to households with income under £20,000, the scheme also provides financial assistance to households with income up to £40,000.

Funding will be made available to continue this Scheme into 2021/22 as it continues to support improvements to energy efficiency particularly for vulnerable households.

However this Scheme will need to be reviewed, along with the Affordable Warmth Scheme to support our contribution to a move to net zero carbon emissions.

My Housing officials continue to work with colleagues in the Department for the Economy's Energy Strategy team and the Department of Agriculture, Environment and Rural Affairs Future Generations Group on Climate Change in this regard.

Ms McLaughlin asked the Minister for Communities for her assessment of the (i) 28 per cent carbon reduction claimed for replacing a 15 year old oil burner with a new gas burner; and (ii) adequacy of this reduction as a contribution to Northern Ireland's carbon reduction and net zero emission obligations under the Paris accord.

(AQW 12823/17-22)

Ms Hargey: The Housing Executive has informed me that the available evidence indicates that natural gas is a cleaner and more efficient energy source than oil. Installing new gas systems with higher efficiency condensing boilers, together with controls required by Building Regulations, will achieve carbon savings over 28% when switching to gas².

While encouraging the switch to natural gas has therefore reduced our carbon footprint, clearly net zero carbon emissions will not be achieved by replacing oil boilers with natural gas boilers.

The Boiler Replacement and Affordable Warmth Schemes were developed to address fuel poverty in vulnerable private sector households. They will need to be reviewed to support our contribution to net zero carbon emissions.

My Housing officials continue to work with colleagues in the Department for the Economy's Energy Strategy team and the Department of Agriculture, Environment and Rural Affairs Future Generations Group on Climate Change in this regard.

Mr Chambers asked the Minister for Communities whether her Department has any plans to explore the establishment of a Sports Museum to recognise and display the successes of local sports people.

(AQW 12837/17-22)

Ms Hargey: This issue has been considered by my Department on numerous occasions since the matter was first raised by the Ulster Sports Museum Association in 2007. There are currently no plans to explore the establishment of a sports museum.

My Department continues to recognise and celebrate the achievements of local sporting people through a range of activities including an Annual Celebration of Sport event which has taken place since 2012. We will continue to take opportunities to support and celebrate our sporting achievements and heritage.

Mr Durkan asked the Minister for Communities whether she has raised the issue of delayed Winter Fuel Payments for claimants in Northern Ireland with the Department for Working Pensions; and what actions have been taken to ensure the Winter Fuel Centre helpline is accessible for individuals requiring assistance with their claim.

(AQW 12871/17-22)

Ms Hargey: The Department for Work and Pensions (DWP) administer the Winter Fuel Payment on behalf of the Department for Communities.

Winter Fuel Payments for 2020-21 are being paid through a new Digital Seasonal Payment Service. DWP is aware of the issues delaying the payments to some customers.

DWP has informed my Department that at 25 January 2021, they had issued 283,537 payments to customers here totalling approximately £51 million.

My concerns in relation to the operation of the Helpline and the delayed payments have been raised at a senior level.

DWP has advised my Department that it has deployed additional resources, including to the Helpline, ensuring that the small numbers of customers who have not received a payment are reviewed as a matter of urgency and payments issued no later than 31 March 2021 and they apologise for any inconvenience caused.

2 Development of trajectories for residential heat decarbonisation to inform the Sixth Carbon Budget (Element Energy) Supporting Data, Committee of Climate Change <https://www.theccc.org.uk/publication/development-of-trajectories-for-residential-heat-decarbonisation-to-inform-the-sixth-carbon-budget-element-energy/>

Mr Durkan asked the Minister for Communities whether her Department intends to issue guidance to the Northern Ireland Housing Executive on housing benefit claimants who have had their claim suspended as a result of receiving Covid-related business support grants.

(AQW 12872/17-22)

Ms Hargey: The Housing Executive has confirmed that no housing benefit claims have been suspended as a direct result of the Covid related business support grants. No housing benefit claim would be suspended solely as a result of an individual or their partner becoming eligible for assistance from one of the support schemes.

Mr Durkan asked the Minister for Communities whether she plans to extend the eligibility criteria for the COVID-19 Heating Payment to include those individuals who are shielding, on low incomes or income-based benefits.

(AQW 12873/17-22)

Ms Hargey: My Department received funding of £44.256m from the Executive to make the Covid-19 Heating Payment to over 220,000 older people and people needing help with high levels of daily care and mobility needs who are likely to be particularly adversely impacted if they are unable to adequately heat their homes during the pandemic. The payments will issue in the last week of January.

As you are aware, the Communities Committee suggested an addition to this scheme on 17/12/2020 – this is the only addition to the scheme under consideration at this time.

Mr McGrath asked the Minister for Communities on what dates the Arts Council's Annual Funding Programme funding will open and close.

(AQW 12879/17-22)

Ms Hargey: The Arts Council is not yet in a position to confirm arrangements for the Annual Funding Programme for 2021/22. The Arts Council will communicate these with the sector as soon as possible.

Mr McGrath asked the Minister for Communities whether she will ensure that groups funded under the Arts Council's Annual Funding Programme will not be detrimentally impacted by a reduction in their programme delivery over the past year due to COVID-19.

(AQW 12880/17-22)

Ms Hargey: Details of Arts Council's Annual Funded Programme and how applications are to be assessed will be confirmed in due course. When undertaking assessments and making decisions, the Arts Council will take account of the context of the impact of Covid-19; the applicant's programme for 2021/22 and the available budget.

Mr Butler asked the Minister for Communities whether she intends to introduce a statutory levy on gambling operators providing services to the public in order to fund gambling research, prevention and treatment.

(AQW 12881/17-22)

Ms Hargey: A public consultation on the overall statutory framework for regulating gambling here was completed by my Department in February 2020. The possibility of introducing a statutory levy on gambling operators providing services to the public in order to fund gambling research, prevention and treatment was one of the issues on which the public's views were sought during that consultation. My Department published a report on the results of the consultation in November 2020. This is available at:-

<https://www.communities-ni.gov.uk/consultations/consultation-regulation-gambling-northern-ireland>

In my view, reform of the entire statutory framework for regulating gambling is long overdue. I am therefore keen, subject to the agreement of my Executive colleagues, to bring forward proposals for regulatory change before the end of the current Assembly mandate.

Mr Butler asked the Minister for Communities for the latest available data on the gross gambling yield gambling operators, both remote and non-remote, receive from customers in Northern Ireland.

(AQW 12882/17-22)

Ms Hargey: My Department does not hold data of this nature. The Gambling Commission holds data in respect of The National Lottery gross gambling yield.

NISRA also collects both financial and employment survey information from businesses and other establishments operating here as part of its published Annual Business Inquiry. These surveys contain overall estimates of their turnover, purchases, employment costs and approximate gross value added (aGVA).

The 2018 Annual Business Inquiry incorporates the following provisional information in relation to gambling and betting activities:-

2018 (Provisional)

Gambling and betting activities	£ thousands				
	Turnover	Approx aGVA at basic prices	Employment Costs	Purchases	Profitability/ Gross Operating Surplus Proxy (aGVA-Employment Costs)
	723,671	83,512	40,035	625,873	43,477

It should be noted that these provisional estimates may be subject to revision when 2019 business data becomes available. They also only relate to business activity undertaken here and do not necessarily read across to or delineate between remote and non-remote gambling.

Mr Butler asked the Minister for Communities to detail the Gambling Commission approved organisations that are providing services in Northern Ireland and towards which gambling operators may direct their annual financial contribution for gambling research, prevention and treatment.

(AQW 12883/17-22)

Ms Hargey: Information on Gambling Commission approved organisations that can offer services here can be found at the following link:

<https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/Social-responsibility/Research-education-and-treatment-contributions.aspx>

My Department is also aware of some organisations operating here that offer support to people affected by problem gambling and are open to receiving voluntary financial donations. These include GamCare, which established a presence here in 2020 and is a Gambling Commission approved organisation, and Dunlewey Addiction Services which is not presently on the Commission's approved list. I understand that some gambling operators here have donated funds to Dunlewey Addiction Services in the past.

Ms McLaughlin asked the Minister for Communities whether she will provide financial support for owner occupiers to install heat pumps in place of oil and gas boilers to support the move towards a net zero carbon economy.

(AQW 12909/17-22)

Ms Hargey: My officials continue to work with colleagues in the Department for the Economy's Energy Strategy team and the Department of Agriculture, Environment and Rural Affairs Future Generations Group on Climate Change to explore options for low carbon alternatives to oil and gas domestic heating systems in future energy efficiency improvement schemes.

Ms McLaughlin asked the Minister for Communities whether she will provide financial support to the Housing Executive and housing associations to install heat pumps in place of oil and gas boilers to support the move towards a net zero carbon economy.

(AQW 12910/17-22)

Ms Hargey: My officials have been working with colleagues in the Department for the Economy's Energy Strategy team and the Department of Agriculture, Environment and Rural Affairs Future Generations Group on Climate Change to explore options for low carbon alternatives to oil and gas domestic heating systems in future energy efficiency improvement schemes.

My Department continues to offer additional grant funding to Housing Associations as a contribution to meeting a higher energy efficiency standard.

The primary responsibility for introducing a requirement into Building Regulations for new dwellings to be zero-carbon buildings, rests with the Department of Finance and any changes to these regulations are subject to public consultation.

Mr Easton asked the Minister for Communities whether she will give permission for all state records on the murder of Minnie Reid, and the subsequent hanging of Harold Courtney, held by PRONI to be released to the public for research.

(AQW 12919/17-22)

Ms Hargey: All official records held by PRONI relating to the murder of Minnie Reid and the subsequent hanging of Harold Courtney are open and available to the public for research. Details of the records are available via the PRONI eCatalogue <https://www.nidirect.gov.uk/services/search-pronis-ecatalogue>

Ms Bradshaw asked the Minister for Communities when the evaluation of the Houses in Multiple Occupation legislation will commence.

(AQW 12947/17-22)

Ms Hargey: The Houses in Multiple Occupation Act (NI) 2016 has been operational from 1 April 2019. The Department for Communities is currently reviewing the implementation and operation of Houses in Multiple Occupation licensing scheme.

Mr Muir asked the Minister for Communities to detail (i) the welfare reform mitigations that her Department is planning to retain for 2021/22; and (ii) the projected cost of the specific mitigations.

(AQW 12982/17-22)

Ms Hargey: I can confirm that my Department will continue to deliver each of the existing welfare mitigation schemes in the 2021/22 financial year. Details of the projected costs for the various mitigation schemes, including the associated administration costs, are provided in the table below.

Table 1: Welfare Mitigation Schemes Projected Costs for 2021/22

Welfare Supplement Payment	Cost
Social Sector Size Criteria (the "bedroom tax")	£23 million
Benefit Cap	£5.5 million
Children moving from DLA to PIP (includes associated carer payments)	£5.8 million
Disability Related Mitigations (Loss of DLA and ESA)	£4.3 million
Administration costs	£4.2 million
Total	£42.8 million

Ms McLaughlin asked the Minister for Communities (i) for an update on discussions on the remediation work on Creggan reservoirs; and (ii) whether her officials are engaged in fast-tracking a business case to finance the remediation to enable progress to be made on developments at Fort George and others that fall within the responsibility of her Department.

(AQW 12988/17-22)

Ms Hargey: My Department awaits a funding proposal from Derry City and Strabane District Council for costs needed to carry out the necessary remediation work on Creggan Reservoir as well as future inspection and maintenance costs. Discussions are still ongoing with relevant stakeholders as to who will fund these works.

Mr Beattie asked the Minister for Communities whether her Department will be carrying out a review of how the money for the Revitalisation Recovery Grant Scheme was delivered.

(AQW 13015/17-22)

Ms Hargey: As Minister with responsibility for the Covid-19 Recovery Revitalisation Programme, this question has been transferred to me to respond.

In line with normal practice, an evaluation of the COVID-19 Recovery Revitalisation Programme will be undertaken when the programme has been delivered.

Mr Allister asked the Minister for Communities, in light of the increased projected costs on the Casement Park project, by how much is the GAA contribution increasing.

(AQW 13039/17-22)

Ms Hargey: My departmental officials, in conjunction with officials in the Department of Finance, are currently completing a review of the latest version of the draft Full Business Case for the Casement Park Project. Alongside this, a due diligence exercise is underway reviewing the estimated construction cost, which has risen due to the passage of time since the original estimate. There is also potential for any conditions associated with the planning approval process to impact on the projected costs for the project. UCGAA has continued to engage with the Department throughout this process.

Discussions have taken place, and will continue, with the GAA in respect of all these and associated matters, including the apportionment of any projected increased project costs.

Mr Clarke asked the Minister for Communities what measures her Department is taking to ensure that vulnerable people are not negatively impacted by delays in issuing of Winter Fuel payments.

(AQW 13058/17-22)

Ms Hargey: The Department for Work and Pensions (DWP) administer the Winter Fuel Payment on behalf of the Department for Communities.

Winter Fuel Payments for 2020-21 are being paid through a new Digital Seasonal Payment Service. DWP is aware of the issues delaying the payments to some customers.

DWP has informed my Department that at 25 January 2021, they had issued 283,537 payments to customers here totalling approximately £51 million.

My concerns in relation to the operation of the Helpline and the delayed payments have been raised at a senior level.

DWP has advised my Department that it has deployed additional resources, including to the Helpline, ensuring that the small numbers of customers who have not received a payment are reviewed as a matter of urgency and payments issued no later than 31 March 2021 and they apologise for any inconvenience caused.

Mr McNulty asked the Minister for Communities what financial support she is offering local councils who continue to suffer loss of income under the current restrictions put in place since December 2020.

(AQW 13108/17-22)

Ms Hargey: My Department has been allocated £85.3m from the Executive for councils to alleviate the loss of service income during 2020-21. To date £40.3m has been paid to councils in total.

Allocations of the remaining £45m funding will be confirmed once final information has been provided by councils and due diligence exercises have been completed. All funding will be released to Councils before the end of March 2021.

I have, and will continue to press for funding for councils for 2021/22 so that they can continue to deliver vital public services and ensure that there are not substantial rate increases for businesses and households as we continue to respond to the Covid19 Pandemic.

A Task & Finish Group (TFG) has been established as a subgroup of the Partnership Panel and one of their main priorities is local government finance. The first meeting of the TFG took place on 12 January 2021 and involved Departments, SOLACE, NILGA and the Association of Local Government Finance Officers.

Mr Durkan asked the Minister for Communities whether she has received any information on when eligible recipients will receive their Winter Fuel Payment.

(AQW 13127/17-22)

Ms Hargey: The Department for Work and Pensions (DWP) administer the Winter Fuel Payment on behalf of the Department for Communities for customers in Northern Ireland.

Winter Fuel Payments for 2020-21 are being paid through a new Digital Seasonal Payment Service. DWP is aware of the issues delaying the payments to some customers throughout the UK. As a consequence DWP now anticipate that all payments will be made by 31 March 2021.

DWP has informed my Department that at 25 January 2021, they had issued 283,537 payments to Northern Ireland customers totalling approximately £51 million.

DWP has advised my Department that it has deployed additional resources, ensuring that the small numbers of customers who have not received a payment are reviewed as a matter of urgency and payments issued and apologise for any inconvenience caused. My officials are in regular contact with their DWP counterparts and have raised my concerns in relation to these delayed payments at a senior level. They are also engaging directly with staff in the DWP Winter Fuel Payment Centre on those Northern Ireland cases which are brought to our attention.

Mr Newton asked the Minister for Communities whether she is giving consideration to a benefit uplift scheme, funded from within the COVID-19 financial allocation, for those with a disability or health issues and in receipt of Employment Support Allowance.

(AQW 13228/17-22)

Ms Hargey: In recognition of the difficult circumstances which so many are facing as a result of the current crisis my Department has been providing immediate financial assistance through Discretionary Support grants since March 2020 when we introduced enhancements to support people on low incomes affected by the pandemic.

Anyone in a crisis situation, including those in employment with an income below £20,405, is free to apply to the Discretionary Support Scheme for help with short-term living expenses.

The support available through this non-repayable tax-free grant, which will vary according to an individual's financial situation, ensures that more people will receive the financial support they need – at the time they most need it.

Anyone in need of additional support, including those who have been identified as clinically extremely vulnerable, should 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.

Mr McGuigan asked the Minister for Communities what plans she has to reform legislation on gambling.

(AQO 1433/17-22)

Ms Hargey: The main legislation on the regulation of gambling here is over thirty-five years old and has remained largely unaltered over that period.

As a result, existing law has not kept pace with significant social, economic and technological developments that have taken place across the industry since its enactment.

In my view, legislative reform is long overdue. I am therefore keen, subject to the agreement of my Executive colleagues, to bring forward proposals for regulatory change before the end of the current Assembly mandate.

Department of Education

Mr Carroll asked the Minister of Education what assessment and research he has sought around intimate care and the spread of COVID-19 in special schools.

(AQW 12492/17-22)

Mr Weir (The Minister of Education): There has been ongoing collaboration between my Department, the Education Authority (EA) and the Public Health Agency (PHA) throughout the Covid 19 pandemic, particularly in relation to Education Restart. This collaboration has been reflected in the development of guidance issued by my Department, the PHA and the EA.

Specific advice relating to more complex medical issues and other public health advice has been addressed through this joint approach.

Mr Carroll asked the Minister of Education what resources his Department has provided to parents of children with special educational needs so they can educate at home.

(AQW 12493/17-22)

Mr Weir: During the current public health situation and to support pupils to engage in remote learning, I have invested significantly in education technology and this has included the provision of laptops and other IT equipment. To date, over 11 000 new devices have been provided by the Education Authority (EA) to lend to pupils. A further 10,500 additional devices have been procured and will be available from early February.

As with any finite budget, resources have to be targeted where the need is greatest. To ensure this is achieved, priority has therefore been given to children entitled to free school meals, and either have special educational needs, are newcomer children or are looked after children or otherwise vulnerable in year groups 12, 14, 7, 4, 11 and 13.

In July, I announced that free Wi-Fi and mobile connectivity would be provided to children and young people, including those in rural settings, who may not have had access to digital technology. Both WiFi vouchers and MiFi devices are to be issued to disadvantaged and vulnerable learners in all year groups. BT has recently removed the cap on the number of vouchers that can be allocated to vulnerable learners.

To support schools' delivery of remote learning funding has been provided to the Education Authority (EA) to continue to improve the services available through C2k, including upgrades to software, the addition of a number of learning applications and upgrading the bandwidth in schools.

Miss McIlveen asked the Minister of Education, pursuant to AQW 5044/17-22, for an update on his consideration to introduce flexible school starting age.

(AQW 12507/17-22)

Mr Weir: I appreciate that in some circumstances parents feel that their child may not be ready to start school when they are due to. There is no current legal mechanism by which parents can defer school starting age. However, it is important to find a solution that meets the needs of young people and I am keen to look at how we might address this and what legislative change would be most effective.

I have therefore asked my officials to present me with policy options which might address this issue. I will consult on options before drawing any conclusions. It will, however, be important to ensure that any proposal for change that might emerge does not have unintended consequences elsewhere in the system.

This process will take time and I am considering whether it will be possible to bring forward a Bill and for it to complete its passage through the Assembly by the end of the current mandate. In the meantime, I would urge those parents who feel their child is not ready for school to discuss their concerns with those schools they are considering applying to.

Mrs Cameron asked the Minister of Education to detail the level of uptake of Autism training for teaching staff in each of the last three years.

(AQW 12518/17-22)

Mr Weir: The tables below details the training delivered by the Education Authority's Autism Advisory & Intervention Service (EA AAIS) and Middletown Centre for Autism.

Year 1: - August 2020- to date (18/01/21)

Course Title	No. of course participants
Tier 1 Training	
AAIS Tier 1 Training for Early Years Professionals (opened for first registration 18/01/21)	16
AAIS Tier 1 Training for Primary Professionals (opened for first registration 18/01/21)	22
AAIS Tier 1 Training for Post-Primary Professionals (opened for registration 25/08/20)	1676
Sensory Trainings	
AAIS Sensory Processing and Autism Spectrum Disorder (ASD) for Early Years and Primary Professionals (opened for registration 25/08/20)	317
AAIS Sensory Processing and Autism Spectrum Disorder (ASD) for Post - Primary Professionals (opened for registration 25/08/20)	598
AAIS Sensory Rooms: Recommendations for Early Years and Primary Staff (opened for registration 29/10/20)	134
AAIS Sensory Rooms: Recommendations for Post- Primary Staff (opened for registration 29/10/20)	15
Training for College Staff (Post 16+ Transition)	
AAIS Stepping Up: Making College Work. Training for college staff (opened for registration 29/10/20)	196
Peer Training for Pupils	
Peer Training for Post-Primary Pupils (opened for registration 25/08/20; training delivery focus expected in month of April to celebrate Autism Awareness Month)	118 schools 1027 pupils

Year 2: - August 2019- June 2020

Course Title	No. of course participants
Two-Day Toolkit for School Staff	
Two-day Toolkit for Early Years Professionals	260
Two-day Toolkit for Primary Professionals	162
Two-day Toolkit for Post-Primary Professionals	163
ASD Awareness Training	73
Sensory Trainings	
AAIS Sensory Processing and Autism Spectrum Disorder (ASD) for Early Years and Primary Professionals	121
AAIS Sensory Processing and Autism Spectrum Disorder (ASD) for Post - Primary Professionals	28
Sensory Processing and ASD	47
Sensory Processing for Primary and Post-Primary staff	37
Moving on up: Training to Support the Transfer to Year 8	
Transfer Training for Primary Professionals	44
Transfer Training for Parents of P7 pupils (bank of transfer resources and training materials available for parents and school staff on AAIS website has received 40,926 hits from March 2020- 18 January 2021)	31
Transfer Training for Post-Primary Professionals	842
Early Years Transition	
Transition Training for Early Years Professionals	46
Transition Training for Early Years Parents	55

Course Title	No. of course participants
Whole School Training	
Total numbers of school staff in receipt of Whole School Training (August 2019- June 2020)	1545
Peer Training	
Peer Training for Post-Primary Peers	1046 pupils

Year 3: - August 2018- June 2019

Course Title	No. of course participants
ASD Training Stats	
Total numbers of school staff in receipt of Two-Day Toolkit and/ or Whole School Training (August 2018- June 2019)	4023
Peer Training for Pupils	
Peer Training for Primary Pupils (Puppet Show Format)	340 pupils
Peer Training for Post-Primary Pupils (PowerPoint and Games show format)	845 pupils
Transfer Workshops	
Transfer Workshops for Parents and Primary 7 pupils	156 parents 148 pupils
Transfer Training for Post-Primary Professionals	106 staff
Life Skills Training	
Life Skills Training for Year 10 parents (5 week course)	14 parents attended 5 week course

Middletown Centre for Autism (MCA) training uptake for the last three full years, and up to December 2020.

MCA training: Education Professionals(Northern Ireland only)

Yr	Places Offered	Attendees
2017-2018	5260	3581
2018-2019	4181	3481
2019-2020	3418	3138
2020- up to Dec 20	2100	1350
Totals	14959	11550

Mr Givan asked the Minister of Education, in addition to discussions with transfer test providers, whether parents of children sitting the tests have been consulted on the way forward.

(AQW 12588/17-22)

Mr Weir: As you will be aware the transfer tests are administered and organised by the Post Primary Test Consortium and the Association for Quality Education Ltd and the schools they represent. The Department plays no role in their organisation however, in the context of the current pandemic, I wrote to the test providers outlining the need to adhere to the requirements of the health protection legislation and associated guidance Any consultation on the arrangements for the tests moving forward is a matter for the providers and schools.

Mr McGrath asked the Minister of Education to detail the additional resources provided to special schools to help with reopening in January 2021.

(AQW 12620/17-22)

Mr Weir: To help support special schools address many of the pressures arising as a result of COVID-19, my Department has received and made available £5.3m of Education Restart funding to special schools through the Education Authority (EA).

Special schools' budgets are determined and allocated by the EA from within its block grant allocation and Education Restart funding for special schools is being managed centrally by the EA in line with this arrangement. The EA's current assessment is that the funding provided to date is sufficient to support special schools reopening in January 2021.

My Department, in conjunction with the EA, will continue to monitor funding requirements as we move through this pandemic.

As regards additional mitigations, special schools, like mainstream schools, are to adhere to existing mitigations as set out in Departmental guidance. Special schools are advised to work with their designated EA support officers to resolve any difficulties where they arise. My Department, in conjunction with EA and the Public Health Agency, continues to meet the Special Schools Strategic Leadership Group on a fortnightly basis.

Mr McGrath asked the Minister of Education what funding will be provided to the sector, given that special schools are expected to operate as normal with all of the additional mitigations they will have to put in place.

(AQW 12623/17-22)

Mr Weir: To help support special schools address many of the pressures arising as a result of COVID-19, my Department has received and made available £5.3m of Education Restart funding to special schools through the Education Authority (EA).

Special schools' budgets are determined and allocated by the EA from within its block grant allocation and Education Restart funding for special schools is being managed centrally by the EA in line with this arrangement. The EA's current assessment is that the funding provided to date is sufficient to support special schools reopening in January 2021.

My Department, in conjunction with the EA, will continue to monitor funding requirements as we move through this pandemic.

As regards additional mitigations, special schools, like mainstream schools, are to adhere to existing mitigations as set out in Departmental guidance. Special schools are advised to work with their designated EA support officers to resolve any difficulties where they arise. My Department, in conjunction with EA and the Public Health Agency, continues to meet the Special Schools Strategic Leadership Group on a fortnightly basis.

Mr Lyttle asked the Minister of Education whether schools use public funding to pay for the services of AQE.

(AQW 12711/17-22)

Mr Weir: The Association of Quality Education (AQE) Ltd is a private company which provides a service to its member schools. The Department is not presently sighted on the financial operations of AQE Ltd. However, I have asked my officials to look into this issue further.

Mr McCrossan asked the Minister of Education following his declaration that GCSE, AS and A level exams were cancelled, (i) why he did not arrange for a contingency plan to be drawn up in September to cover this eventuality; (ii) whether he will make public the part or parts of his Department's risk register that highlight the problems operating public exams in the middle of a pandemic brings and how these risks will be managed; and (iii) whether he will make public all the advice he sought from CCEA in relation to qualifications for 2021 and all CCEA's responses he received.

(AQW 12792/17-22)

Mr Weir:

- (i) It was my priority that exams should go ahead if possible in 2020/21 and my Department's focus was on making appropriate adaptations to ensure the relevant exam series could proceed taking account of the disruption experienced by learners.

However, CCEA was commissioned to simultaneously bring forward advice on contingency arrangements to be deployed in the event of the cancellation of examinations. Since my announcement about the cancellation of exams on 6 January 2021, CCEA has been asked to work at pace with my officials to refine their proposals and provide detailed advice as a matter of urgency. CCEA has also been asked, in refining its proposals, to take into account the lessons learnt as set out in the report produced by Deloitte which was published on 21 January 2021.

- ii The risks around the delivery of the examination and awarding processes in 2020/21 are set out at a high level in the Department's Corporate risk register and in further detail in the risk registers of the Standards and Learning programme board and the relevant business area. I am content that there are robust governance arrangements in place. Indeed, the recently published independent review of Summer 2020 awarding arrangements completed by Deloitte noted the "robust governance and management structures within and between CCEA and DE" and these structures remain in place for 2021.
- iii It would not be appropriate to make public the correspondence with CCEA on this matter at this time as it relates to policy in development.

Mr McCrossan asked the Minister of Education, as a growing body of information suggests that the rate of positive cases amongst school staff may be higher than the population average, whereas it is lower for school pupils, whether he will, as part of his duty of care towards school staff, undertake to seek such a comparison becomes a standard feature of Public Health Agency data.

(AQW 12794/17-22)

Mr Weir: PHA already publishes figures for the number of COVID cases notified to the PHA schools team by principals every week and at a meeting with the Special Schools Strategic Leadership Group on 22 January my officials asked that clearer figures are produced to reflect the infection rate in schools against the population.

There are several studies underway in the UK which, among other things, are looking at the prevalence of COVID in different occupational groups. These large population studies which test people with and without symptoms of COVID to see what rates of infection are the best way to compare rates of COVID in different groups including occupational groups.

There are ongoing studies which include participants from Northern Ireland and the COVID school infection survey which is carrying out detailed research into COVID prevalence in schools in England.

The European Centre for Disease Prevention and Control published a technical report COVID 19 in children and the role of school settings in transmission - first update, in December, which states –

Covid 19 among Educational Staff

Transmission of SARS-CoV-2 within the workplace is difficult to assess, especially when there is ongoing transmission within the community, given that adults may become infected outside of the workplace. WHO finds that staff-to-staff transmission was the most common and that in school outbreaks, the virus is most likely introduced by adult personnel [73].

Data from the 2 September (the start of the school year) to 16 October 2020 from England found no differences in COVID-19 positivity rates between primary and secondary school teachers and other professions. A similar trend was seen when including household members of teachers, where no evidence of difference in positivity rates was noted [76]”,

Mr Beattie asked the Minister of Education for his assessment of how effective the Education Authority whistleblowing policy is, given their recent refusal to take forward matters unless the name of the whistleblower was disclosed to them.

(AQW 12854/17-22)

Mr Weir: The Education Authority (EA), along with all of the other Department of Education (DE) arm's length bodies, has a responsibility, through the Accounting Officer, Board and Audit Risk & Assurance Committee, to ensure that an adequate and effective Whistleblowing Policy is in place in compliance with current guidance. My Department is unaware of the specific case that you refer to and I have therefore asked my officials to liaise with the EA on the matter.

Mr Beattie asked the Minister of Education (i) whether he plans to review the Education Authority whistleblowing policy as part of his Department's sponsorship role; and (ii) whether he will consider referring any shortcomings found to the Northern Ireland Audit Office.

(AQW 12855/17-22)

Mr Weir:

- (i) The Education Authority, along with all of the other Department of Education (DE) arm's length bodies, has a responsibility, through the Accounting Officer, Board and Audit Risk & Assurance Committee, to ensure that an adequate and effective whistleblowing policy is in place in compliance with current guidance. The DE Internal Audit team intends to review each of these whistleblowing policies as part of its annual audit plan for 2021-2022.
- (ii) As with all Internal Audit reviews, the outcome will be passed to the Northern Ireland Audit Office as a matter of course.

Mr Beattie asked the Minister of Education (i) for his assessment of pupil attendance at schools during the current restrictions; and (ii) to detail the number of children who are availing of schools during this present lockdown.

(AQW 12857/17-22)

Mr Weir: The Department receives weekly pupil attendance reports taken directly from the School Information Management System (SIMS) which records the number of pupil half-day sessions. The most recent data available which relates to the week commencing 18 January indicates that 8.6% of all pupil attendance was recorded as being physically present in school.

The current reported number of children on site is higher than during the first lockdown. However, it is low enough that there is no reason to assume that social distancing regulations cannot be adhered to.

My Department continues to monitor the situation and would like to reassure you that the health and safety of all pupils remains a priority issue.

Mr Lyttle asked the Minister of Education, pursuant to the AQE statement that schools cover the shortfall in costs for producing and administering the Common Entrance Assessment, (i) whether this funding is public funding; and (ii) how much funding is provided to AQE by schools.

(AQW 12868/17-22)

Mr Weir: The Association of Quality Education (AQE) Ltd is a private company which provides a service to its member schools. The Department is not presently sighted on the financial operations of AQE Ltd. However, I have asked my officials to look into this issue further.

Miss Woods asked the Minister of Education, pursuant to AQW 12251/17-22, whether he has commissioned an in-depth analysis of the immediate and longer term effects of the introduction of a flexible school starting age.

(AQW 12903/17-22)

Mr Weir: I appreciate that in some circumstances parents may feel that their child may not be ready to start school when they are due to. Currently there is no legal mechanism by which parents can defer school starting age. However, it is important to find a solution that meets the needs of young people and I am keen to look at how we might address this and what legislative change would be most effective.

I have therefore asked my officials to present me with policy options which might address this issue, giving careful consideration to the wider impacts this change may have on other policy areas, for example on pre-school provision, the delivery of the curriculum at all Key Stages and on school leaving age. To further inform final decisions on the way forward, it would be my intention to consult on potential options.

This process will take time and I am considering whether it will be possible to bring forward a Bill and for it to complete its passage through the Assembly by the end of the current mandate. In the meantime, I would urge those parents who feel their child is not ready for school to discuss their concerns with those schools they are considering applying to.

Ms McLaughlin asked the Minister of Education to detail (i) the number of pupil applications; and (ii) the number of pupils accepted by each grammar school in the Derry City and Strabane District Council area, for each of the last five years.

(AQW 12908/17-22)

Mr Weir: The details you have requested are attached at Annex A. Information on the number of applications received was supplied by the Education Authority and relate to the position at the end of the admissions process each year. Furthermore, they relate to children who transferred through the competitive admissions process (i.e. the figures do not include children with a statement of special educational needs).

Annex A

**Grammar Schools in the Derry City and Strabane District Council Area -
Year 8 Applications/Admissions 2016/17 - 2020/21**

School Number	School Name	Approved Admissions Number	2016/17		
			1st Preference Applications	Total Applications	Total Admitted Sept 2016
241-0311	Strabane Academy	110	68	76	76
242-0052	Thornhill College	200	207	235	200
242-0054	St Columb's College	220	224	246	220
242-0229	Foyle College	121	151	158	121
242-0287	Lumen Christi College	120	183	185	120

School Number	School Name	Approved Admissions Number	2017/18		
			1st Preference Applications	Total Applications	Total Admitted Sept 2017
241-0311	Strabane Academy	110	88	89	89
242-0052	Thornhill College	200	215	239	200
242-0054	St Columb's College	220	196	238	220
242-0229	Foyle College	126	139	152	126
242-0287	Lumen Christi College	120	197	199	120

School Number	School Name	Approved Admissions Number	2018/19		
			1st Preference Applications	Total Applications	Total Admitted Sept 2018
241-0311	Strabane Academy	110	76	81	81
242-0052	Thornhill College	200	212	240	202*
242-0054	St Columb's College	220	190	226	220

School Number	School Name	Approved Admissions Number	2018/19		
			1st Preference Applications	Total Applications	Total Admitted Sept 2018
242-0229	Foyle College	126	161	172	127*
242-0287	Lumen Christi College	120	187	188	120

School Number	School Name	Approved Admissions Number	2019/20		
			1st Preference Applications	Total Applications	Total Admitted Sept 2019
241-0311	Strabane Academy	110	93	98	98
242-0052	Thornhill College	200	185	208	201*
242-0054	St Columb's College	220	172	193	193
242-0229	Foyle College	126	163	167	127*
242-0287	Lumen Christi College	120	157	162	120

School Number	School Name	Approved Admissions Number	2020/21		
			1st Preference Applications	Total Applications	Total Admitted Sept 2020
241-0311	Strabane Academy	110	117	123	115*
242-0052	Thornhill College	200	202	229	200
242-0054	St Columb's College	220	170	206	206
242-0229	Foyle College	126	163	175	126
242-0287	Lumen Christi College	120	183	184	120

* Approved admissions number increased by way of a Temporary Variation.

Ms Brogan asked the Minister of Education (i) what measures his Department is taking to ensure a consistent standard of education for our children and young people during this period of remote learning; and (ii) what measures have been taken to ensure equality of access to the curriculum for children and young people during this period.

(AQW 12990/17-22)

Mr Weir: My Department has issued an Educational Continuity Direction, which makes it a legal requirement for all pre-school settings and schools to provide remote learning at the current time.

Alongside the Direction, my Department published further detailed guidance for schools on supporting remote learning. This sets out clear expectations, and provides additional advice and guidance to schools as they consider how to tailor and adapt delivery of the curriculum. Schools are required to have regard to this guidance, which will encourage a more consistent approach to remote learning provision.

At a system level, the Education and Training Inspectorate (ETI) has developed a survey on the nature and extent of remote learning in this current period of lockdown. This survey will provide important data on remote learning, including pupil engagement, approaches taken, and will also provide valuable insights into the challenges schools are facing and any further support that is required.

My Department is monitoring implementation of remote learning through the school managing authorities, who are working to support schools who have any difficulties. CCMS, CSSC and EA officers are supporting schools, as designated Cross Organisational Link Officers. They provide support and signpost queries associated with COVID-19 and the Department's advice and circulars including on remote learning. Where concerns or issues have been identified or raised, including by schools themselves, the first priority for the Department and other education support bodies will be to help schools with their remote education plans and provision.

My Department has committed significant funding of £7million during the current financial year to support access to the curriculum during remote learning for children and young people. This investment includes:

- supporting the expansion of schools' bandwidth in particularly low bandwidth areas, and also for the procurement of additional learning applications to support remote learning;

- the purchase of 8,000 Chromebooks and 3664 Laptops for disadvantaged or vulnerable learners; and
- establishing a scheme to provide Wi-Fi vouchers and MiFi devices for disadvantaged or vulnerable learners.

Mr K Buchanan asked the Minister of Education (i) whether Special Educational Needs statements and assessments are still being carried out, including early years autism assessment; and (ii) what measures have been put in place to ensure these services continue during COVID-19.

(AQW 13090/17-22)

Mr Weir: The Education Authority's (EA) Special Educational Needs (SEN) Assessment and Review Service (Statutory Operations) will continue to operate to ensure delivery of service to parents and schools. This includes progressing statutory assessment processes, including referrals, Annual Reviews, the maintenance of statements of SEN, and the management of the statutory processes linked to the placement of pupils in Nursery/Preschool and Primary 1, and the transfer of pupils to Post Primary Schools.

Schools and parents are encouraged to communicate, where possible, by email with their SEN Link Officer. The EA's SEN Helpline is available to parents for general SEN advice and guidance. Schools can continue to use the EA's SEN Office mailbox addresses to submit documentation and reports.

The EA Psychology Service is continuing to carry out key aspects of its role. Their focus will be on remote consultations and assessments primarily. In exceptional circumstances in accordance with risk assessment processes, assessment may be carried out in the school. In a minority of circumstances where it is not possible to carry out a virtual assessment, a series of 'assessment rooms' established across the EA's three localities will be deployed. Schools should continue to liaise with their named Educational Psychologist. Contact can be made with their local Psychology office and schools have been advised that they should continue to progress referrals through the Psychology Service's portal in line with agreed protocols.

Early Years Diagnostic Autism Assessments are the responsibility of the Health and Social Care Trusts.

Mr Beattie asked the Minister of Education to detail the number of educational psychologists employed by the Education Authority, broken down by area.

(AQW 13115/17-22)

Mr Weir: The information, as provided by the Education Authority, is as follows:

Area	Head of Service	Principal Educational Psychologists	Senior Educational Psychologists	Educational Psychologists
Ballymena	1	1	0	14
Coleraine			1	6
Derry/Londonderry			1	9
Belfast		1	3	29
Dundonald			2	25
Dungannon		1	1	8
Portadown			1	9
Newry			1	10
Enniskillen			1	5
Omagh			1	7
Total	1	3	12	122

Mr McCrossan asked the Minister of Education to detail (i) the nature of the investment he has made in promoting remote learning over the period of the pandemic; (ii) what improvements this investment has realised; (iii) what further challenges lie ahead for supporting remote learning over the period of the pandemic; and (iv) what further plans he has to address these challenges.

(AQW 13121/17-22)

Mr Weir: I am committed to supporting remote learning with almost £7million of funding provided during the current financial year to help advance this alternative approach. This investment includes:

- supporting the expansion of bandwidth in particularly low bandwidth areas;
- the procurement of additional learning applications to support remote learning;
- the purchase of 8,000 Chromebooks and 3664 Laptops for disadvantaged or vulnerable learners; and
- establishing a scheme to provide Wi-Fi vouchers and MiFi devices for disadvantaged or vulnerable learners.

The C2K system, has supported online access to school services since the beginning of the COVID-19 school closures. Whilst the system was not designed to deliver remote learning, it has adapted well to the current challenging circumstances. There are significant elements of the service which can be accessed remotely and the system has provided principals, teachers and pupils with the tools necessary to support teaching and learning remotely. Additional funding has been provided to the Education Authority (EA) to improve the services currently available.

Additionally, I am pleased to confirm an additional 17,700 devices have been procured and will be available for allocation by the EA from the start of February.

My Department is monitoring implementation of remote learning through the school managing authorities, who are working to support schools who have any difficulties. CCMS, CSSC and EA officers are supporting schools, as designated Cross Organisational Link Officers. They provide support and signpost queries associated with COVID-19 and the Department's advice and circulars including on remote learning. Where concerns or issues have been identified or raised, including by schools themselves, the first priority for the Department and other education support bodies will be to help schools with their remote education plans and provision.

At individual pupil level, our schools are monitoring children's engagement at individual pupil level. Many have introduced systems for checking daily that pupils are engaging with their work and are putting in place school-wide approaches to monitor work completion across the curriculum.

As a system, we are significantly better prepared and equipped to deliver remote learning than we were last March and I have every confidence this improvement will continue as we meet the challenges that arise as a result of the current public health situation.

Mr McCrossan asked the Minister of Education, given that special schools have been open since 4 January 2021, to detail (i) what challenges his Department has been made aware of in relation to their safe operation; (ii) how his Department has responded to supporting these schools to meet these challenges; (iii) what success his Department has had in facing these challenges; and (iv) what further plans he has to support special schools in keeping staff and pupils safe in the future while promoting the educational needs of the children.

(AQW 13122/17-22)

Mr Weir: The Department values the opportunity to discuss issues with the Special Schools Strategic Leadership Group (SSSLG) at the fortnightly meetings to ensure concerns and queries are addressed in a timely manner, and the next meeting will focus on what if any, additional mitigations can be put in place to further reduce risk of transmission.

The Education Authority held a dedicated session on 18 January with Special School principals and the Public Health to consider what if any, additional mitigations can be put in place to further reduce risk of transmission.

Mitigations currently in place include actions and guidance taken by the Education Authority (EA) around transport (including private contractors); use of protective class bubbles; social distancing between adults at all times; appropriate use of PPE when dealing with intimate care and Aerosol Generating Processes (AGP); use of face coverings in shared spaces and enhanced cleaning processes.

The Education Authority will continue to monitor this situation and provide support to ensure all possible actions/mitigations have been explored.

Additional guidance issued to Special School Principals on 21 February 2021.

Schools have been asked to update their risk assessments and where it has been identified as a measure, Personal Protective Equipment (PPE) will be made available to staff, EA is leading on procurement of suitable quantities of PPE for educational settings and these will be made available to staff as required.

I had written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable and I have submitted a paper to The Executive seeking priority in general for education staff/ teachers and in particular for special schools staff.

Mr McCrossan asked the Minister of Education, given that schools have identified the need for additional Education Welfare Officer support to help vulnerable children during the current lockdown, (i) whether he will instruct the Education Authority to review the operation of its support services to schools with a view to increasing what can be done; (ii) whether he has plans to review how such support services have functioned over the period of the pandemic via his Department; and (iii) if he has, whether he will be making the findings public.

(AQW 13123/17-22)

Mr Weir: The Education Welfare Service (EWS) has played a key role in responding to the needs of children during 'lockdown'. This includes the allocation of a named Education Welfare Officer (EWO) to every school.

EWS has remained operational throughout the pandemic and has worked proactively with schools, parents, young people and other Education Authority (EA) services to identify and support pupils and families based on their individual needs and circumstances.

The Education Authority has put in place responsive operational structures to ensure a coordinated approach to providing support, with an emphasis on targeting vulnerable young people.

By way of reviewing the provision of services I can inform you that the Department's Inclusion and Wellbeing Directorate (IWD) has requested that the Education Authority (EA) resume its weekly reporting system on how each of its critical services are supporting the needs of vulnerable children and young people during the current period of school closures.

Ms Sheerin asked the Minister of Education whether he will consider amending the current support for remote learning to ensure that vouchers for mobile data are offered as an alternative to broadband vouchers, given that many families cannot access broadband in their homes.

(AQW 13148/17-22)

Mr Weir: Departmental officials, along with colleagues from the Education Authority, are currently working on a strategy to provide a data allowance scheme to supplement the WiFi and MiFi initiative I announced last July. A data allowance scheme was recently announced by the Department for Education (England) and I was regrettably informed this initiative does not extend to Northern Ireland, Scotland or Wales.

Officials are engaging with their counterparts in Wales and Scotland to explore the introduction of a data allowance scheme in our respective jurisdictions. In support of this, discussions are ongoing with local telecoms providers to develop a process that can be deployed in an efficient and effective manner.

The importance of good telecommunications services has come to the fore as we support remote learning. The Department for Economy (DfE) is responsible for the provision of broadband throughout Northern Ireland and they fully appreciate the impact of poor broadband on local communities, particularly in rural areas of Northern Ireland. The Covid-19 crisis has emphasised the greater challenges faced by those with poor broadband coverage, especially for those tasked with home schooling responsibilities.

I welcome the recent announcement from the mobile operators O2, Three and Vodafone to boost 4G rural coverage through the Shared Rural Network programme. This programme represents an investment of £1 billion across all four nations of the United Kingdom and will boost 4G coverage in Northern Ireland from 75% of landmass to at least 85%. The construction of the new IT infrastructure will commence this year.

I am committed to continue to do all I can to support those who need access to technology that supports their learning at this time.

Ms Kimmins asked the Minister of Education what engagement his Department has had with school leaders from special schools prior to schools reopening in (i) September 2020; and (ii) January 2021, to plan and prepare for the issues they were facing as a result of the COVID-19 pandemic.

(AQW 13158/17-22)

Mr Weir: The Department and the Special Schools Strategic Leadership Group (SSSLG) worked closely to co-design the Education Restart Northern Ireland Re-opening Schools Guidance – Special Schools that was issued on 24 August 2020.

There was engagement with key stakeholders in relation to the development of the Contingency Framework for Vulnerable Children and Young People (issued 31 December 2020). In light of the current crisis in public health, which became apparent over the Christmas period, further necessary actions, were agreed by the Executive and covered in the Minister's statement to the Ad Hoc Committee on 6th January.

Meetings between the Department and SSSLG took place on the 8, and 22 January to address issues. These meetings included attendance of officials from the Education Authority and Public Health Agency (PHA). A webinar with all Special Schools took place on the 18 January with consultant from the PHA to address specific concerns in relation to the transmission of the COVID-19 and staff concerns. Regular meetings are ongoing between the Department and the SSSLG

Satutory Service: Growth of Voluntary Sector. **Mr McGrath** asked the Minister of Education for his assessment of whether statutory services are inhibiting the growth of the voluntary sector.

(AQW 13206/17-22)

Mr Weir: Rather than inhibiting the growth of the voluntary sector, statutory services are supporting the development of this sector in a number of ways. These include through the provision of increased funding; support for capacity building and support for continual professional development and staff training.

My Department will continue to work with the EA and sectoral partners to ensure that where the voluntary sector can deliver cost effective, needs based quality services they are supported to do so.

Mr McGrath asked the Minister of Education (i) for his assessment of the potential benefits of increased voluntary sector delivery; and (ii) to detail these benefits.

(AQW 13208/17-22)

Mr Weir:

- i Potential benefits of increased voluntary sector delivery.

Departmental policy and associated service delivery focuses on the benefits and improved outcomes for our children and young people. An increase in generic service provision delivered by both statutory and voluntary providers has proven to support the personal and social development and education of children and young people, decreasing the need for targeted provision. Such services have been effectively supported by voluntary regional support organisations.

- ii. Detail of potential benefits.

The potential benefits to be gained through increased voluntary sector delivery include:

- The maintenance of community connections with a local understanding of the needs of children and young people.
- The continued engagement with and progression in youth services, by young people, directly in their communities.
- Increased opportunities for volunteering and civic participation by people within their local communities

However, it is important to add that these benefits are also realised through high quality statutory sector provision which is embedded in, and responsive to the needs of local areas. The delivery of services through statutory and voluntary provision and associated benefits for our children and young people is kept under review by my Department in conjunction with the EA and sectoral partners to ensure the most effective delivery model for services is utilised.

Mr Middleton asked the Minister of Education whether his Department will consider making CPR training compulsory in secondary schools.

(AQW 13223/17-22)

Mr Weir: Within the Northern Ireland curriculum, there are opportunities to cover first aid, including CPR skills, through 'Personal Development and Mutual Understanding' and 'Learning for Life and Work'. This could be reinforced further through, for example, concurrent study in subjects such as Citizenship Education, Physical Education and Science.

Schools also have access to a high quality range of resources that cover curriculum-related issues through the Education Authority's C2k ICT managed service, which can include first aid topics such as CPR.

The curriculum provides schools with flexibility to meet the needs of their pupils which encourages more innovative and customised approaches including working with external agencies. I do, however, recognise the importance of this issue and would support any initiative which increases awareness of it in our schools and across society in general.

Miss Woods asked the Minister of Education to detail (i) the total budget for the last five years allocated to CCEA for the development of relationships and sex education teaching materials; and (ii) a breakdown of budget by each year.

(AQW 13243/17-22)

Mr Weir: My Department has allocated earmarked funding of £40k to CCEA in each of the last three years, 2018/19, 2019/20 and 2020/21 to develop Relationship and Sexual Education (RSE) teaching resources including the RSE HUB which was launched in 2019.

The breakdown of costs is as follows;

	2018/19	2019/20	2020/21
Pay	£35,072	£20,188	£34,592
Professional Associate Contractor Fees	£4928	£19352	£4399
Professional Fees		£60	£1009
Copyright Fees		£400	
Total	£40,000	£40,000	£40,000

Mr Allen asked the Minister of Education how many children have not engaged with remote learning.

(AQO 1459/17-22)

Mr Weir: Our schools are monitoring children's engagement at individual pupil level. Many have introduced systems for checking daily that pupils are engaging with their work and are putting in place school-wide approaches to monitor work completion across the curriculum.

If schools detect a lack of engagement, they understand that it is vital to make contact as soon as possible with the parent or guardian by email or telephone. This important practice is taking place in many of our schools. Where schools have ongoing concerns about children's engagement, support is available from the Education Authority.

At a system level, the Education and Training Inspectorate (ETI) has developed a survey on the nature and extent of remote learning in this current period of lockdown.

This survey will issue to all schools and pre-schools and will provide important data on remote learning, including pupil engagement, approaches taken, and will also provide valuable insights into the challenges schools are facing and any further support that is required.

Mr Allister asked the Minister of Education whether the uptake of in-school teaching for key workers requires the criteria to be revisited.

(AQO 1458/17-22)

Mr Weir: The latest data from our weekly survey, which includes responses from around 75% of all school and pre-school education settings, reported almost 12,500 key worker children as being on site on Monday 18 January. This equates to around 4% of all pupils. These figures do not include children in Special Schools which have been asked to remain open for all children.

The majority of these key worker children, some 10,500, are attending Primary schools. As the majority of these numbers relate to children attending special schools, the number of children of key workers attending mainstream schools is low enough that there is no reason to assume that social distancing regulations cannot be adhered to.

The definition of key worker was agreed by The Executive and there is currently no evidence that the criteria need to be revisited.

My Department continues to monitor the situation and would like to reassure you that the health and safety of all pupils remains a priority issue.

Mr Middleton asked the Minister of Education for his assessment of remote learning during the current restrictions in schools.

(AQO 1460/17-22)

Mr Weir: As a system, we are significantly better prepared and equipped to deliver remote learning than we were last March.

Since the beginning of the 2020/21 academic year, my Department has asked schools to have contingency plans in place for the delivery of remote learning. Schools are now implementing these plans to deliver remote learning during the next number of weeks.

Due to the dedication of teachers and school leaders, the vast majority of schools had already been delivering remote education where and when it has been needed during the autumn term, continually improving their provision in line with expectations and emerging best practice.

At the beginning of January, my Department issued an Educational Continuity Direction, which makes it a legal requirement for all pre-school settings and schools to provide remote learning.

Alongside the Direction, my Department published further detailed guidance for schools on supporting remote learning. This provides additional advice and guidance to schools as they consider how to tailor and adapt delivery of the curriculum. Schools are required to have regard to this guidance.

There is much good practice across our system and my Department is monitoring implementation of remote learning through the school managing authorities, who will work to support schools who have any difficulties.

Mr Blair asked the Minister of Education what alternative data he has recommended to schools to use as a proxy for academic criteria in post-primary admissions.

(AQO 1461/17-22)

Mr Weir: The use of academic selection in their admissions criteria is a decision for Boards of Governors. I have therefore reminded schools considering using academic selection that, in the absence of the AQE and GL assessments, they should ensure that any alternative approaches are robust, are supported by legal advice and that any process adopted can clearly and objectively select pupils for admission.

Ms S Bradley asked the Minister of Education whether he will introduce a further financial support scheme for substitute teachers.

(AQO 1462/17-22)

Mr Weir: Yes. I am pleased to confirm that I have introduced a further income support scheme for substitute teachers on 22 January 2021. The new scheme will operate under similar arrangements to the prior scheme for April to June 2020.

Details of the scheme are available on the Department of Education website, which includes information on who is eligible for the scheme, how payments will be calculated, and a straightforward online application form.

The closing date for the scheme is 29 January 2021, and I encourage substitute teachers to apply for the scheme if they are eligible.

Mr Frew asked the Minister of Education to outline any discussions or plans with the Minister of Health to ensure the prompt vaccination of all teachers and school staff.

(AQO 1463/17-22)

Mr Weir: I can confirm that I have written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable.

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.

JCVI indicated on 6 January that they are considering under the next priority phase of vaccinations, those at increased risk of exposure to SARS-CoV-2 due to their occupation and this would include teachers.

Mr Catney asked the Minister of Education whether he will review the eligibility criteria for the rollout of digital devices.

(AQO 1464/17-22)

Mr Weir: The provision of digital devices and Wi-Fi, for those pupils in need, has been a priority. I have invested significantly in the provision of laptops and other IT equipment.

However, as with any finite budget, resources have to be targeted where the need is greatest. To ensure this is achieved, priority was given to disadvantaged and vulnerable learners children in exam years and key transition years in primary schools. This includes pupils in years 4, 7, 12 and 14 who are entitled to free school meals, and either have special educational needs, are newcomer children, are looked after children or who are otherwise vulnerable.

In November, this group was extended further to include those in years 11 and 13.

The Department is working with the Education Authority to prioritise remaining year groups and over 10,000 additional devices are being procured.

In July, I announced that free Wi-Fi and mobile connectivity will be provided to children and young people, including those in rural settings, who may not have had access to digital technology. Both Wi-Fi vouchers and MiFi devices are being issued to disadvantaged and vulnerable learners in all year groups. BT has just recently removed the cap on the number of vouchers that can be allocated to those vulnerable learners.

Mr Stewart asked the Minister of Education for an update on alternative grading arrangements for 2021 GCSE, AS and A level students.

(AQO 1465/17-22)

Mr Weir: My Department is working at pace with CCEA to put in place a robust alternative awarding process for CCEA GCSE, AS and A level qualifications. I hope to be in a position to provide further details next week.

Mr McGrath asked the Minister of Education to outline what discussions he and his officials have had with the Department of Health regarding the vaccination of staff in special schools.

(AQO 1466/17-22)

Mr Weir: I can confirm that I have written to the Health Minister in December to request that school staff are prioritised for vaccination as soon as is practicable.

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.

JCVI indicated on 6 January that they are considering under the next priority phase of vaccinations, those at increased risk of exposure to SARS-CoV-2 due to their occupation and this would include teachers.

Mr Durkan asked the Minister of Education for an update on the construction of a new school campus for Ardnashee School and College.

(AQO 1467/17-22)

Mr Weir: The current position is as follows:

- A business case addendum reflecting the increase in project costs for Ardnashee School and College was approved on 18 December 2020;
- The Education Authority (EA) is currently finalising the RIBA Stage 4 Report (Technical Design) for submission to my Department; and
- The procurement process to select a contractor has commenced.

It is anticipated that, subject to obtaining Planning Approval, work on site should commence late 2021.

Department of Finance

Mr Stalford asked the Minister of Finance how many people have died of COVID-19, without any underlying conditions.

(AQW 12461/17-22)

Mr Murphy (The Minister of Finance): The Northern Ireland Statistics and Research Agency (NISRA) has published an analysis of the presence, number and type of pre-existing conditions associated with Covid-19 related deaths. The analysis was based on the Medical Certificate of Cause of Death (MCCD), which forms part of the death registration. The statistical report is available at: <https://www.nisra.gov.uk/publications/monthly-deaths>

In the period March to November 2020, there were 1,406 deaths registered where Covid19 was mentioned anywhere on the death certificate. Of these 1,406 Covid19 related deaths, 114 deaths (8.1%) did not have any pre-existing conditions, i.e. Covid19 was the only cause mentioned on the death certificate, or where other causes mentioned are known to be the direct result of Covid19.

Mr Muir asked the Minister of Finance whether he intends to extend protection given to business tenants from the threat of eviction for non-payment of rent beyond 31 March 2021.

(AQW 12558/17-22)

Mr Murphy: I provided statutory protection for business tenants for three months from 1 April 2020. I then extended that protection on three further occasions, latterly on the 21 December 2020, for the period until 31 March 2021. I am keeping the matter under review, however, at this time a further extension is not anticipated.

Mr Muir asked the Minister of Finance whether he will consider providing further rates relief to food service companies in 2020/21.

(AQW 12559/17-22)

Mr Murphy: I have no current plans to further extend the business rate relief provided for this current financial year beyond that already agreed. Food service companies may be eligible for Covid Restrictions Business Support Scheme Part B which supports businesses in the supply chain that were forced to close or severely limit their operations as a result of the increased Health Protection Regulations.

Miss Woods asked the Minister of Finance when payments under phase 5 of the Localised Restrictions Support Scheme will be made to (i) eligible businesses who have already been assessed and received previous payments; and (ii) businesses who have received payments, or are in the process of receiving payments, by way of the appeals process.

(AQW 12747/17-22)

Mr Murphy: Land & Property Services has already made payments in respect of phase 5 of the Localised Restrictions Support Scheme for those businesses which received payment under earlier phases. If a business has requested a reconsideration of eligibility under a previous phase, and is determined to be eligible, then a payment will be issued to cover all relevant periods of restriction, including phase 5.

As of 21st January 2021, 9,564 top-up payments with a total value of £51,475,200 have been issued.

Ms Ní Chuilín asked the Minister of Finance to detail the number of people in the North Belfast constituency who are on zero hours contracts.

(AQW 12893/17-22)

Mr Murphy: The Labour Force Survey provides estimates of zero-hours contracts. The number of people on zero hour contracts for the period October 2019 to September 2020 in the North Belfast Parliamentary Constituency was estimated at 2,000.

Estimates from the Labour Force Survey are subject to an associated sampling error that decreases as the sample size increases. It is the nature of sampling variability that the smaller the group whose size is being estimated, the less precise that estimate will be. Estimates for Parliamentary Constituencies will therefore have a higher sampling variability and be less precise than estimates for the north as whole. As such the above estimate should be treated as indicative and not precise.

Mr Durkan asked the Minister of Finance how many Civil Service employees have been judged as unable to carry out their work remotely.

(AQW 12940/17-22)

Mr Murphy: 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.

In line with Executive guidance, the Department of Finance is making every effort to help people work from home where they can. Where work cannot be done at home, the Department is taking clear, practical steps to help protect staff and create safe places to work.

My department has a number of roles that cannot be carried out remotely. These will continue to be carried out in office locations that have been risk assessed and are safe for staff to work in.

At 21st January, out of a headcount of 3,492 staff, there were 291 staff unable to carry out their work remotely within the Department of Finance; 285 were working in the office or on site and 6 were available but not working.

Mr M Bradley asked the Minister of Finance whether he plans to introduce any further measures to help businesses who have, to date, not been able to apply for financial help.

(AQW 12954/17-22)

Mr Murphy: In my Ministerial statement of 21 January I announced a range of support measures aimed at providing immediate support to businesses and individuals identified as being in need, equating to over £215 million of additional support for this financial year.

This included an additional £100 million to extend the support provided through the Localised Restrictions Support Scheme in view of the new restrictions, thereby honouring my earlier commitment to ensuring that support continues to be provided to eligible businesses for as long as they are restricted. My Department has already issued £124 million to over 11,000 businesses through this scheme to date.

As part of this statement I also announced the extension of the 12 month rate relief to our newspaper industry, which is a key part of the fabric of society. I have no further plans to review the criteria that was applied or expand the support from the rate relief scheme for this current year beyond that which I have already announced.

The pandemic has led to dramatically scaled back operations, reduced operating hours and significant financial losses in the aviation sector. Airports and airlines are a critical part of our economic structure and it is vital they are supported to ensure connectivity for citizens and freight is maintained. Consequently, on 10 December 2020, I announced that my department has made available £7.8m financial support for Belfast International and Belfast City airports. This is in addition to a £3.1m package for airports in May, a recent allocation of £1.23m to City of Derry Airport and rates support worth £2.7m to our airports.

Regarding future rate relief, you will be aware that on 23 November 2020 I announced that I had set aside funding for longer-term support for business rates. I confirmed this again in my Draft Budget Statement on 18 January 2021. Work is currently underway 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 additional business rate relief can be applied to best effect to support local business and provide clarity on their rating liability.

I also announced that I will freeze the regional rates in 2021/22 for business rates and also for individuals through the domestic rates system.

I have, however, encouraged Executive Ministers to continue to work on further ways to utilise additional funding that has become available for spend in this financial year and I hope that further allocations will be made in the coming days.

Mr Muir asked the Minister of Finance to detail the interest rates currently being paid on reinvestment and reform initiative borrowing.

(AQW 12981/17-22)

Mr Murphy: There is no single RRI borrowing rate.

RRI borrowing is accessed monthly based on the profile of expenditure for projects funded through borrowing. RRI borrowing interest rates are taken from the Public Works Loan Board on the day of the loan being issued. Therefore current repayments are based on a wide variety of interest rates.

Information on the PWLB interest rates is available on their website.

Mr Muir asked the Minister of Finance (i) whether the UK Budget, set for the 3 March 2021, will have a material impact on the Executive's funding envelope for 2021/22; and (ii) to detail the process for allocating any additional funding.

(AQW 12983/17-22)

Mr Murphy: It is not anticipated that the Chancellor's budget will have a material impact on 2021-22 finances, however should further funding become available it will be incorporated into the next appropriate financial exercise.

Ms McLaughlin asked the Minister of Finance why sporting social clubs are ineligible for support under the Localised Restrictions Support Scheme; and from which other schemes are sporting social clubs eligible for support.

(AQW 12987/17-22)

Mr Murphy: Support for sporting social clubs was made available through the Department for Communities' Sports Sustainability Fund to provide financial assistance to recognised sports governing bodies and their affiliated clubs and entities. Information on the eligible governing bodies and their affiliated clubs and entities was made available on the Sport NI website. This Fund recognises that hospitality is an important income stream for many sports clubs and considers the effect on income and expenditure from club run bars and food provision. The Fund closed for applications on 20 January 2021.

The Localised Restrictions Support Scheme can provide support for an independent business, such as a restaurant or shop, which has been restricted by the Health Regulations and which occupies part of sporting premises. It is also supporting separately constituted and managed social clubs.

Ms Bradshaw asked the Minister of Finance when he proposes to add regularly published magazines to the same rate of rates relief and support as newspapers.

(AQW 13033/17-22)

Mr Murphy: I took action to support the production of our local newspapers as they are a key part of the fabric of society and reflect the local community. These newspapers have experienced a significant loss of income as a result of the pandemic. I have no plans to add magazines to the business rate support. This scheme is similar to the support in place in Scotland.

Ms McLaughlin asked the Minister of Finance whether his Department will provide a dedicated telephone advice line for applicants to the Localised Restrictions Support Scheme, similar to that provided for the Covid Business Restrictions Support Scheme.

(AQW 13165/17-22)

Mr Murphy: Because the volume of applications has been very high and the restrictions have been amended and extended on a number of occasions, the administration of the scheme has been more complex than anticipated. As a result, LPS has directed all its available staff to the processing of applications to ensure payment is made at the earliest possible date. These staff are working hard to process the applications as quickly as possible, and I am very grateful to them for doing so. However, this has meant that there are no resources available with the necessary expertise to provide a dedicated telephone service to handle individual cases and all communication has been directed through e-mail.

Mr Muir asked the Minister of Finance to detail the actions being taken to address recruitment delays resulting in the reduced requirements detailed as part of January 2021 monitoring.

(AQW 13246/17-22)

Mr Murphy: Since January 2020, NICS HR has run approximately 636 competitions and matched over 2,500 vacancies.

In March 2020 activity around filling vacancies was paused in all but the most essential cases due to Covid-19 restrictions. Since then my Department has worked with all stakeholders to safely resume all methods to fill vacancies. This includes restarting paused activity, launching new recruitment exercises and introducing online assessment and interviewing methods. Significant effort has focused on progressing the AO, SO and DP corporate competitions as well as launching recruitment for volume EO2 (Work Coaches) recruitment on behalf of DfC, and allocating successful candidates from an internal Grade 7 promotion board (these competitions attracted over 30,000 applicants in total), as well as meeting priority Covid-19 and EU Exit vacancies all within the constraints of the Covid-19 pandemic.

The result is that over 800 offers have issued to candidates in recent months from General Service recruitment exercises alone, with several hundred more offers expected in the coming months, as well re-starting or launching activity to fill specialist vacancies. In parallel NICS HR has developed a high-level NICS-wide recruitment plan that sets out recruitment activity between now and end of September 2021 to create the supply necessary to meet the demands raised by departments. While the current restrictions have affected some recruitment activity again, NICS HR will continue to work to minimise as far as possible the impact on Departments.

Mr Muir asked the Minister of Finance what actions his Department is taking to improve the operation of the Localised Restrictions Support Scheme, including (i) efforts to more quickly expedite processing of applications and payments; and (ii) communications with applicants concerning status of applications.

(AQW 13250/17-22)

Mr Murphy: Land & Property Services has made a number of changes to the operation of the Localised Restrictions Support Scheme since it was established in early October with the aim of improving its operation, including investing in software and other measures to streamline the process and allow staff to deal with errors in applications without the need for applicants to reapply.

In anticipation that the Executive may need to further extend or adjust the restrictions, Land & Property Services has set up the system for the scheme in such a way as to allow top-up payments to approved applicants to be issued automatically without the need for further application.

Because the volume of applications has been very high and the restrictions have been amended and extended on a number of occasions, the administration of the scheme has been more complex than anticipated. As a result, LPS has directed all its available staff to the processing of applications to ensure payment is made at the earliest possible date. These staff are working hard to process the applications as quickly as possible, and I am very grateful to them for doing so. However, this has meant that there are no resources available with the necessary expertise to provide a dedicated telephone service to handle individual cases and all communication has been directed through e-mail.

Department of Health

Mr Sheehan asked the Minister of Health how many doctors have been referred to the General Medical Council as a direct consequence of short-comings picked up during the annual appraisal revalidation process, since that process became obligatory for all doctors.

(AQW 10960/17-22)

Mr Swann (The Minister of Health): The HSC Trusts, the PHA and the HSC Board have advised that no doctors have been referred to the GMC as a direct consequence of short comings picked up during the annual appraisal revalidation process.

Ms Sugden asked the Minister of Health how many referrals to emergency departments have been made by out-of-hours doctors since 23 March 2020; and how this figure compares with the same period for the previous two years.

(AQW 11198/17-22)

Mr Swann: Information on the number of referrals to emergency departments from out of hours doctors services is not available.

Ms Sugden asked the Minister of Health, following the advice from Causeway Hospital Accident and Emergency department on December 15 for people not to attend the department under any circumstances, (i) how many calls were received from within the hospital's catchment area by the Use Phone First number on this date; (ii) how many calls were received on each day from this area in each of the previous two weeks; and (iii) how many fatalities were recorded of people who had previously called the phone number on these days.

(AQW 12072/17-22)

Mr Swann: Information on the number of 'Phone First' calls received by the Causeway emergency department were provided by the Northern Health and Social Care Trust.

- (i) On 15th December 2020, 101 'Phone First' calls were received within the Causeway hospital's catchment area, 21 of which were directed to Causeway ED,
- (ii) information on the number of 'Phone First' calls received from the Causeway hospital's catchment area, for each day between 1st December 2020 to 14th December 2020 is detailed in the table attached,
- (iii) there were no fatalities recorded for people who called the 'Phone First' number between the 1st December and 15th December 2020.

Number of 'Phone First' Calls Received within the Causeway Catchment Area (1st December 2020 – 14th December 2020)

Date	Number of Calls
01/12/2020	31
02/12/2020	29
03/12/2020	39
04/12/2020	24
05/12/2020	21
06/12/2020	17
07/12/2020	32

Date	Number of Calls
08/12/2020	21
09/12/2020	35
10/12/2020	33
11/12/2020	35
12/12/2020	18
13/12/2020	17
14/12/2020	43

Mr McGlone asked the Minister of Health how many people have been admitted to Emergency Departments directly from nursing homes in each Health and Social Care Trust, in each of the last six months.

(AQW 12157/17-22)

Mr Swann: Information on the number of attendances at emergency departments who arrived directly from nursing homes is not available.

Mr Gildernew asked the Minister of Health to detail the number of commissioned beds for (i) inpatients; and (ii) outpatients, broken down by Health and Social Care Trust.

(AQW 12249/17-22)

Mr Swann:

- (i) Available and occupied beds figures are published annually as part of Hospital Statistics by the Department and can be found at the following link:

Inpatient and day case activity | Department of Health
<https://www.health-ni.gov.uk/articles/inpatient-and-day-case-activity>

- (ii) Outpatients are managed via outpatient clinics so it is unclear what is being asked here.

Miss Woods asked the Minister of Health (i) whether self-directed support funded health and social care workers are counted as health and social care workers eligible for the COVID-19 vaccine; (ii) in which priority group self-directed support funded health and social care workers are included; and (iii) when self-directed support funded health and social care workers can expect to be contacted for vaccination.

(AQW 12470/17-22)

Mr Swann: PAs or Self Directed Support Carer are counted as health and social care workers eligible for the Covid-19 vaccine. They are in Priority Group 2 alongside the wider health and social care community sector.

PAs or Self Directed Support Carers have access to the vaccination in one of the 7 Trust vaccination clinics and are advised by their local Trust as to when they can book a vaccination slot. At this time they will have received their vaccine or will be scheduled to do so in the coming days.

Mr Gildernew asked the Minister of Health to detail the number of (i) applications; and (ii) successful applications to the Health and Social Care workforce appeal for (a) Nursing; (b) Nursing Support; (c) Medical; (d) Allied Health Professionals; (e) Social Work & Social Care; (f) Pharmacy; (g) Contact Tracing; and (h) Data analyst.

(AQW 12549/17-22)

Mr Swann: Since the beginning of the pandemic, my Department, working closely with HSC Trusts, has maintained a dedicated focus on ensuring there is sufficient capacity within the system to meet the exceptional demands on staffing requirements.

The Workforce Appeal was established to manage the recruitment and deployment of healthcare professionals and non-healthcare workers across the health and social care system during the outbreak of Covid-19.

During the second wave of infections, the Workforce Appeal was re-launched in an effort to further build capacity, with particular focus on certain roles and positions across hospitals and community care.

The first phase of the workforce appeal generated over 11,867 applications.

As at the 20th January the second phase of the workforce appeal had generated 8,685 New Formal Applications, of which:

- 5,237 are Health and Social Care; and
- 3,448 are Admin & Support.

A total of 899 appointments were made during the first phase of the workforce appeal. They are broken down as follows:

	Total
Nursing	208
Nursing Support	104
Midwifery	1
Medical	36
Allied Health Profession (AHP)	47
Social Workers	59
Social Care	49
Support Services	281
Health Science	2
Pharmacy	1
Contact Tracing	0
Ambulance Pro	0
Admin and Clerical	103
Students	2
Other	6
Total	899

To date, as of 20th January, a total of 1,049 appointments have been made in the second phase of the Workforce Appeal. They are broken down as follows:

	Total
Nursing	58
Nursing Support	325
Medical	25
Allied Health	50
Social Care	136
Support Services	214
Pharmacy	3
Contact Tracing	49
Admin & Clerical	189
Total	1,049

Mr Buckley asked the Minister of Health on what date the Southern Health and Social Care Trust (SHSCT) received notice of Mr Aiden O'Brien's intention to go to the High Court to have his grievance complaint into SHSCT dealt with.
(AQW 12600/17-22)

Mr Swann: The Southern Trust have responded advising that this will be a matter for the Public Inquiry. The Trust also added that it does not comment on current or former employees.

Mr Buckley asked the Minister of Health, in relation to his announcement of a public inquiry into Mr Aiden O'Brien, (i) whether Mr O'Brien had registered a formal grievance to the Southern Health and Social Care Trusts (SHSCT); (ii) on what date this grievance was received; and (iii) whether this grievance has been addressed by the SHSCT.
(AQW 12601/17-22)

Mr Swann: The Southern Trust have responded advising that this will be a matter for the Public Inquiry. The Trust also added that it does not comment on current or former employees.

Mr Easton asked the Minister of Health whether police officers will receive a COVID-19 vaccination in one of the earlier phased groups.

(AQW 12675/17-22)

Mr Swann: Vaccination policy in Northern Ireland is based on the recommendations and advice provided by the independent Joint Committee on Vaccination and Immunisation (JCVI) which advises the 4 UK Health Ministers.

JCVI advice on prioritisation of the vaccine was published on 2nd December 2020 (and updated on 30th December). The ranking of priorities is a combination of clinical risk stratification and an age-based approach, which should optimise both targeting and deliverability:

<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-30-december-2020/joint-committee-on-vaccination-and-immunisation-advice-on-priority-groups-for-covid-19-vaccination-30-december-2020>.

Many groups and professions have been in touch requesting that the vaccination programme is extended to them. At this stage, due to vaccine availability we have to stick closely to the priority groups as recommended by JCVI but as the programme continues to be rolled out there may be scope to widen it to others. Ultimately it is expected that most adults over the age of 18 will be offered the vaccine in due course and we hope to complete the COVID-19 Vaccination Programme as quickly as possible.

Mr Easton asked the Minister of Health how many cases of flu were recorded from 1 September 2020 to 31 December 2020.
(AQW 12676/17-22)

Mr Swann: The Public Health Agency publishes a weekly surveillance bulletin on Influenza; this includes cumulative virus activity and is accessible via the PHA website:

<https://www.publichealth.hscni.net/publications/influenza-weekly-surveillance-bulletin-northern-ireland-202021>

Provisional figures for cumulative virus activity from all sources, indicate that there were a total of 23 Influenza cases between 1st September 2020 and 3rd January 2021.

Mr Buckley asked the Minister of Health whether the total number of available health and social care staff in Health and Social Care Trusts has risen or fallen on average since 1 March 2020.

(AQW 12698/17-22)

Mr Swann: Information on the number of staff employed in Health and Social Care (HSC) is routinely published on a quarterly basis. This information is extracted from the Human Resources, Payroll, Travel and Subsistence (HRPTS) system which is maintained by the various HSC organisations.

While the number of staff employed in HSC has fluctuated, between March 2020 and September 2020 there was an overall increase of 1,623 (1,463.2 whole-time equivalent) staff employed in HSC.

Information on the number of staff employed in HSC is published quarterly on the Department's website at the following link:

<https://www.health-ni.gov.uk/articles/staff-numbers>

Mr Buckley asked the Minister of Health whether Health and Social Care Trusts report regularly to the Department on absence rates.

(AQW 12699/17-22)

Mr Swann: Health and Social Care (HSC) Trusts regularly collate data on staff absence which the Department has access to.

Ms Ní Chuilín asked the Minister of Health how many people in North Belfast are awaiting surgery.

(AQW 12726/17-22)

Mr Swann: At 30th September 2020, there were 7,111 patients on the inpatient and day case waiting list within the Belfast North assembly area. It is not possible to identify how many are waiting for surgery as these patients will be awaiting a range of procedures and diagnostic tests.

Ms Ní Chuilín asked the Minister of Health how many people in North Belfast over 80 years old have yet to receive their flu jab.

(AQW 12727/17-22)

Mr Swann: This level of detail is not available within the uptake data held by the Department.

Uptake data is provided to the Department for each cohort eligible for a free flu vaccination and is not broken down by geographical area.

As at 31/12/20 uptake for those aged 65 and over in Northern Ireland was 77.3%.

Mr Easton asked the Minister of Health what plans his Department has to address long Covid.
(AQW 12763/17-22)

Mr Swann: The main way to address the long-term effects of Covid-19 is to reduce the incidence of the virus by adhering to the guidance around social distancing, using a face covering, washing your hands thoroughly and often and maintaining good respiratory hygiene. The programme of vaccinations that is currently underway will also help reduce incidence of the virus and hence help mitigate its long term effects. The vaccination programme for Northern Ireland was published on 12 January 2021 and is available on the Department of Health website.

In addition, the National Institute for Care and Health Excellence (NICE) published a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline can be accessed at <https://www.nice.org.uk/guidance/ng188>.

The guideline defines “post-Covid-19 syndrome” for those people with Covid-19 whose symptoms have not resolved by 12 weeks. It has been automatically accepted for Northern Ireland and should now be applied across the Health & Social Care sector. The guideline will also be considered alongside the wider body of emerging evidence and research, to inform future policy and service decisions in Northern Ireland.

In particular, the Health and Social Care Board (HSCB) has been asked to initiate work in respect of the assessment of people who continue to experience long-term health effects as a result of Covid-19 infection.

Mr Easton asked the Minister of Health whether police officers are a priority group for receiving the COVID-19 vaccine.
(AQW 12764/17-22)

Mr Swann: Vaccination policy in Northern Ireland is based on the recommendations and advice provided by the independent Joint Committee on Vaccination and Immunisation (JCVI) which advises the 4 UK Health Ministers.

JCVI advice on prioritisation of the vaccine was published on 2nd December 2020 (and updated on 30th December). The ranking of priorities is a combination of clinical risk stratification and an age-based approach, which should optimise both targeting and deliverability:

<https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-30-december-2020/joint-committee-on-vaccination-and-immunisation-advice-on-priority-groups-for-covid-19-vaccination-30-december-2020>.

Many groups and professions have been in touch requesting that the vaccination programme is extended to them. At this stage, due to vaccine availability we have to stick closely to the priority groups as recommended by JCVI but as the programme continues to be rolled out there may be scope to widen it to others. Ultimately it is expected that most adults over the age of 18 will be offered the vaccine in due course and we hope to complete the COVID-19 Vaccination Programme as quickly as possible.

Mr Carroll asked the Minister of Health to detail his Department’s strategy to support and assist those living with long Covid.
(AQW 12769/17-22)

Mr Swann: The National Institute for Care and Health Excellence (NICE) published a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline can be accessed at <https://www.nice.org.uk/guidance/ng188>.

The guideline defines “post-Covid-19 syndrome” for those people with Covid-19 whose symptoms have not resolved by 12 weeks. It has been automatically accepted for Northern Ireland and should now be applied across the Health & Social Care sector. The guideline will also be considered, alongside the wider body of emerging evidence and research, to inform future policy and service decisions in Northern Ireland.

In particular, the Health and Social Care Board (HSCB) has been commissioned to initiate work in respect of the assessment of people who continue to experience long-term health effects as a result of Covid-19 infection. HSCB have been tasked with developing costed proposals for consideration by the Department of Health, in light of the NICE guideline and the establishment of the multidisciplinary assessment clinics in England.

Mr Carroll asked the Minister of Health to detail the target date for vaccinating the top four categories on the Joint Committee on Vaccination and Immunisation list.
(AQW 12771/17-22)

Mr Swann: Target dates for vaccinations can be found in the Covid-19 vaccination programme phased plan on the Department’s website: <https://www.health-ni.gov.uk/publications/covid-19-vaccination-programme-phased-plan>

The vaccination programme remains entirely dependent on the continued availability of sufficient supplies of vaccine.

Mr Carroll asked the Minister of Health whether he has considered introducing a free daily vitamin D supplements scheme for those who are deemed to be clinically extremely vulnerable.
(AQW 12773/17-22)

Mr Swann: My Department has no plans to introduce a specific Vitamin D supplement prescribing scheme at this time. Vitamin D products are already being prescribed free to extremely vulnerable patients in Northern Ireland in circumstances where it is deemed clinically appropriate to do so.

Mrs Cameron asked the Minister of Health whether his Department plans to continue improving services for palliative and end of life care, including enhancing the contribution of hospices.
(AQW 12799/17-22)

Mr Swann: The Palliative Care in Partnership programme, co-led by the Health and Social Care Board (HSCB) and Public Health Agency (PHA) supports the development and improvement of palliative care services for adults in Northern Ireland. Its remit includes:

- Ensuring the delivery of key priorities in palliative and end of life care both regionally and locally;
- Ensuring what is designed and developed is person-centred;
- Advising on and sharing best practice already in place to support people with palliative care needs.

The Palliative Care in Partnership programme has been instrumental in leading the significant progress that has been made in palliative and end of life care in Northern Ireland over recent years. A rolling action plan is in place to support the development and implementation of services for people who are living with palliative and end of life care needs and those important to them.

In addition to the improvement of palliative and end of life care services, there is a growing recognition of the need for a public health approach to palliative care. My Department has worked closely with the Health and Social Care Board, Public Health Agency and the Palliative Care in Partnership programme to develop an agreed definition and framework to support the implementation of a public health approach to palliative care in Northern Ireland.

Such an approach seeks to increase public awareness and understanding of palliative and end of life care; develop the role of communities in supporting people with palliative care needs; and encourage and promote advance care planning to help people plan ahead for their final years and ensure their wishes, feelings, beliefs and values are known.

My Department will continue to work with the HSCB, PHA and Palliative Care in Partnership programme to build on the progress that has been made to develop and improve palliative and end of life care services to support anyone with a life-limiting condition living with palliative and end of life care needs and those important to them and to engage with the wider community in promoting and implementing a public health approach to palliative care.

In terms of palliative care services for children, my Department's Strategy for Children's Palliative and End of Life Care 2016-2026 provides the strategic direction for palliative and end of life care for ill and dying children and young people with life threatening or life limiting conditions. It aims to enhance care and support available for these children and young people, as well as their families. It includes information, advice and support for parents on perinatal hospice and palliative care, in the case of a pre-birth diagnosis.

Hospices in Northern Ireland play a valuable role in caring for and supporting people living with palliative and end of life care needs and those who are important to them.

New Decade New Approach included a commitment to increase investment to fully implement service improvements for palliative and end of life care including enhancing the contribution of hospices; and to increase support for palliative perinatal care. Investment to meet this commitment was captured in my Department's bids for additional funding in the Department of Finance Budget 2021-22 Exercise.

Mrs Cameron asked the Minister of Health for an update on his Department's work to deliver an extra 900 nursing and midwifery undergraduate places over three years.
(AQW 12800/17-22)

Mr Swann: I announced on 3 May 2020 that Executive funding had been secured for an additional 300 undergraduate nursing and midwifery student places, for the 2020/21 academic year, in line with the commitment made in New Decade, New Approach. These additional places were spread across the three local universities and across the nursing and midwifery fields of practice.

Commissioning numbers for 2021/22 and 2022/23, which will include the additional 300 places for each year set out in New Decade New Approach, have not yet been confirmed.

Mr Gildernew asked the Minister of Health to detail the measures his Department has put in place for Health and Social care staff who have been redeployed to COVID-19 wards, including the Nightingale facility in Whiteabbey Hospital, including (i) transport arrangements to and from hospitals; (ii) accommodation arrangements closer to hospitals; and (iii) access to refreshments while on and off shift.
(AQW 12901/17-22)

Mr Swann: The Critical Care Network Northern Ireland's (CCaNNI) revised surge plan uses all available resource locally to manage services in the first instance prior to initiating the redeployment of staff to the ICU Nightingale at Belfast City Hospital.

The intermediate care Nightingale at Whiteabbey has to date been staffed by the Northern Health and Social Care Trust and has not used a regional staffing model.

Travel and subsistence for any staff redeployed is available in line with existing terms and conditions of service and, if needed, individual Trusts have arrangements in place to provide accommodation. Staff can access refreshments via canteen facilities or vending machines where available during breaks, with Trusts providing refreshments direct to wards as needed.

Mr Carroll asked the Minister of Health in what circumstances are tocilizumab and sarilumab being used in the treatment of patients.

(AQW 12925/17-22)

Mr Swann: Tocilizumab and sarilumab are both used in accordance with their licenced indications, which include the treatment of rheumatoid arthritis and giant cell arteritis as detailed in the British National Formulary (BNF).

My Department has also issued guidance to the Health Service on the use of both drugs 'off-label' in the treatment COVID-19 as per recent HSS (MD) 6/2021.

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-hss-md-06-2021.pdf>

Ms Bradshaw asked the Minister of Health what data his Department holds on the number of re-admissions of people with long Covid who were initially admitted to hospital with COVID-19 as the primary diagnosis versus those admitted for other reasons; and when the specification for requisite support for people who have long Covid will be brought forward.

(AQW 12944/17-22)

Mr Swann: My Department does not hold information on the number of readmissions of people with long Covid who were initially admitted to hospital with Covid-19 as the primary diagnosis versus those admitted for other reasons.

The National Institute for Care and Health Excellence (NICE) published a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline can be accessed at <https://www.nice.org.uk/guidance/ng188>. It has been automatically accepted for Northern Ireland and will now be applied across the Health & Social Care sector.

In response, the Health and Social Care Board has recently been commissioned (HSCB) to initiate work in respect of the assessment of people who continue to experience long-term health effects as a result of Covid-19 infection. In particular, HSCB have been tasked with developing costed proposals, in light of the NICE guideline and the specification for the multidisciplinary assessment clinics in England.

Ms Ní Chuilín asked the Minister of Health (i) what services and support is available to people in mental health crisis and addiction; (ii) where these services are available; (iii) how the services can be accessed; and (iv) whether access to these services and support include out of hours.

(AQW 12960/17-22)

Mr Swann: Patients with a dual diagnosis of mental health and addiction have access to the same mental health and addictions services as those with a single diagnosis. In both mental health and addiction services the level and kind of care and treatment are professional decisions based on the clinical needs of the patient. It is therefore not possible to detail specific dual diagnosis services, as these are provided in line with all mental health and addiction services.

Both mental health and addictions services are available in all Health and Social Care Trusts across Northern Ireland. The services are usually accessed through a referral from a GP and out of hours services are available if deemed clinically necessary.

Ms McLaughlin asked the Minister of Health for his assessment of long Covid and the number of patients re-admitted to hospital with long Covid having been discharged after the initial COVID-19 infection.

(AQW 12984/17-22)

Mr Swann: 'Long Covid' is a relatively poorly understood phenomenon with limited evidence available. An important part of increasing our understanding of the long-term effects of the virus has been the publication by the National Institute for Care and Health Excellence (NICE) of a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline defines "post-Covid-19 syndrome" for those people with Covid-19 whose symptoms have not resolved by 12 weeks.

This guideline has been automatically accepted for NI and will now be applied across the Health & Social Care sector.

My Department does not hold information on the number of patients re-admitted to hospital with long Covid having been discharged after the initial Covid-19 infection.

Mr Easton asked the Minister of Health how many nursing positions are vacant.

(AQW 12992/17-22)

Mr Swann: Information on nursing vacancies actively being recruited to in Health and Social Care is published on a quarterly basis at the following link: <https://www.health-ni.gov.uk/articles/staff-vacancies>

Mr Carroll asked the Minister of Health to detail the health implications of food insecurity.
(AQW 13003/17-22)

Mr Swann: The effects of food insecurity and poor access to resources on diet and health are represented by a spectrum of severity. Where an individual or household has limited resources this limits access to a healthy diet. Access may be limited due to the immediate food environment and due to the affordability of healthier foods within that environment. For example, more disadvantaged areas tend to have an excess of fast food takeaways selling unhealthy foods and poorer people are exposed to more advertisements for unhealthy foods in a range of environments. In such circumstances, diets become more limited with an excess of cheap, low nutrient but energy dense foods with an excess of calories, which can contribute to increasing levels of obesity.

Unhealthy diet is responsible for a substantial share of excess burden of non-communicable diseases, comparable to smoking. Poor diets are associated with a range of adverse outcomes, such as obesity and related metabolic outcomes including type 2 diabetes and cardiovascular diseases, as well as a range of cancers and liver disease.

With more severe restriction of resources, a nutritionally poor diet becomes more limited in quantity, leading to a reduction in energy intake. Household members often skip meals or limit intake to ensure there is enough food to go around, resulting in hunger. In this way, a 'double burden of malnutrition' can exist in a community, with both obesity and hunger co-existing in different or even the same households.

Ultimately, studies continue to show that health is affected to a greater extent by economic, social and environmental factors than by health behaviours or health and social care services.

Mr Carroll asked the Minister of Health how COVID-19 has impacted on food insecurity and health.
(AQW 13004/17-22)

Mr Swann: There is no doubt that we have seen an increase in people experiencing economic hardship through the pandemic, and this is likely to continue as the impacts continue to be felt. Evidence from partners and through calls to the COVID community advice line indicate that food insecurity has increased.

The Northern Ireland Statistics and Research Agency's most recent Coronavirus survey found that 28% of people expect their household's financial position to get worse in the next 12 months, while 61% expect it to stay the same. The proportion who reported it was difficult to pay their usual household bills has increased from 4% to 13% since the pandemic began.

Unhealthy diet is responsible for a substantial share of excess burden of non-communicable diseases. Poor diets are associated with a range of adverse outcomes, such as obesity and related metabolic outcomes including type 2 diabetes and cardiovascular diseases, as well as a range of cancers and liver disease.

As part of the emergency response the Department for Communities has allocated a total of £3.25m to local Councils to enable them to support community food providers in their areas and provide assistance to those facing food insecurity. In addition funding of almost £1.05m has been provided to FareShare, a food redistribution charity, to increase their capacity and supply of food that they provide to their community food members. DoH and the PHA have informed this work.

A food pallet scheme worth £1m has also been launched which will provide community food providers with much needed access to additional stock between now and the end of March.

Mrs Cameron asked the Minister of Health whether his Department is reviewing pay bands, with a view to pay increases, within the Health Service as part of the 2021/22 draft budget process.
(AQW 13032/17-22)

Mr Swann: Pay awards for salaried HSC staff will be informed by the recommendations of the respective pay review bodies.

I have written to both the NHS Pay Review Body for Agenda for Change staff and the Review Body for Doctors' and Dentists' Remuneration to submit Northern Ireland evidence and invite recommendations on pay.

Links to these letters and the evidence submitted have been published on my Department's website at

<https://www.health-ni.gov.uk/publications/workforce-policy-guidance-2021>

Ms Bradshaw asked the Minister of Health to detail the prevalence of Chronic Obstructive Pulmonary Disease in each (i) local government district area; and (ii) Health and Social Care Trust.
(AQW 13035/17-22)

Mr Swann: Chronic Obstructive Pulmonary Disease (COPD) is one of the disease registers in the Quality and Outcomes Framework (QOF), the purpose of which is to reward General Medical Services contractors for the provision of quality care. Prevalence data within the QOF are collected in the form of practice registers, with raw disease prevalence calculated as a proportion of the registered lists.

The COPD register contains the number of people diagnosed with COPD. As at 31 March 2020, there were 43,387 people on the COPD register; the Northern Ireland prevalence of COPD was 21.68 per 1,000 patients. The number of people on the register and the prevalence of COPD in (i) each Local Government District and (ii) each Health and Social Care Trust are shown in Tables 1 and 2.

Table 1 Prevalence of COPD (number of patients and rate of prevalence), at 31st March 2020, in each Local Government District (2014)

LGD 20141	Patients on the COPD register	COPD raw prevalence per 1,000 patients
Antrim and Newtownabbey	2,738	20.84
Armagh City, Banbridge and Craigavon	4,498	20.12
Belfast	11,041	25.59
Causeway Coast and Glens	3,549	23.70
Derry City and Strabane	4,242	24.47
Fermanagh and Omagh	2,775	22.52
Lisburn and Castlereagh	1,870	15.86
Mid and East Antrim	3,284	22.87
Mid Ulster	2,863	18.42
Newry, Mourne and Down	3,498	18.40
Ards and North Down	3,029	18.71

Source: Payment Calculation and Analysis System

1 Patients are assigned to LGDs and HSCTs based on the postcode of the GP Practice at which they are registered

Table 2 Prevalence of COPD (number of patients and rate of prevalence), at 31st March 2020, in each Health and Social Care Trust (HSCT)

Health and Social Care Trust ¹	Patients on the COPD register	COPD raw prevalence per 1,000 patients
Belfast	11,057	25.11
Northern	10,519	22.20
South Eastern	6,052	18.22
Southern	8,003	18.89
Western	7,756	23.38

Source: Payment Calculation and Analysis System

1 Patients are assigned to LGDs and HSCTs based on the postcode of the GP Practice at which they are registered

Mr Gildernew asked the Minister of Health whether he has developed plans to establish clinics or rehabilitation centres to treat patients suffering with long Covid.

(AQW 13050/17-22)

Mr Swann: The National Institute for Care and Health Excellence (NICE) published a rapid guideline on the management of the long-term effects of Covid-19 on 18 December 2020. The guideline can be accessed at <https://www.nice.org.uk/guidance/ng188>.

The guideline defines “post-Covid-19 syndrome” for those people with Covid-19 whose symptoms have not resolved by 12 weeks. It has been automatically accepted for Northern Ireland and should now be applied across the Health & Social Care sector. The guideline will also be considered alongside the wider body of emerging evidence and research, to inform future policy and service decisions in Northern Ireland.

In particular, the Health and Social Care Board (HSCB) has recently been commissioned to initiate work in respect of the assessment of people who continue to experience long-term health effects as a result of Covid-19 infection. This will include the development of costed proposals for consideration by the Department of Health, in light of the NICE guideline and the establishment of the multidisciplinary assessment clinics in England.

Mr Gildernew asked the Minister of Health how many applicants have been approved by the Business Services Organisation but are awaiting an offer to start work through the Health and Social Care workforce appeal.

(AQW 13051/17-22)

Mr Swann: The Business Services Organisation is working with the Public Health Agency in managing the recruitment of medical and administrative staff to the Vaccination Programme.

As of 21 January a total of 326 medical applicants have been approved for appointment; of this a total of 130 have already been appointed and are available to cover shifts as and when required by the PHA. The remaining 196 approved medical applicants are currently undergoing the required pre-employment checks.

Mr Gildernew asked the Minister of Health how many carers are on the Health and Social Care carers register.
(AQW 13053/17-22)

Mr Swann: I refer the Member to AQW 10287/17-22 and AQW 12358/17-22.

Mr Gildernew asked the Minister of Health to detail the total number of (i) applications made through the Return-to-Practice scheme in 2020; (ii) successful applicants from the Return-to-Practice scheme; and (iii) applicants who remain within the Health Service after completing the Return-to-Practice scheme.

(AQW 13054/17-22)

Mr Swann:

(i) Applications made through the Return-to-Practice scheme in 2020.

There were a total of 87 applications.

(ii) Successful applicants from the Return-to-Practice scheme.

In 2020, 49 applicants were successful and offered a place on the Return to Practice Programme. These were placed on programmes spanning the academic year 20/21.

(iii) Applicants who remain within the Health Service after completing the Return-to-Practice scheme.

12 students successfully completed the Return to Practice programme in January 2020, of which 11 are now working in the healthcare system.

The Department does not have a mechanism for tracking the ongoing employment of nurses who complete the Return to Practice programme

Department for Infrastructure

Ms Anderson asked the Minister for Infrastructure, given the aging population and the fact that, currently, there are many elderly persons who are unable to safely use salt boxes in their streets as provided by her Department, whether she will consider changing her Department's winter service policy to reflect the age demography of local residents on a case by case basis.

(AQW 12480/17-22)

Ms Mallon (The Minister for Infrastructure): As you will be aware, my Department is following the same policy as my predecessor. Grit piles and salt bins are provided on roads which do not qualify for inclusion on the gritted road network for use by the public, on a self-help basis. Approximately 5,500 salt bins and over 52,000 grit piles are currently provided on public roads.

Whilst I appreciate the difficulties severe cold weather presents to motorists and pedestrians, unfortunately my Department does not have the resources to extend our winter service at this time.

Mr Frew asked the Minister for Infrastructure whether she has assessed the requirements for traffic wardens during this latest lockdown.

(AQW 12531/17-22)

Ms Mallon: During the first lockdown it was evident that some drivers took advantage of the absence of Traffic Attendants, as there were instances of hazardous and irresponsible parking, some of which compromised road safety and impacted on traffic progression. I am however well aware of the difficult trading conditions being encountered by businesses along with the reduced traffic volumes using our roads, so I have taken the decision to scale back the parking enforcement service during this difficult time.

Parking restrictions for road safety purposes will remain in place and a small team of Traffic Attendants will continue to be deployed on a priority basis to locations where they can contribute most to road safety and traffic progression. In addition the Department carries out enforcement in off-street car parks for some Councils and this service will continue to be provided where any Council has indicated that we should carry on enforcing for them.

Miss Woods asked the Minister for Infrastructure (i) for her assessment of road safety on Springfield Road, Belfast; (ii) what recent scoping work her Department has conducted on road safety in the area; and (iii) whether there are any plans to implement further traffic calming measures.

(AQW 12553/17-22)

Ms Mallon: I can reassure the member that I take the issue of road safety very seriously. My officials receive information on road traffic collisions involving personnel injury from the PSNI on an annual basis and use this information in developing improvement schemes.

I am aware of recent fatal collisions which have occurred on Springfield Road that are subject to ongoing PSNI investigations. Officials are currently liaising with the PSNI regarding these incidents and any matters arising from these investigations that fall within the remit of my Department will be given careful consideration. If the member has any other specific areas or issues in mind, I would be happy to have them investigated by my officials.

Mr Storey asked the Minister for Infrastructure to detail minor works spend in each of the last five years, broken down by local council area.

(AQW 12630/17-22)

Ms Mallon: In my answer to question AQW 12629/17-22 I provided total minor works expenditure per annum for the last five years from 2015-16 to 2019-20. The Table below further analyses that expenditure by district council area.

Council Area	Financial Year £k				
	2015-16	2016-17	2017-18	2018-19	2019-20
Belfast City	2,598	1,427	1,533	2,948	3,312
Lisburn & Castlereagh	1,323	1,624	1,749	1,209	1,455
Antrim & Newtownabbey	1,003	982	582	939	661
Mid & East Antrim	733	1,392	572	550	866
Causeway Coast & Glens	1,595	566	464	1,065	1,092
Derry City & Strabane	853	435	978	2,104	791
Mid Ulster	1,031	1,088	934	953	849
Fermanagh and Omagh	1,438	1,799	1,277	1,587	1,269
Ards & North Down	1,237	203	343	807	549
Armagh City, Banbridge & Craigavon	1,369	1,291	1,218	768	1,712
Newry, Mourne and Down	1,174	1,357	1,676	1,254	528
Total by Council Area	14,353	12,165	11,326	14,184	13,084

Mr Muir asked the Minister for Infrastructure, pursuant to AQW 1997/17-22, whether she will publish the results of the trials on the effectiveness of signed only 20mph limits.

(AQW 12662/17-22)

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. The report on the review of 20mph speed limit trials will be published shortly.

Ms Brogan asked the Minister for Infrastructure what plans she has to relax current restrictions around on-street car parking regulations in towns such as Omagh, in order to facilitate direct parking access to essential services especially for vulnerable people and the elderly.

(AQW 12674/17-22)

Ms Mallon: During the first lockdown it was evident that some drivers took advantage of the absence of Traffic Attendants, as there were instances of hazardous and irresponsible parking, some of which compromised road safety and impacted on traffic progression. I am however well aware of the difficult trading conditions being encountered by businesses along with the reduced traffic volumes using our roads, so I have taken the decision to scale back the parking enforcement service during this difficult time. Parking restrictions will remain in place, and a small team of Traffic Attendants will continue to be deployed on a priority basis to locations where they can contribute most to road safety and traffic progression. The normal additional flexibility for Blue Badge holders is not affected by my decision.

Mr Boylan asked the Minister for Infrastructure for further detail on the reduced requirements that her Department returned in the current monitoring round.

(AQW 12680/17-22)

Ms Mallon: Details of the capital easements which were returned in the 2020-21 January monitoring round are set out below.

Ring-fenced (must be returned to the Department of Finance)

£1.5m A5 Scheme – Following receipt of the Inspectors Report, it has been assessed that no construction will proceed within this financial year.

£1.5m Technical Adjustments:

- £0.1m TENS income for Newry Southern Relief Road and the A1;
- £0.4m EU Matched Income relating to Sustainable Transport; and
- £1m Repayment of NLF Loans from Trust Ports.

Non Ring-fenced

£1m DVA Hydebank depot – The contractor has revised the activity schedule and this funding is not required in 2020-21 based on the assessment of work that will be completed this financial year.

£0.6m Planning Portal Project – The spending profile of the project has been revised resulting in a reduced requirement this financial year.

Non ring-fenced reduced requirements represented 0.27% of DfI's total budget.

Following an assessment of work programmes as part of the January Monitoring exercise, there was no scope to spend the above noted non ring-fenced reduced requirements in year. The capacity of my Department to deliver road schemes is influenced by the capacity within both our internal design teams and contractors over the short period remaining to end March 2021.

My officials will continue to review operations between now and the end of March and alert the Department of Finance to pressures as they are identified or opportunities which arise.

Miss McIlveen asked the Minister for Infrastructure what consideration she is giving to extending the financial assistance scheme for private coach and bus operators to cover the period from October to March.

(AQW 12704/17-22)

Ms Mallon: On 26 January 2021, I asked for a further Determination and Designation under the Financial Assistance (Northern Ireland) Act 2009, from the First and deputy First Ministers, for a further financial support scheme for bus and coach operators, to cover the period from October 2020 to March 2021. I also intend to take a paper to the Executive seeking their approval for the scheme in the coming days. I will be engaging with the sector on the scheme and would intend it to launch in early March, subject to all the necessary approvals and regulations being in place.

Dr Archibald asked the Minister for Infrastructure, pursuant to AQW 10335/17-22, for an update on the decision in relation to the location of the park and ride in Dungiven.

(AQW 12732/17-22)

Ms Mallon: You will be aware of the appraisal on the options for a Park & Ride site at Dungiven. I will be shortly considering its findings before making a decision on the next steps.

Mr Newton asked the Minister for Infrastructure what action is being taken to ensure the safety of Comber Greenway users during cold weather spells leading to icy under foot conditions.

(AQW 12735/17-22)

Ms Mallon: The Comber Greenway currently does not meet the criteria for inclusion in the salted network. Whilst I would like to be able to expand our gritting service to the Greenway and many other routes, unfortunately it is simply not practicable to do so at present, due to the severe budget constraints and many other pressures faced by my Department.

Mr Newton asked the Minister for Infrastructure what work has been undertaken in mapping out the features of historical, cultural or local interest along the route of the Comber Greenway.

(AQW 12736/17-22)

Ms Mallon: Officials are currently working on a design for signage on the Comber Greenway which will map out key destinations along the route. This will be done initially as a pilot along a one and a half mile section of the greenway between Kings Road and East Link Road. I plan to implement this pilot during this year which will help inform any further development.

Mr O'Dowd asked the Minister for Infrastructure how many grants have been paid to taxi drivers in Upper Bann under The Taxi Drivers Financial Assistance Scheme 2020.

(AQW 12788/17-22)

Ms Mallon: Applications for the taxi driver financial assistance scheme are not broken down easily into geographical location. I can tell you that, following closure of the scheme on 27th November, 4582 valid applications were received from taxi drivers. Payments began issuing within one week of the scheme closing and over 4,100 drivers have received the £1500 grant which

equates with almost 90% of the valid applications received. The remaining applicants, who were unsuccessful, may be eligible for assistance under the next scheme which is due to launch in February.

Mr Chambers asked the Minister for Infrastructure what her Department's response is to barriers and signage that have been damaged by collisions on roundabouts along the Bangor Ring Road.

(AQW 12838/17-22)

Ms Mallon: As a result of budget pressures over a number of years my Department has, since 2015, had to introduce a limited service across a range of functions including the repair of barriers and signage. All defects regardless of cause are prioritised for repair subject to the availability of resources and in accordance with the current Road Maintenance Standards.

My Department aims to repair any damage caused by road traffic collisions in a timely fashion but due to resource pressures, competing priorities and added restrictions caused by Covid-19, a number of the repairs on Bangor Ring Road have been delayed. Works orders have been raised for the outstanding issues which my officials are aware of and will be attended to as soon as possible.

Mr Chambers asked the Minister for Infrastructure (i) when the roadside gullies on (a) Main Street, Groomsport; (b) Groomsport bypass; and (c) the Bangor Road Groomsport B511 were last cleared; and (ii) when they are scheduled to be cleaned next.

(AQW 12839/17-22)

Ms Mallon: Details of when the gullies at these locations were cleaned are as follows:

- a) Main Street, Groomsport, on 21 February 2020;
- b) Groomsport Bypass on 25 January 2019; and
- c) Bangor Road, Groomsport on 11 February 2020.

The next scheduled cleaning of gullies in the Groomsport area should be completed by the end of March 2021.

Mr Boylan asked the Minister for Infrastructure to detail (i) the capacity issues her Department is dealing with regarding carrying out roadworks; (ii) the reasons why no bids for structural maintenance were made in the January monitoring round; and (iii) whether her Department is exploring ways to safely increase vital works on our road network within this financial year.

(AQW 12841/17-22)

Ms Mallon: As the Member is aware, I announced a capital investment of £75m in the structural maintenance of the road network in 2020/2021. I am however pleased that the Structural Maintenance budget has increased from £75m at opening budget stage to £83.8m currently, an increase of 11.7% from the opening position. This increase of £8.8m is due to internal reallocations at January monitoring and an allocation at October monitoring from my bid, as well as a number of technical adjustments.

As we have been able to increase the budget, a further bid was not required. As you are aware, the capacity of my Department to deliver road schemes is influenced by the capacity within both our design teams and contractors over the remainder of the financial year.

I am pleased that the additional funding outlined above, to be allocated to structural maintenance, will result in additional work being carried out on the road network over the remainder of the current financial year.

Mrs Barton asked the Minister for Infrastructure what plans are in place to improve the network of electric vehicle charging stations across Northern Ireland to encourage the change away from petrol and diesel vehicles.

(AQW 12861/17-22)

Ms Mallon: The e-car public charge point network is owned, operated and maintained by the Electricity Supply Board (ESB). My Department has recently been engaging with ESB on their plans to replace approx. 70 charge points i.e. 35 charge posts to upgrade and improve the reliability of the existing 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 charge point market is open to other commercial operators who would wish to provide electric vehicle (EV) charging infrastructure.

Recently, I have been able to support the EU INTERREG VA Funded FASTER electric vehicle network project. The project will complement and enhance the existing EV charging infrastructure, which was co-financed by the EU through TEN-T funding. The project is to install a total of 73 EV Rapid charging points across the island of Ireland and the West of Scotland by 31 March 2023.

In addition, I am also making changes to the planning system, through permitted development rights, to make it easier to expand the charging infrastructure for electric vehicles. This will allow expansion work to proceed without the need to apply for planning permission helping to make e-charging more accessible across the North.

Mr McCrossan asked the Minister for Infrastructure (i) for an update on the rural roads fund; and (ii) to detail where this additional money will be spent within West Tyrone.

(AQW 12867/17-22)

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.

These improvements are targeting many short lengths of rural roads that are in particularly poor condition and it is estimated that, on completion of the programme, over 500 locations on the rural road network will benefit from this initiative.

I am pleased to be able to advise that an extensive list of roads in the West Tyrone Constituency area are included in this programme with work either planned or already having been completed on the following roads:

- | | |
|----------------------------------------|-------------------------------|
| ■ B47 Dergbrough Road; | ■ U1546 McCullaghs Road; |
| ■ B165 Bellsparck Road, (2 locations); | ■ U1542 Glenfern Road; |
| ■ U1703 Rushill Rd; | ■ U1533 Botera Road; |
| ■ U1314 Laragh Rd; | ■ C665 Camderry Road; |
| ■ U308 Foremass Rd; | ■ U1607 Derrynaseer Road; |
| ■ U1307 Drumconnelly Rd; | ■ C683 Newpark Road; |
| ■ U1732 Drumlister Rd; | ■ C681 Stralongford Road; |
| ■ C0625 Racolpa Rd; | ■ C681 Gargadis Road; |
| ■ U1269 Killybrack Rd; | ■ U1630 Kinnine Road; |
| ■ U1204 Tattynure Rd; | ■ U1505 Forbes Road; |
| ■ U1209 Dunmullan Rd; | ■ C614 Gortnagarn Road; |
| ■ U1207 Deers Leap Rd; | ■ U1548 Aghadulla Road; |
| ■ U1663 Moneygar Road; | ■ U1616 Coyagh Road; |
| ■ U1516 Curley Road; | ■ U1617 Aghlish Road; |
| ■ C664 Cavan Road; | ■ U1617 Kildrum Road; |
| ■ U1328 Carryglass Road; | ■ U1654 Blacksessiagh Road; |
| ■ C0682 Derrybard Road; | ■ U1320 Garvallah Road; |
| ■ C665 Dunamona Road; | ■ U1248 Hagans Branch Rd; |
| ■ U1654 Blacksessiagh Road; | ■ U1721Deveskey Rd; |
| ■ U1517 Lisnacreight Road; | ■ U1304 Tullycunney Road; and |
| ■ C665 Tattysallagh Road; | ■ U1303 Blackfort Road; |

Mrs Cameron asked the Minister for Infrastructure for an update on the completion of the first Taxi Drivers Financial Assistance Scheme opened in November 2020.

(AQW 12878/17-22)

Ms Mallon: The Taxi Driver Financial Assistance Scheme opened on 13th November for two weeks and closed on 27th November. Of a total of 4582 valid applications received, payments were made to over 4100, almost 90%, of eligible applicants who provided the necessary evidence to support their applications. The first payments, where applicants had met all the eligibility criteria and submitted the requested evidence, commenced within one week of the scheme closing.

Those applicants who unfortunately did not meet the criteria for the scheme have been notified of this outcome as well as my intention to run a further scheme in early February for which they may be eligible.

Mr Muir asked the Minister for Infrastructure to detail the primary legislation she plans to introduce in 2021/22.

(AQW 12905/17-22)

Ms Mallon: As you know, my Harbours (Grants and Loans Limit) Bill, which will increase the limit of loan and grant provision available to sea ports, completed its Final Stage in the Assembly on 25 January 2021. I had hoped to progress an Active Travel Bill during this Assembly mandate to enhance duties in respect of developing active travel routes and provide powers to grant fund active travel activities. However, given the pressures presented by the current pandemic and the limited Assembly time available to progress primary legislation this will not be possible and I have no plans at this time to introduce any further Bills during 2021/22.

I am also progressing a number of pieces of subordinate legislation – including provision 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 in

the coming weeks, subject to the usual Assembly approval processes. The consultation period on the legislation required to introduce part-time 20 mph speed limits at a further 100 schools completed on 29 December 2020. I will now consider the draft legislation, after which, a SL1 will be sent to the Committee for Infrastructure for its consideration and the draft legislation can then be made.

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 Muir asked the Minister for Infrastructure for her assessment of the impact of the Chief Planner's update on 16 December regarding Battery Energy Storage Systems (BESS) on (i) renewable energy projects in Northern Ireland; and (ii) the relative ease of BESS applications in Northern Ireland compared to the Republic of Ireland.

(AQW 12906/17-22)

Ms Mallon: The Chief Planner's Update on 16 December 2020 clarified the position that for the purposes of planning in Northern Ireland, my Department considers that electricity storage development falls within the meaning of an 'electricity generating station'. This clarification ensures that development of this nature is correctly classified as local, major or regionally significant and that, where appropriate, pre-application community consultation and environmental impact assessment (EIA) is carried out.

I understand that thresholds for EIA are different in the Republic of Ireland as is the threshold for referral to An Bord Pleanála (as strategic infrastructure development) for these types of development. If in the future it is appropriate to revisit the thresholds or policy in relation to BESS developments in this jurisdiction, then consultation requirements with stakeholders will be considered in the usual way.

Mr Muir asked the Minister for Infrastructure, given the significant policy-style impact of the Chief Planner's updated guidance regarding Battery Energy Storage Systems on 16 December, whether she will consider asking the Chief Planner to withdraw the guidance and undertake a consultation on the issue.

(AQW 12907/17-22)

Ms Mallon: The publication of the Chief Planners Update (No. 7) on 16 December 2020 sought to provide clarity and advice in relation to BESS developments, including their status as 'electricity generating', to help ensure that they are classified and processed through the planning system correctly. As this was a matter of factual clarity rather than a policy change, I do not consider that a consultation on the issue is necessary.

If in the future it is appropriate to revisit the thresholds or policy in relation to BESS developments in this jurisdiction, then consultation requirements with stakeholders will be considered in the usual way.

Mrs Cameron asked the Minister for Infrastructure whether her Department has estimated the start or completion dates for the roll-out of the 20mph school speed reduction zones at (i) Ballyclare High School; (ii) Duneane Primary School; (iii) Mallusk Primary School; (iv) Groggan Primary School; (v) Loanends Primary School; and (vi) Moneynick Primary School.

(AQW 12941/17-22)

Ms Mallon: I am delighted to have committed funding in this year's capital budget towards introduction of part-time 20 mph speed limits at around 100 schools across Northern Ireland. 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.

All 100 schools included in the part-time 20 mph programme for the current financial year have been informed, including Ballyclare High School, Duneane Primary School, Mallusk Primary School, Groggan Primary School, Loanends Primary School and Moneynick Primary School.

I can confirm that, in parallel with the statutory legislative processes, my officials are working to deliver these schemes and it is hoped they will be in place and operational within the next 34 months.

Mr G Kelly asked the Minister for Infrastructure whether she will consider expanding the free public transport cards, available to NHS workers, to other frontline workers as we continue the fight against COVID-19.

(AQW 12956/17-22)

Ms Mallon: In recognising the tireless and vital work of all health and social care workers in response to COVID-19, I took the decision in March 2020 to make public transport free for all these workers during the outbreak. I appreciate there are many others who will be classified as essential workers at this difficult time and I recognise the important role they play in supporting our wider efforts to reduce the impact of COVID-19, and in supporting people and communities. In July 2020 I also announced free public transport would be provided for those fleeing domestic abuse.

Being appreciative of the efforts of all of our frontline workers, I have given this issue careful consideration and expanding free public transport to all key workers would be difficult to implement and in effect would potentially mean that free travel would

have to be provided to all passengers. Free travel for everyone would be counterproductive and have a detrimental impact on adherence to the public health advice and regulations to stay at home which are in place to protect all citizens.

Whilst I know this will be disappointing for some, those employed in the health and social care sector are individuals who, day after day, are putting themselves in the frontline to save lives and look after some of the most vulnerable members of our community. Provision of free public transport to those staff is a small gesture to those workers who are working so hard to protect us all during these unprecedented times. I would urge the public to support this by continuing to follow advice, not to travel unless essential, stay at home and support those who are exposing themselves to risk every day on our behalf.

Mr Middleton asked the Minister for Infrastructure how many staff are currently being deployed to provide gritting services in the Derry City and Strabane District Council area.

(AQW 12963/17-22)

Ms Mallon: Details of the staff resource currently involved in the delivery of winter gritting services in the Derry and Strabane District Council area are as follows:

Duty Controllers	11
Duty Supervisors	12
Gritter Drivers	24
Fleet Workshop Supervisors	3
Fleet Mechanics	8
Total	58

Mr Middleton asked the Minister for Infrastructure for a breakdown of the number of staff involved in winter gritting in the Western Division in each of the last five years.

(AQW 12964/17-22)

Ms Mallon: Details of the total staff resources deployed to deliver winter gritting in Western Division in each of the last five years are as follows:

	2016/17	2017/18	2018/19	2019/20	2020/21
Duty Controllers	14	14	14	15	15
Duty Supervisors	36	35	34	33	34
Gritter Drivers	108	105	105	106	113
Fleet Workshop Supervisors	7	6	4	3	3
Fleet Mechanics	15	15	15	15	15
Total	180	175	172	172	180

Mr Easton asked the Minister for Infrastructure how many street lights were repaired across North Down in 2020.

(AQW 12991/17-22)

Ms Mallon: My Department does not maintain this information by constituency. However, I can confirm that 12,860 street lights were repaired across Roads Southern Division, which includes the North Down constituency.

Mr Chambers asked the Minister for Infrastructure whether her Department has given any further consideration to reducing the speed limit on the Orlock Road, Groomsport from the National Speed Limit to 30mph, given that it meets a number of criteria for such a reduction.

(AQW 12996/17-22)

Ms Mallon: The need for a change in the speed limit on a road is assessed in accordance with the Department's guidelines titled '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>

A previous assessment carried out in accordance with this policy indicated that a reduction of the existing national speed limit would not be appropriate given the level of development, collision history and the nature of the road. However, the Department will continue to monitor and keep this location under review and should circumstances change, such as further development of frontage development, it can then be re-assessed.

Mr Chambers asked the Minister for Infrastructure when the missing 30mph sign on the Groomsport approach on Springwell Road, Groomsport will be replaced.

(AQW 12998/17-22)

Ms Mallon: I can confirm that my Department has issued a work instruction for the replacement of the missing 30 mph sign which should be erected shortly.

Mr Chambers asked the Minister for Infrastructure, in relation to Assembly Written Questions, if the answer to a question has already been published by either a press release or published on her Department's website, whether her officials will draw the Member's attention to this and request that the Member considers withdrawing their question.

(AQW 13000/17-22)

Ms Mallon: My officials have occasionally drawn Members' attention to recently published information for expediency and asked if the Member still wishes to receive a formal answer. Answers have, of course, been provided if the Member wished. Having reviewed this practice, I have made clear that officials should provide formal answers to all AQWs, even where information is readily available in the public domain.

Ms Armstrong asked the Minister for Infrastructure what agreement has been reached with the Minister for Communities to target water infrastructure, particularly wastewater treatment works, in areas where the need for social housing is most acute and cannot continue unless such works are updated or installed.

(AQW 13008/17-22)

Ms Mallon: My Social and Environmental Guidance ('the Guidance') for Water and Sewerage Services, developed with input from key water stakeholders, sets out my social and environmental policies and priorities for water and sewerage services, for each six year Price Control period.

The Guidance was subject to a public consultation and approval by the NI Executive, which provided an opportunity for the Minister for Communities to comment on the proposed priorities.

NI Water uses the Guidance to inform its Business Plan, and it is considered by the Utility Regulator in setting priorities for each Price Control period. The Business Plan includes a prioritised list of proposed schemes, which is agreed by all key water stakeholders.

It is vital that NI Water receives the necessary strategic level of funding from the Executive so that it can begin to resolve the wastewater capacity issues within so many areas. It will take multi-year certainty of funding of NI Water to deliver the PC21 Business Plan that is needed to begin transforming this essential infrastructure so that we can build the many affordable and social homes our citizens need. Therefore, a long-term funding commitment from the Executive is required to address the current state of water and wastewater infrastructure. I continue to make this case to Executive colleagues and wrote to the Executive jointly with Minister Poots as recently as 21 December 2020 setting out the compelling case for further investment, in terms of the economic, social and environmental impact of underinvestment in water and wastewater.

In addition, officials from my Department have engaged with, and will continue to engage with, officials from the Department for Communities to discuss areas of high housing need. I have led on identifying the need for closer co-operation across local and central government in commissioning the analysis of such matters through the independent Ministerial Advisory Panel on Infrastructure and, indeed, I support the Panel's recommendation that an Infrastructure Commission, with a clear remit and the support of the entire Executive, should be established as soon as practical.

Mr Newton asked the Minister for Infrastructure how much her Department has allocated on promoting cycling in the 2021/22 budget.

(AQW 13048/17-22)

Ms Mallon: The 2021-22 Draft budget outcome for all Departments was announced on 18 January 2021. There will now be a consultation period until 25 February 2021. I will determine allocations within my Department once I have fully considered the implications of the 2021-22 budget outcome and a Final Budget has been agreed by the Executive and announced in the Assembly.

I am fully committed to providing funding for investments that encourage active travel, making increased levels of walking, wheeling and cycling the new normal in our cities and communities to improve lives and positively impact climate change.

Mr Newton asked the Minister for Infrastructure how she will improve cycling infrastructure in East Belfast in 2021/22.

(AQW 13049/17-22)

Ms Mallon: My officials are currently working on designs for a number of schemes throughout Belfast. However, it would be premature for me to commit to particular schemes until I have more clarity in relation to budgets and priorities for the next financial year.

The draft Budget was announced on 18 January 2021 and a period of consultation will now take place until 25 February. A final budget is expected to be presented to the Assembly in March.

It is my intention that I will continue to make progress on active travel and blue / green initiatives in the next financial year.

Mr Muir asked the Minister for Infrastructure (i) how many rapid charging points will be installed through the EU FASTER project; (ii) when they will be installed by; and (iii) where they will be located.

(AQW 13152/17-22)

Ms Mallon: I am pleased that my Department has been able to support the FASTER project which is funded through the INTERREG VA Territorial Co-operation Programme for Northern Ireland, the border counties of the South and the West of Scotland, which is managed by the Special EU Programmes Body.

The project proposes to install a total of 73 electric vehicle charging points across the Programme's eligible area by the 31 March 2023.

At this stage, the exact location of all installation points has yet to be finalised.

Ms Kimmins asked the Minister for Infrastructure whether she will (i) engage urgently with the haulage sector regarding the impact of COVID-19 and Brexit-related issues; and (ii) review her Department's decision not to provide financial support.

(AQW 13160/17-22)

Ms Mallon: My officials and I have regular meetings with representatives from the haulage sector, and earlier this week my officials discussed the sector's concerns with one of the local haulage trade organisations.

You will be aware that I have to have evidence that 'exceptional circumstances' exist before asking for a Determination and Designation under the Financial Assistance Act (NI) 2009 and on the basis of the evidence to date I have not been able to make the case that exceptional circumstances existed.

In relation to Brexit, you will be aware of both my Department's limited role and that my Department's asks in relation to International Road Haulage arrangements in the EU-UK Trade and Cooperation Agreement have largely been met including no ECMT permits for journeys to EU member states, no change to goods vehicle licensing and driver CPC arrangements and additional cabotage rights for NI hauliers delivering freight to Ireland. I will continue to work alongside Executive colleagues to press for solutions in others areas resulting from Brexit and to the British Government.

Mr Easton asked the Minister for Infrastructure what plans her Department has to make Cootehall Road, at Crawfordsburn Primary School, a 20mph speed zone.

(AQW 13167/17-22)

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, particularly those near schools, 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 100 schools across Northern Ireland. 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.

Given the restricted budgets for works of this nature, as well as the practicalities of delivery, it was necessary to limit the number of schools to 100 in this year's programme. Unfortunately based on the assessment scores, Crawfordsburn Primary School did not rank as highly as the other schools included within this year's programme. However, I do intend to take forward a further tranche of part-time speed limits at schools and Crawfordsburn Primary School will be considered for inclusion in future programmes the extent and scale of which will be dependent on the funding available to me.

Department of Justice

Miss Woods asked the Minister of Justice for her assessment of the Police Ombudsman's Report entitled An investigation into police policy and practice in relation to protests in Northern Ireland, published on 22 December 2020.

(AQW 12466/17-22)

Mrs Long (The Minister of Justice): I am aware of the findings in the Police Ombudsman's report, which was published on 22 December 2020. I note the Ombudsman concluded that while there was unfairness in how protests were policed, this was unintentional and not based on the race or ethnicity of those who attended Black Lives Matter events.

The report also reminded us of the extremely difficult circumstances in which the police were operating. The Ombudsman also found the perception of discrimination to be justified and I very much regret that BAME community confidence in policing has been impacted as a result. I have been assured by the Chief Constable that he is actively working to address that.

Decisions relating to the Police Service of Northern Ireland's enforcement of the COVID-19 health protection regulations and actions taken in response to the Ombudsman's findings are an operational matter for the Chief Constable, who is accountable to the Northern Ireland Policing Board. I am committed to respecting the operational independence of both the Chief Constable and the Policing Board.

Ms Sugden asked the Minister of Justice (i) how she is supporting personnel within the Northern Ireland Prison Service if they are unable to work due to childcare or other issues related to COVID-19; and (ii) whether they are entitled to contractual sick pay.

(AQW 12607/17-22)

Mrs Long: As members of the Northern Ireland Civil Service, prison officers are subject to the NICS Handbook and the COVID-19 related guidance currently in place.

There are a range of measures currently in place to support staff who may have difficulty in finding suitable alternative childcare arrangements during the pandemic. For example they can apply for annual leave, paid special leave and/or unpaid leave or a change to their working pattern. This may include a temporary arrangement where they may be facilitated with the opportunity to make a change to their current shift pattern. It should also be noted that as essential workers, prison staff with school age children are still able to send them to school. Regarding pre-school children childminders and nurseries are still open.

The NICS Handbook sets out the rules on entitlement to sick pay and the rates.

Mr Allister asked the Minister of Justice what steps her Department has taken in regard to the introduction of a magazine tax in respect of the licensing of component parts of firearms.

(AQW 12627/17-22)

Mrs Long: There has been no change to the Firearms (Northern Ireland) 2004 Order (the 2004 Order), where, under Article 2(2) a 'magazine' is defined as a component part in relation to a firearm. Article 3 of the 2004 Order makes it an offence to possess, purchase or acquire any firearm or ammunition without holding an appropriate firearm certificate for them.

The administration of the firearms licensing system is an operational matter for the PSNI. The Firearms and Explosives Branch (PSNI) has recently published additional clarification for firearm certificate holders, dealers and clubs in relation to magazines/component parts.

Ms Hunter asked the Minister of Justice what training PSNI officers receive regarding racial equality.

(AQW 12756/17-22)

Mrs Long: Decisions relating to the training police officers receive regarding racial equality 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 Policing Board.

You may, therefore, wish to direct your question to the Police Service of Northern Ireland.

Mr O'Dowd asked the Minister of Justice, in regards to the Executive's commitment around the removal of interface structures by 2023, what community initiatives her Department has taken and funded in (i) Belfast; (ii) Derry; and (iii) Portadown, broken down by area and year funded.

(AQW 12853/17-22)

Mrs Long: I am committed to working towards the reduction and removal of interface security structures, wherever they exist, across Northern Ireland.

My Department seeks to secure maximum community consent and support from community stakeholders at interface locations.

Through the T:buc Interfaces Programme my Department provides funding to: remove interface structures and reinstate any affected sites; reduce or partially remove or reduce the scale, height or nature of interface structures; reclassify or re-designate an interface structure for an alternative purpose, such as use as a perimeter fence by a local landowner; and re-image an interface structure through making interim changes.

Community liaison is integral to such interface reduction or removal schemes. Whilst the Department does not fund 'community initiatives' per se, on occasion support is provided towards the costs of community engagement events at interfaces to assist the process of sharing information or receiving feedback from local people.

A summary of such funding by year is provided in the table below

Area	Year	£ Funding
Belfast	2018/19	£3000
	2019/20	£11,550
	2020/21	£1500
Derry/Londonderry	2019/20	£1500
Portadown 1.	2017/18	£30,000
	2018/19	£38,000

Area	Year	£ Funding
	2019/20	£38,781
	2020/21	£38,000

- 1 Resources provided to Armagh City, Banbridge and Craigavon Borough Council to support community engagement work in relation to potential interface reduction schemes in the area.

Mr Carroll asked the Minister of Justice for her assessment of the impact of the Vagrancy Act 1824; and whether she intends to review it.

(AQW 13002/17-22)

Mrs Long: I am aware that there are a number of cases dealt with under the Vagrancy Act 1824 in Northern Ireland each year. So that I can better understand the circumstances of its use and its impact, I have asked officials to review the legislation in the context of the wider societal issues involved, and report their findings to me in the coming months.

Mr Carroll asked the Minister of Justice how many individuals have been prosecuted under the Vagrancy Act 1824 in each of the last five years.

(AQW 13006/17-22)

Mrs Long: Information on the numbers of cases dealt with at court in the years 2015 – 2019, the most recent year for which information is available, involving a prosecution or a conviction for offences under the Vagrancy Act 1824 has been provided in the table below.

Prosecutions and convictions at court for offences under the Vagrancy Act 1824, 2015 - 2019

Year	Prosecutions	Convictions
2015	26	16
2016	14	9
2017	16	8
2018	10	6
2019	17	6

Note:

- 1 Figures relate to initial disposals at court. Appeals are not included.
- 2 Figures relate to cases where there was a prosecution or conviction for at least one offence under the Vagrancy Act 1824.
- 3 In addition to the cases dealt with at courts in each of the years specified in the table, there were a further 6 cases dealt with by way of an out of court disposal such as a caution.

Mr Blair asked the Minister of Justice how many convictions there were for offences relating to animal cruelty in each year since 2015.

(AQW 13350/17-22)

Mrs Long: The information requested is provided in the following table. The most recent year for which information is available is 2019.

Convictions at court for animal cruelty offences, 2015 - 2019

Year	Convictions
2015	50
2016	65
2017	51
2018	68
2019	50

Note:

- 1 Figures relate to cases prosecuted by PPS on behalf of PSNI or other bodies.

- 2 Figures relate to initial disposal at court only. Results of appeals are not included.
- 3 Figures relate to cases with a prosecution or conviction for at least one animal cruelty related offence under the legislation specified.
- 4 Animal cruelty offences included are relevant offences under Welfare of animals Act 1972, Wildlife Act 1985, Welfare of Animals (Transport) Regulations (Northern Ireland) 2006, Wildlife and Natural Environment Act (NI) 2011, Welfare of Animals Act 2011, Welfare of Livestock Regulations (NI) 1995, Welfare of Farmed Animals Regulations (Northern Ireland) 2012, Welfare of Farmed Animals Regulations (Northern Ireland) 2000 and Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996.
- 5 Convictions for offences in respect of Wildlife legislation are not included.

Department for the Economy

Mr Wells asked the Minister for the Economy to list the 52 owners of wind turbines who received £10,000 Small Business Support Grant.

(AQW 9467/17-22)

Mrs Dodds (The Minister for the Economy): It would not be appropriate to disclose this information for reasons including commercial and privacy sensitivities.

Mr Carroll asked the Minister for the Economy to list the 400 recipients who availed of the Small Business Grant Scheme, but should not have.

(AQW 9570/17-22)

Mrs Dodds: It would not be appropriate for the disclosure of this information for reasons including commercial and privacy sensitivities.

Mr Stewart asked the Minister for the Economy whether wedding car hire businesses are eligible to apply for a grant under category B or C of the COVID-19 Restrictions Business Support Scheme, depending on whether they pay business rates.

(AQW 9589/17-22)

Mrs Dodds: The Covid Restrictions Business Support Scheme (CRBSS) operates in two parts – Part A and Part B.

Part A is for businesses that are required to close/cease trading under the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020 but are not eligible for the Local Restrictions Support Scheme

Part B is for businesses which supply goods or services to a business named in the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020. The business must be a supplier of goods or services, to a business named in the Health Protection Regulations either directly or via an intermediary supplier or subcontractor; or The business is dependent on a business named in the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020 being open and fully operational in order for it to operate. For example, businesses that supply services for weddings or events that have been cancelled/postponed due to a business named in the regulations having to close, cease or restrict trading.

Each application is assessed on a case by case basis. I would therefore ask businesses to review the full eligibility criteria and to make use of the online eligibility checker available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part-b>. I would encourage all businesses to make applications should the eligibility checker advise eligibility.

Invest NI are also operating a dedicated helpline for the scheme on Tel: 0800 952 4422. Lines are open Monday to Friday from 9am to 5pm.

Ms Anderson asked the Minister for the Economy what engagement she has had with the Minister for Infrastructure regarding taxi driver's eligibility for the Covid Restrictions Business Support Scheme.

(AQW 10723/17-22)

Mrs Dodds: There has been correspondence between myself and Minister Mallon in relation to the eligibility of Taxi Drivers in both part A and part B of the Covid Restrictions Business Support Scheme (CBRSS).

Mr McAleer asked the Minister for the Economy for a breakdown of postcodes within the Project Stratum target intervention area for (i) the Fermanagh and Omagh District Council area; and (ii) the Derry City and Strabane District Council area.

(AQW 10866/17-22)

Mrs Dodds: Project Stratum will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises across Northern Ireland. Of these:

- (i) 14,821 premises are in the Fermanagh and Omagh District Council area; and
- (ii) 3,545 premises are in the Derry City & Strabane District Council area.

The postcodes containing those premises have not been published. Information on the deployment plan has been published by Fibrus Networks on its Project Stratum dedicated website at www.hyperfastni.com. This will be updated as the project progresses.

The website includes an on-line postcode/address checker, enabling citizens and businesses to confirm if/when their premises are included for improvement. You can access the website at www.hyperfastni.com. If necessary, residents and businesses should register their interest in improved broadband to ensure they are kept informed of the project.

Ms Sugden asked the Minister for the Economy to detail the support available to sole-trader retail suppliers, whose trade has been affected by previous and forthcoming closures of non-essential retail outlets.

(AQW 11056/17-22)

Mrs Dodds: The Covid Restrictions Business Support Scheme is open for businesses that are not named in the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020, but which supply goods or services to such a business, or are reliant upon such a business being open and fully operational in order to trade.

The scheme provided support for businesses affected by the restrictions from 16th October 2020 and reopened for applications on 7 January 2021.

Sole trader retail suppliers whose trade has been affected by closures, may be eligible for Part B of the CRBSS, subject to meeting wider eligibility criteria.

Full details of support available to businesses are available at <https://www.nibusinessinfo.co.uk/business-support/coronavirus>.

Mr Dickson asked the Minister for the Economy whether those who have already received a payment from the Covid Restrictions Business Support Scheme, will need to apply again for additional payments.

(AQW 11105/17-22)

Mrs Dodds: Previously successful applicants to the Covid Restrictions Business Support Scheme do not need to reapply for support for the additional periods of restrictions.

Support payments for the period that the restrictions apply until 5 March 2021 will be automatically processed for successful applicants.

Dr Archibald asked the Minister for the Economy to detail the average timeframe between her Department approving grant awards under the Covid Restrictions Business Support and successful applicants receiving the actual grant award.

(AQW 11152/17-22)

Mrs Dodds: Invest NI has a structured process in place to facilitate the payment of grants as quickly as possible after Covid Restrictions Business Support Scheme applications are approved. The agency aims to proceed to the issuing of a BACS payment instruction within 1-2 working days of the application being approved. Payments then clear in successful applicants' accounts within the industry standard 3 working days of the instruction being issued. Outside of a very small number of cases where incorrect bank details were provided by applicants, Invest NI is unaware of any instance where the payments of approved applications extended beyond this targeted 5 working-day time-frame.

Ms McLaughlin asked the Minister for the Economy to detail (i) her assessment of the Education, Skills and Training for Young People report; and (ii) the implications for her Department's skills policy.

(AQW 11976/17-22)

Mrs Dodds: My officials have considered the content of the Pivotal report - Education, Training and Skills for Young People. The challenges and opportunities outlined are in line with those identified in the OECD report "Skills Strategy Assessment and Recommendations", a piece of research commissioned by my Department, to inform the development of the new Skills Strategy.

The aim of this research was to identify the key challenges facing the Northern Ireland economy and workforce, including those who are disengaged from it and to identify international best practice, to help address these issues. The OECD report was published in June and is the foundation for the draft Strategy consultation document, which will be issued in early 2021. You may find the OECD report of interest and can access a copy here.

The overarching focus of the new Strategy is to develop a skills system which drives economic prosperity and tackles social inequality. We have developed three major policy objectives which will underpin this: addressing skills imbalances, creating a culture of lifelong learning and enhancing digital education and inclusion across society.

Our aim is to ensure Northern Ireland can capitalise on its established potential in global markets - focusing on our strengths will be key to improving our overall performance in innovation, productivity and competitiveness. We need to build on Northern Ireland's reputation for excellence in providing the skills which investors are looking for and supporting our indigenous companies, through the high level skills that can boost innovation, entrepreneurship and enhance Northern Ireland's global competitiveness.

At the same time, we must ensure economic success is balanced, by providing everyone with access to the education and training opportunities that enable them to fulfil their potential and participate in a rapidly changing labour market. Young people are, of course, a key target group.

The work on the Strategy is being overseen by a Project Board, which includes representation at a senior level from all Departments, as cross-Government collaboration is vital to the Strategy's success. The Board is supported by an Advisory Group of industry representatives. The draft consultation document will be shared with the Economy Committee and Executive colleagues shortly, before the public consultation begins in 2021.

I should like to turn now to some specific areas in relation to the report.

Transition of Young People into Careers (14-19) Project

My Department is working in collaboration with the Department of Education to develop a more strategic, joined up approach to education and training provision for 14-19 year olds in Northern Ireland. The aim of the Transition of Young People into Careers (14-19) Project is to enhance the 14-19 education and training landscape, so that our young people reach their potential and maximise their contribution to our economy and society.

The Project is considering a range of work streams in the context of 14-19 education and training, as part of its ongoing work. This includes progression and pathways, Post-16, curriculum delivery, careers and funding.

Officials met with Pivotal in recent weeks in relation to the work on the 14-19 Project and agreed to a further meeting once the report had been published.

Review of Level 4 and 5 provision and HE in FE

The report accurately points to the skills gap at NQF levels 4 and 5. My Department has recently initiated a fundamental review of Higher Education provision at Level 4 and 5 delivered through FE. There has been a challenge in recent years in attracting learners to courses and training at these levels. While this report notes the comparatively small scale provision of professional and technical qualifications in NI, there are a wide range of factors to be considered including a steady reduction in the number of 18 year-olds in NI over recent years. The 'attitudes to further education' challenge outlined in the report and the lower prestige associated with vocational pathways are also plausible contributors. All of the issues will be examined throughout the review.

Careers

I fully agree that the provision of timely careers support is crucial to ensuring that our young people make informed careers choices, which help them to access, sustain and progress in employment. Developing innovative approaches to the delivery of career education and guidance, including improving links to employers, will be considered during the implementation of the skills strategy.

Apprenticeships

I would disagree with the Report's suggestion that the introduction of the UK Government's Apprenticeship Levy in 2017 has created a perception that apprenticeship are now less attractive in Northern Ireland.

Prior to the Covid-19 pandemic, apprenticeship levels in Northern Ireland have remained consistent, despite the Levy introduction. Apprenticeships are demand led and my Department works in tandem with employers, business, industry bodies and education providers to ensure that the Apprenticeship programmes meet the skills needs of the employer and delivers quality training for the individual apprentice. Employers are encouraged to create apprenticeship opportunities, which are open to all young people across a wide range of occupational areas.

I encourage all employers, regardless of whether or not they pay the Levy, to fully utilise the services provided by the ApprenticeshipsNI and Higher Level Apprenticeship programmes to support and grow their business. My Department has invested over £220M on these programmes since 2007. I have also secured significant funding for an Apprenticeship Recovery Package, to help employers maintain and grow the supply of apprenticeship opportunities during this difficult period.

Traineeships, Skills for Life and Work, Peace4Youth

My Department is also reforming the youth training system, to deliver better outcomes for young people and better meet the needs of the local economy. These reforms will be introduced from September 2021, when a new full-time Level 2 Traineeship programme will be launched.

The Traineeship programme will be available to young people over 16 who are not yet in employment and has a dual aim - to provide high quality vocational education and training at Level 2, combined with structured, work-based learning, to support an individual's progression into employment or higher levels of training.

At Entry Level and Level 1, my Department will be introducing the new 'Skills for Life and Work' programme from September 2021. This is a flexible training programme focused on the needs of the individual and targeted at sustained progress to higher levels of training, education or employment.

My Department is also the Accountable Department for the Peace4Youth programme, which aims to engage 7,400 young people and improve their capabilities, in areas such as personal development, citizenship and good relations.

The Peace4Youth Programme targets 14-24 olds who are disadvantaged, excluded or marginalised; have deep social and emotional needs; and are at risk of becoming involved in anti-social behaviour, violence or paramilitary activity.

Further Education

I welcome the recognition in the Report of the important role which Further Education colleges continue to play in both addressing the skills needs of the economy and in helping to address the disparity in educational outcomes for our most disadvantaged young people. The need for a highly skilled, vocationally relevant workforce has never been more apparent and important. The FE economically-relevant curriculum and close links with employers mean that FE colleges are critically placed to meet the needs of young people and to deliver on the objectives of the new Skills Strategy.

Miss Woods asked the Minister for the Economy for her assessment of the impact of domestic abuse on the economy.
(AQW 12104/17-22)

Mrs Dodds: I am all too aware of the impact of domestic abuse and how this has become even more significant in recent times, with around a 10% increase in calls to the police at the start of the COVID-19 pandemic as well as an increase in calls to the 24hr Domestic and Sexual Abuse helpline.

While it can in no way compare to the physical and emotional harm suffered by victims of domestic abuse, there are also costs to the economy. These arise, for example, from lost output due to time off work and lower productivity. There are also costs to public services such as health and social care; the justice system; housing; and the voluntary and community sector, which continues to support victims and survivors.

Further details on costs associated with domestic abuse can be found in the Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy, published jointly by the Department of Health and the Department of Justice.

Mr Carroll asked the Minister for the Economy whether she has any plans to appoint a commissioner for workers rights.
(AQW 12129/17-22)

Mrs Dodds: I have no plans to introduce a commissioner for workers rights.

Mr Dickson asked the Minister for the Economy whether she will make a new bid to the Executive for funds to expand the Newly Self Employed Support Scheme, to ensure those who do not meet the 50 per cent earnings rule of the Newly Self Employed Support or the Self Employed Income Support Scheme due to becoming self-employed later in the 2018/19 and 2019/20 tax years can access support.
(AQW 12205/17-22)

Mrs Dodds: On 7 January 2021, I announced an expansion to the eligibility criteria to the Newly Self Employed Support Scheme to remove the need for over 50% of income to come from self-employment, and allow those who became self-employed later to qualify. The closing date for new applications would also be extended to 5 February 2021.

It has been determined by my officials that this expansion of the scheme could be implemented within the original funding envelope of £10m allocated by the Executive.

Ms McLaughlin asked the Minister for the Economy why she closed her Private Office mail box for correspondence and submissions on the morning of 18 December 2020, during a period of economic crisis and in advance of the closure of Parliament Buildings.
(AQW 12321/17-22)

Mrs Dodds: An Out of Office was put on The Department for the Economy's Private Office mailbox at 15:30 hours on Thursday 17th December, which stated that the mailbox was closed for routine cases only until 4th Jan 2021.

This is standard practice for Private Offices across all Executive departments. This facilitated the successful prioritisation of urgent cases over the recess period.

Mr Easton asked the Minister for the Economy whether the Newly Self-Employed Support Scheme will be automatically rolled out again to those businesses affected by the latest restrictions without having to reapply.
(AQW 12331/17-22)

Mrs Dodds: The Newly Self-Employed Support Scheme (NSESS) offers an initial one-off taxable grant of £3,500 to newly self-employed individuals (sole traders and those in partnerships) that meet the eligibility criteria. The scheme remains open to applications until 5 February 2021 and further details including an eligibility checker and online application form can be found at:

Newly Self-Employed Support Scheme (nibusinessinfo.co.uk)

Miss Woods asked the Minister for the Economy what additional support, beyond access to the furlough scheme and loans, will be provided to hospitality premises with a Net Added Value of £51,000 and above.
(AQW 12469/17-22)

Mrs Dodds: On 21st January 2021, I announced details of a new £26.1m support scheme for larger hospitality and tourism businesses that have been impacted by Health Protection Regulations to contain the Covid 19 pandemic.

The Large Tourism and Hospitality Business Support Scheme (LTHBSS) will provide support to large businesses in these sectors, with a Net Added Value (NAV) of £51,000 and above, and which have been significantly impacted by the Health Protection Regulations put in place by the Executive. The scheme will provide additional financial support to help these businesses meet fixed costs and overheads associated with the survival of their businesses and the protection of jobs.

The Department will contact eligible businesses to provide an application form (with a unique application number). Once the application form has been fully completed and returned with the required supporting evidence, it will be assessed and a grant payment will issue in March 2021.

Ms Anderson asked the Minister for the Economy for an update on when her Department will open a financial support scheme for company directors and all other workers who have been excluded from financial support to date.

(AQW 12476/17-22)

Mrs Dodds: The Limited Company Directors Support Scheme (LCDSS) will open for applications at 6pm on Thursday 21 January. To date, my Department has provided over £350million of much needed financial support to local businesses in order to prevent business closure and to retain jobs. The impacts of the Covid-19 pandemic have been far-reaching, affecting businesses and their employee's across many sectors and across the NI economy. I remain committed to working with my Executive Colleagues to provide support to as many businesses as possible within the funding envelope available. I have asked officials to develop schemes to support B&Bs and large tourism and hospitality businesses, all cohorts of businesses which have been, to date, largely ineligible for support, with more details to follow as they become available.

Mr Dickson asked the Minister for the Economy when she will launch financial support schemes for (i) the large hospitality and tourist accommodation sectors; and (ii) bed and breakfasts that pay domestic rates.

(AQW 12500/17-22)

Mrs Dodds: On 21st January 2021, I announced details of a new £26.1m support scheme for larger hospitality and tourism businesses, as well as a £4.1m scheme to support Bed and Breakfast, Guest House and other Guest Accommodation. This is in recognition of the severe impact that the Covid-19 pandemic has had on the local tourism industry.

The Large Tourism and Hospitality Business Support Scheme will provide support to large businesses in these sectors, with a Net Added Value (NAV) of £51,000 and above, and which have been significantly impacted by the Health Protection Regulations put in place by the Executive. The scheme will provide additional financial support to help these businesses meet fixed costs and overheads associated with the survival of their businesses and the protection of jobs.

The Department will contact eligible businesses to provide an application form (with a unique application number). Once the application form has been fully completed and returned with the required supporting evidence, it will be assessed and a grant payment will issue in March 2021.

The Bed and Breakfast Support Scheme will be administered by Tourism NI, and will provide grant to support eligible businesses on a flat 'per room' amount plus a percentage of 2019's turnover. It opens for applications on Thursday 28th January 2021.

Ms McLaughlin asked the Minister for the Economy to detail the rationale for the subsidy to the gas supply network and the assessed period for the recovery of benefit or payback period for the investment.

(AQW 12566/17-22)

Mrs Dodds: The overall strategic objectives for supporting gas network extension are to

- (i) provide additional fuel choice to enable businesses to improve their competitiveness;
- (ii) extend the availability of natural gas as a lower carbon fuel to displace more polluting fossil fuels such as oil and coal; and
- (iii) enable domestic consumers in further towns to connect to natural gas, thus contributing to reducing fuel poverty.

The gas networks also offer opportunities for the future injection of biogas and hydrogen, as part of the energy transition towards net zero carbon by 2050.

New gas networks in Northern Ireland are constructed by private sector developers and costs recovered through the regulatory process from business and domestic gas consumers, which can be over a 40 year period through gas bills. Grant support for the construction of new inter-town high pressure gas transmission networks in Northern Ireland aims to reduce the impact on the transmission tariff, which can represent up to 14% of consumers' gas bills.

Mr Allister asked the Minister for the Economy whether she will review the funding of NI Screen following its grant aid to the production entitled Martin McGuinness.

(AQW 12625/17-22)

Mrs Dodds: The production entitled Martin McGuinness was funded through the Irish Language Broadcast Fund (ILBF). As broadcasting is a reserved matter, the ILBF is funded by the Department of Culture, Media and Sport (DCMS), along with the Ulster-Scots Broadcasting Fund. Northern Ireland Screen's Board is responsible for the oversight of the ILBF and is answerable to the British Film Institute on behalf of the DCMS.

Mr Allister asked the Minister for the Economy what steps her Department has taken in respect of the tariff tax being placed post-Brexit on imports of steel into Northern Ireland.
(AQW 12628/17-22)

Mrs Dodds: This issue is a significant for businesses and I have been setting out how damaging tariffs on steel will be for businesses here to UK Government Ministers and asking them to ensure this issue is resolved. I have also met with local businesses that are concerned about this issue.

I am glad to see that the issue now seems to have been resolved. Businesses have now been sent guidance from HMRC on how purchases from GB and imports from outside the EU and UK will work. Industry feedback so far is that this provides what is necessary for trade to continue.

Ms Sheerin asked the Minister for the Economy whether she is giving consideration to a package of support for those self-employed who work in the construction, utilities and manufacturing sectors, who have seen a marked reduction in income.
(AQW 12650/17-22)

Mrs Dodds: The UK Government's Self-Employed Income Support Scheme (SEISS) was launched in March 2020, and many thousands of people throughout Northern Ireland have availed of this support, including those in the construction, utilities and manufacturing sectors.

This scheme remains open to applications until 29 January 2021 and further information be found at:

Claim a grant through the Self-Employment Income Support Scheme - GOV.UK (www.gov.uk)

However the SEISS excluded those who started trading in 2019/20 and

Therefore, on 3 December 2020, I launched the Newly Self-Employed Support Scheme (NSESS), which is specifically targeted at this population, again this support is available to those in the sectors you have referenced. Further information on the NSESS can be found at:

Newly Self-Employed Support Scheme (nibusinessinfo.co.uk)

Any further funding support will be a decision for the Executive to make collectively.

I along with my Executive colleagues continue to consider all options to provide support to as wide a range of businesses as possible during this pandemic.

Mr Harvey asked the Minister for the Economy whether she still plans to roll-out the High Street Voucher Scheme announced last year.
(AQW 12652/17-22)

Mrs Dodds: Unfortunately, due to the recent rise in the number of cases of Coronavirus, and the subsequent restrictions which have been deemed necessary by the Executive, it has been decided that it would not be appropriate to implement the High Street Stimulus Scheme in the current financial year, ending 31 March 2021, given that much of retail and hospitality remains closed and the public health messaging is to remain at home.

Therefore, any implementation in the immediate future would be contrary to the current Coronavirus Health Regulations and the latest information and advice from the Chief Medical Officer and Chief Scientific Adviser.

The Department for the Economy remains supportive of the policy intervention and intends to put forward a bid to the Executive for this scheme in 2021/22.

Ms McLaughlin asked the Minister for the Economy for a progress report on the introduction of legislation to require employers in Northern Ireland to report on their gender pay gap.
(AQW 12666/17-22)

Mrs Dodds: Responsibility for this provision is in the process of transferring to the Department for Communities (DfC) from The Executive Office. Once transferred, DfC will be responsible for bringing forward subordinate legislation to require employers in Northern Ireland to report on their gender pay gap.

Mr Dickson asked the Minister for the Economy whether she will bring forward a COVID-19 financial support package for the Northern Ireland travel sector, specifically travel agents and tour operators.
(AQW 12694/17-22)

Mrs Dodds: My Department has led the delivery of the £10k and £25k business grants and other financial packages of support since March 2020. Many Travel Agents and others within this sector have been eligible for one or more of these provisions.

Travel Agencies operating in retail premises have also benefitted from 100% rates holiday for 12 months in 2020/21. Businesses employing staff would also have been eligible for Coronavirus Job Retention Scheme, whilst self-employed Travel Agents or Tour Operators would also have been able to claim for lost revenue through the Self-Employed Income Support Scheme.

I fully appreciate that the travel industry has been impacted particularly hard by the pandemic, both locally and on a global scale. I have met with representatives of the travel industry and am supportive of a specific financial support package being developed for the industry.

However, any decisions on further specific support measures for the NI Travel sector must be agreed by the Executive collectively.

Mr Dickson asked the Minister for the Economy whether she will bring forward COVID-19 financial support for the events sector and traders that rely on now cancelled public events.

(AQW 12695/17-22)

Mrs Dodds: My Department has led the delivery of the business grants and other financial packages of support since March 2020, and is currently responsible for a number of live schemes, aimed at helping those businesses and individuals who continue to be impacted by the global pandemic.

One of these schemes is the Covid Restrictions Business Support Scheme (CRBSS).

Part A of CRBSS is targeted at those businesses required to close/cease trading as a result of the recent Health Protection Regulations and, due to not paying business rates on their premises, are not eligible for the DoF Localised Restrictions Support Scheme. Examples of businesses that may be eligible include businesses that deliver their product or service on a mobile basis or operate from their home.

Part B of the CRBSS will support businesses who may not be required to close under the current Health Regulations but provide goods and/or services to those businesses named in the regulations and have been severely impacted.

Part B will also support businesses that do not provide goods or services, but are dependent on businesses defined in the regulations being open in order to operate. This could include businesses in the events sector.

The events sector and its associated businesses have been impacted particularly hard by the pandemic. The Executive is also aware of this and other Departments, such as the Department for Communities also have a key responsibility in this space.

It will be for the Executive collectively to determine if any new or additional funding can be allocated to the NI Events sector.

Ms Ní Chuilín asked the Minister for the Economy (i) how many social economy projects there are in the North Belfast constituency; (ii) where they are located; and (iii) how much funding each project received from her Department, including arm's-length bodies.

(AQW 12728/17-22)

Mrs Dodds: My Department leads on social economy policy and chairs the Social Economy Policy Group (SEPG), which includes departments, agencies and local government. My Department also currently funds Social Enterprise NI (SENI) to represent the collective interests of the social economy sector and deliver the 2020-21 Social Economy Work Programme (SEWP).

Unfortunately, SENI has confirmed that it does not hold the information required to answer parts (i) and (ii) of your question as, presently, there is no comprehensive database or registry available which details the size and scale of the NI social economy sector, nor the individual social enterprises included therein. This information gap has been identified by my officials, and it has been included within the specification for the 2021-24 SEWP, which is going out to open competition this month.

In respect of part (iii) of your question, based on the information available at this time, Invest NI has been able to confirm that, in 2018-19 and 2019-20, it made 4 offers of assistance to two social enterprises in North Belfast totalling £160k, towards planned investment totalling £485k.

As part of the NI Micro Business Hardship Fund, Invest NI can also confirm that it provided payments to ten social enterprises in North Belfast, making payments, to date, of £58k.

Ms McLaughlin asked the Minister for the Economy for her assessment of the role of energy from waste projects within the energy supply mix, given the statistics related to NOx emissions provided in DAERA's discussion document entitled A Clean Air Strategy for Northern Ireland.

(AQW 12751/17-22)

Mrs Dodds: DAERA's discussion document on "A clean air strategy" is welcomed alongside the development of the new Energy Strategy.

To achieve net zero emissions by 2050, a number of varied technologies and processes will be required by Northern Ireland's energy supply mix. Energy from waste projects can play a role in decarbonisation by producing electricity for the grid, being used in the gas network or making bio fuels for transport.

It is recognised that NOX (Nitrogen oxide) emissions are an indirect greenhouse gas produced by combustion of waste in energy from waste projects. However, additional NOX in the atmosphere can be of help as they give rise to increased

OH (Hydroxyl radical) and so help to reduce the lifetimes of other greenhouse gases like methane which is 84 times more damaging than carbon.

It will be important as we take forward a new Energy Strategy that such consideration is given to the impact of renewable technologies on all forms of emissions, and this is why we have a close working relationship with DAERA as we develop the new Energy Strategy.

Ms McLaughlin asked the Minister for the Economy whether privately-owned language schools are able to continue to avail of Erasmus Plus.

(AQW 12821/17-22)

Mrs Dodds: Alongside the United Kingdom (UK) and European Union's (EU) Trade and Cooperation Agreement reached on 24 December 2020, it was confirmed that the UK Government had decided not to continue to participate in the next Erasmus+ programme for Academic Year 2021/22 onwards.

Ms Anderson asked the Minister for the Economy, pursuant AQW 11683/17-22, (i) to provide a regional breakdown of how many training organisations are in receipt of European Social Fund (ESF) funding; and (ii) to confirm whether these organisations will not suffer any adverse impact due to Brexit and have their ESF funding replaced in full.

(AQW 12825/17-22)

Mrs Dodds: Details of the 69 successful projects awarded funded under Call 2 (Priority 1 and 2) of the ESF 2014-2020 Programme by council or constituency area can be found at <https://www.economy-ni.gov.uk/publications/european-social-fund-programme-2014-2020-call-2-projects-by-constituency-and-council-area>

Details of the 66 projects currently funded under Call 2 (Priority 1 and 2) of the ESF 2014-2020 Programme by council or constituency area can be found at [66 European Social Fund Call 2 Projects by constituency and council area | Department for the Economy \(economy-ni.gov.uk\)](#)

Priority 3 of the ESF 2014-2020 Programme supports skills development of the workforce through the Department's Apprenticeships and Higher Level Apprenticeships, details can be found at [NI European Social Fund programme 2014-2020 - Priority 3 | Department for the Economy \(economy-ni.gov.uk\)](#)

Funding for projects supported by the Northern Ireland ESF Programme (2014-2020) under priorities 1 and 2 continues until March 2022. The UK Shared Prosperity Fund was identified by the UK Government as a replacement for structural funds. To date, however, the details of the scheme continue to be limited and the timescales are of real concern.

Given the potential impact on this Department, I have been proactively engaging with the Finance Minister and the Economy Committee and I have made a number of bids to the Finance Minister to extend the programme for a further year. This would provide more certainty to these organisations and additional time to consider policy and funding options. I will continue to press for these bids to be met before the end of the current financial year.

In the absence this clarity from the UK Government, we have established a joint project, with the Department for Communities, to consider and develop a range of options for a successor Programme that will need to be considered by the NI Executive.

Mr Allister asked the Minister for the Economy to publish the customer service targets and statistics for the Office of Industrial Tribunal and the Fair Employment Tribunal for the past five years.

(AQW 12888/17-22)

Mrs Dodds: The Office of the Industrial Tribunal and the Fair Employment Tribunal are upgrading their case tracking system that will allow for the publication of management information relating to the work of the office. Previous attempts to publish this information have been restricted by the large intake of what have become known as 'Holiday Pay' cases that were distorting the data available.

There are no plans to retrospectively publish data once that upgrade has taken place.

Mr Allister asked the Minister for the Economy what is the timeframe for addressing backlog in Industrial Tribunals and the Fair Employment Tribunal hearings postponed as a result of the pandemic.

(AQW 12889/17-22)

Mrs Dodds: The timeframe and arrangements to address the backlog of hearings postponed as a result of the pandemic remain subject to the exigencies of the pandemic. The work of addressing the backlog is ongoing. It is not possible for my Department to provide a precise timeframe for the completion of this work, which continues to be impacted by the pandemic.

Following the closure of the tribunals' building from 27 March 2020 all hearings were postponed. Following the reopening of the building on 8 July 2020 until 14 December 2020, Preliminary Hearings were arranged on the direction of the President and Vice President in all outstanding cases which had been postponed as a result of the pandemic. In addition, Preliminary Hearings have also been and continue to be arranged on the direction of the President and Vice President for cases which had been lodged and which had not yet been listed for hearing.

The tribunals are using electronic means, as far as possible, in addressing the backlog. However further IT infrastructure is required and is currently being installed by my Department, to enable remote and hybrid hearings to take place where extensive cross examination is required. It is anticipated that this should substantially increase the capacity of the tribunals to address all backlog related issues, in so far as practicable, in a speedy and efficient manner.

The President of the Tribunals has issued guidance and direction in respect of how matters will be dealt with during this time, a copy of which is attached.

Mr Dickson asked the Minister for the Economy for her assessment of the effectiveness of student hardship funds at supporting students facing financial hardship.

(AQW 12926/17-22)

Mrs Dodds: My Department provides Support Funds to the Universities which are used to provide financial help to students whose access to higher education might be inhibited by financial considerations, or who, for whatever reason, including physical or other disabilities, face financial difficulties in meeting their living costs. The funds are targeted at students in particular need and 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.

The funds are available to eligible undergraduate and postgraduate HE students, who are enrolled at their University and able to demonstrate genuine financial hardship. Support is provided in the form of a non-repayable grant. The Universities take decisions on the award of individual payments and make no judgements on the circumstances which may lead a student to financial hardship – they simply ask that a student provides evidence in support of their claim. Given that the objective of the scheme is to support students facing genuine financial hardship, I consider the provision of a non-repayable grant payment an effective response. I am continuing to explore with the Universities what further options are available to provide support to students at this time.

Mr Dickson asked the Minister for the Economy whether she has had any engagement with the UK Department for Education or HM Treasury regarding temporarily reducing tuition fees and providing additional support for students as a result of COVID-19.

(AQW 12927/17-22)

Mrs Dodds: Higher Education is a devolved matter and my Department is responsible only for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland. It is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level.

However, I will be writing to Northern Ireland's universities, on behalf of students, asking them to review their compliance with consumer law and provide assurance that, in implementing their response to the Covid-19 pandemic, they have given due regard to relevant consumer protection law.

Institutions must be clear with new and returning students about how teaching and assessment will be delivered and the circumstances in which changes might be necessary. I will therefore ask the higher education institutions to:

- confirm that they have been, and will continue to be, sufficiently clear with new and continuing students about how teaching and assessment is delivered, the circumstances in which changes might be made, and what those changes might entail;
- confirm that, in their assessment, students received, during the autumn term, the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided; and
- confirm whether their current plans for the spring and summer terms will ensure that students receive the teaching and assessment they were promised and might reasonably expect to receive based on the information provided.

If new or returning students were not provided with sufficiently clear information about how teaching and assessment would be delivered in 2020-21, or that teaching and assessment were not delivered as promised, I will expect the institutions to actively consider their obligations under consumer law for tuition fee refunds or other forms of redress.

I will also ask Northern Ireland's universities to consider how they might support students by engaging with their private accommodation providers, as well as reviewing their own accommodation policies (where applicable) to ensure they are fair, transparent and have the best interests of students at heart.

I am aware that the Office for Students (OfS) have written to English institutions along similar lines.

Any Northern Ireland students experiencing financial hardship should first of all ensure that they have applied online at www.studentfinancenl.co.uk for all the financial assistance to which they may be entitled. My Department delivers financial support to eligible Northern Ireland students through Student Finance NI, and by the end of November 2020 had provided £84m in maintenance loans and a further £37m in maintenance grants as a contribution towards students' living costs during the academic year, including the cost of accommodation.

Students at Northern Ireland's universities who find themselves in financial hardship may be eligible to receive an award from the Support Funds made available by my Department, and managed by the higher education institutions. Earlier this financial year, I secured an £1.4m from the Executive and a further £1.4m from the Department's own budget for these Support Funds, making a total of £5.6m available to support students facing genuine financial hardship.

On top of this, I have more recently brought forward proposals for an additional £10.4m for student hardship, to be allocated between Northern Ireland's institutions on a pro rata basis. If approved, I will ask the universities to take a highly proactive approach to the publication and promotion of these funds to their students, and in particular vulnerable students, to ensure it reaches them as quickly as possible. I will also stress to Northern Ireland's institutions that problems linked to accommodation contracts can be considered a legitimate contributing factor to financial hardship.

My remit only extends to the provision of hardship funds for students at Northern Ireland institutions. However, I am aware that last month the OfS wrote to English institutions to advise them of additional, one-off funding totalling £20m to be distributed to higher education providers in the financial year 2020-21 to address student hardship. As such, any Northern Ireland students studying at institutions elsewhere in the UK, and who are experiencing financial hardship, may wish to apply for this funding through their individual HE institution.

Mr Allister asked the Minister for the Economy (i) to detail the processing timelines for new claims from submission to registration; (ii) how many claims have been pre-registered; and (iii) how many claims have been registered in full, from the beginning of the COVID-19 pandemic by the Office of Industrial Tribunal and Fair Employment Tribunal.

(AQW 12952/17-22)

Mrs Dodds:

(i) Processing timeline for new claims from submission to registration:

Receipt of claim	Day 1
Acknowledgment of electronically submitted claim	Day 2 – 4
Identification of early conciliation certificate number	Day 5
Request for copy early conciliation certificate from LRA for verification purposes	Day 7
Receipt of copy early conciliation certificate from LRA for verification purposes	By day 14
Vetting of claim	By day 17
Preparation of part/full rejections	By day 19
Submission to Employment Judge for consideration	By day 20
Direction of Employment Judge	By day 21
Electronic registration	By day 24
Issue of letters to claimant, claimant's representative and respondent	By day 28

This will apply to individual cases submitted. Multiple cases such as holiday pay, and subsequent re-submissions of these cases, take much longer as there are checks to take place on hundreds, and sometimes thousands, of cases per submission.

(ii) how many claims have been pre-registered

Since the 1st April 2020, 146 claims have been partially rejected and 267 claims have been fully rejected.

(iii) how many claims have been registered in full, from the beginning of the COVID-19 pandemic by the Office of Industrial Tribunal and Fair Employment Tribunal

Since the 1st April 2020, 23,196 claims have been registered in full and a further 146 have been registered partially.

Ms McLaughlin asked the Minister for the Economy for his assessment of the achievements and outcomes of the enterprise zone in Coleraine.

(AQW 12985/17-22)

Mrs Dodds: HM Treasury has responsibility for designating Enterprise Zones (EZs) and laid the Statutory Instrument designating a pilot Enterprise Zone in Coleraine in July 2016. It came into force on 5 August 2016. The pilot EZ only offers

Enhanced Capital Allowances (ECAs) as an incentive, which permits 100% first year allowances for qualifying plant and machinery expenditure. In GB, EZs offer a number of incentives including business rate discounts, simplified planning, and superfast broadband as well as ECAs for a small number of enterprise zones within designated assisted areas. With the exception of ECAs, the NI Executive already supports businesses across Northern Ireland using these levers.

The Atlantic Link Enterprise Campus (ALEC) in Coleraine is the only designated EZ in NI. My Department's role is to ensure that the designated area is developed by Causeway Coast & Glens Borough Council (CC&GC) in a way which is consistent with the application for designation and criteria, namely, that the EZ has a clear aim of attracting capital intensive companies. The ALEC currently has one anchor tenant, 5NINES.

CC&GC has been marketing the site and DfE is working with the Council to ensure that appropriate monitoring data is collected to enable an evaluation of the pilot to inform any future recommendations on EZs. HMT has confirmed that ECAs are not due to expire in Coleraine until 2024. A full evaluation of the pilot, including an assessment of any achievements and outcomes, will take place then.

Ms Kimmins asked the Minister for the Economy what engagement has she had with the UK Minister of State for Universities in relation to (i) reducing student fees for this year; and (ii) reducing student accommodation costs for students from the North of Ireland who are studying in England, Scotland or Wales, but, due to the pandemic, have not been able to utilise their accommodation despite paying full rent and utilities bills.

(AQW 13071/17-22)

Mrs Dodds: Higher Education is a devolved matter and my Department is responsible only for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland. It is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level.

However, I have written to Northern Ireland's universities, on behalf of students, asking them to review their compliance with consumer law and provide assurance that, in implementing their response to the Covid-19 pandemic, they have given due regard to relevant consumer protection law.

Institutions must be clear with new and returning students about how teaching and assessment will be delivered and the circumstances in which changes might be necessary. I therefore asked the higher education institutions to:

- confirm that they have been, and will continue to be, sufficiently clear with new and continuing students about how teaching and assessment is delivered, the circumstances in which changes might be made, and what those changes might entail;
- confirm that, in their assessment, students received, during the autumn term, the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided; and
- confirm whether their current plans for the spring and summer terms will ensure that students receive the teaching and assessment they were promised and might reasonably expect to receive based on the information provided.

If new or returning students were not provided with sufficiently clear information about how teaching and assessment would be delivered in 2020-21, or that teaching and assessment were not delivered as promised, I will expect the institutions to actively consider their obligations under consumer law for tuition fee refunds or other forms of redress.

I have also asked Northern Ireland's universities to consider how they might support students by engaging with their private accommodation providers, as well as reviewing their own accommodation policies (where applicable) to ensure they are fair, transparent and have the best interests of students at heart.

Any Northern Ireland students experiencing financial hardship should first of all ensure that they have applied online at www.studentfinancenir.co.uk for all the financial assistance to which they may be entitled. My Department delivers financial support to eligible Northern Ireland students through Student Finance NI, and by the end of November 2020 had provided £84m in maintenance loans and a further £37m in maintenance grants as a contribution towards students' living costs during the academic year, including the cost of accommodation.

Students at Northern Ireland's universities who find themselves in financial hardship may be eligible to receive an award from the Support Funds made available by my Department, and managed by the higher education institutions. Earlier this financial year, I secured an £1.4m from the Executive and a further £1.4m from the Department's own budget for these Support Funds, making a total of £5.6m available to support students facing genuine financial hardship.

I have more recently brought forward proposals for significant additional student hardship, to be allocated between Northern Ireland's institutions on a pro rata basis. If approved, I will ask the universities to take a highly proactive approach to the publication and promotion of these funds to their students, and in particular vulnerable students, to ensure it reaches them as quickly as possible. I have already stressed to Northern Ireland's institutions that problems linked to accommodation contracts can be considered a legitimate contributing factor to financial hardship.

Moreover, I am also examining further proposals for how I can provide additional levels of support for students at NI Higher education institutions, and hope to be able to make announcements in due course.

Mr McNulty asked the Minister for the Economy to detail the periods when dog grooming businesses were (i) instructed to close; and (ii) allowed to offer click and collect services since March 2020 under COVID-19 restrictions.
(AQW 13107/17-22)

Mrs Dodds: This is not within the remit of my Department to answer.

Ms Ní Chuilín asked the Minister for the Economy what relief her Department has provided to students who are struggling to pay for their university tuition and living costs, including rent.
(AQW 13140/17-22)

Mrs Dodds: Higher Education is a devolved matter and my Department is responsible only for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland. It is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level.

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I have more recently brought forward proposals for significant additional funding for student hardship, to be allocated between Northern Ireland's institutions on a pro rata basis. If approved, I will ask the universities to take a highly proactive approach to the publication and promotion of these funds to their students, and in particular vulnerable students, to ensure it reaches them as quickly as possible. I have also stressed to Northern Ireland's institutions that problems linked to accommodation contracts can be considered a legitimate contributing factor to financial hardship.

Moreover, I am also examining further proposals for how I can provide additional levels of support for students at NI higher educational institutions, and hope to be able to make more announcements in due course.

Ms Dolan asked the Minister for the Economy for an update on her Department's efforts to provide financial assistance to higher level students with (i) their tuition fees; and (ii) their private rental fees during the COVID-19 pandemic.
(AQW 13283/17-22)

Mrs Dodds: Higher Education is a devolved matter and my Department is responsible only for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland. It is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level.

However, I have written to Northern Ireland's universities, on behalf of students, asking them to review their compliance with consumer law and provide assurance that, in implementing their response to the Covid-19 pandemic, they have given due regard to relevant consumer protection law.

Institutions must be clear with new and returning students about how teaching and assessment will be delivered and the circumstances in which changes might be necessary. I have therefore asked the higher education institutions to:

- confirm that they have been, and will continue to be, sufficiently clear with new and continuing students about how teaching and assessment is delivered, the circumstances in which changes might be made, and what those changes might entail;
- confirm that, in their assessment, students received, during the autumn term, the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided; and
- confirm whether their current plans for the spring and summer terms will ensure that students receive the teaching and assessment they were promised and might reasonably expect to receive based on the information provided.

If new or returning students were not provided with sufficiently clear information about how teaching and assessment would be delivered in 2020-21, or that teaching and assessment were not delivered as promised, I will expect the institutions to actively consider their obligations under consumer law for tuition fee refunds or other forms of redress.

I have also asked Northern Ireland's universities to consider how they might support students by engaging with their private accommodation providers, as well as reviewing their own accommodation policies (where applicable) to ensure they are fair, transparent and have the best interests of students at heart.

Any Northern Ireland students experiencing financial hardship should first of all ensure that they have applied online at www.studentfinancenl.co.uk for all the financial assistance to which they may be entitled. My Department delivers financial support to eligible Northern Ireland students through Student Finance NI, and by the end of November 2020 had provided £84m in maintenance loans and a further £37m in maintenance grants as a contribution towards students' living costs during the academic year, including the cost of accommodation.

Students at Northern Ireland's universities who find themselves in financial hardship may be eligible to receive an award from the Support Funds made available by my Department, and managed by the higher education institutions. Earlier this year, I secured £1.4m from the Executive and a further £1.4m from the Department's own budget for these Support Funds, making a total of £5.6m available to support students facing genuine financial hardship.

I have more recently brought forward proposals for significant additional student hardship funding, to be allocated between Northern Ireland's institutions on a pro rata basis. If approved, I will ask the universities to take a highly proactive approach to the publication and promotion of these funds to their students, and in particular vulnerable students, to ensure it reaches them as quickly as possible. In a recent meeting with the NI universities' Vice Chancellors, I also stressed that problems linked to accommodation contracts can be considered a legitimate contributing factor to financial hardship.

Moreover, I am also examining further proposals for how I can provide additional levels of support for students at NI higher education institutions, and hope to be able to make more announcements in due course.

Mr McGlone asked the Minister for the Economy what discussions has she had with the Irish Government in relation to third level opportunities in the north-west region in the context of the new Shared Island Fund.
(AQW 13310/17-22)

Mrs Dodds: I have had no discussions with the Irish Government in relation to third level opportunities in the north-west region in the context of the new Shared Island Fund.

The Joint Communiqué of the Twenty-Fifth North South Ministerial Council Plenary meeting of 18 December commits that, in progressing New Decade, New Approach commitments, senior officials from the Department of Further and Higher Education, Research, Innovation and Science and the Department for the Economy will meet to discuss Higher Education provision in the North West region early in 2021. An introductory meeting took place on 14 January.

Ms Kimmins asked the Minister for the Economy (i) what discussions she has had with universities in Northern Ireland in relation to the allocation of places for university courses in 2021/22; and (ii) whether the cancellation of A level exams will have an impact on the number of places available.
(AQW 13360/17-22)

Mrs Dodds: The UCAS January equal consideration deadline is the point by which the vast majority of applications for higher education institutions are submitted. While this deadline is normally early in January each year, it has been moved to 29 January 2021, to allow both students, and their teachers and advisers, additional time to complete applications and references. While students can, in many cases, apply to courses after the January deadline, applying before 29 January means an application is considered equally against all other students who submit to the deadline. This gives students the best possible chance of maximising the numbers of university offers they receive.

Given the extension of the equal consideration deadline by UCAS, it is too early in the university application process to state authoritatively whether the cancellation of A-levels will see an increase in the number of acceptances, as assessed grades are only one of several criteria considered by universities when they make their offers. That said, the evidence from last year, and comparisons with the level of teacher-assessed grades in previous years, would suggest that we will see an increase in the number of applications.

Both I and my officials have been working closely with the colleges and universities and with students' union representatives throughout the course of the pandemic, and continue to do so.

As autonomous institutions, the local universities in Northern Ireland are responsible for their own admissions practices and so my Department has no remit to intervene directly in this process. That said, Queen's University has already established a Stakeholder Group to discuss admissions for the 2021/22 academic year, comprising the local universities, the FE colleges, representatives from the schools sector, CCEA, and my own officials. This has been an encouraging process to date, with all sectors seeking to find a collective solution which has at its heart the best outcomes for the student.

This is obviously an ongoing process, with numerous competing concerns, in particular the need to provide early assurances to students on their learning destinations, while simultaneously seeking to minimise any learning deficits prior to them undertaking further or higher education study.

Ms McLaughlin asked the Minister for the Economy how many students from Northern Ireland are studying at undergraduate or postgraduate level at universities or colleges in the Republic of Ireland.

(AQW 13366/17-22)

Mrs Dodds: The latest information available regarding student enrolments is for 2018/19.

In this year, the total number of Northern Ireland domiciled students enrolled on Higher Education courses, at both undergraduate and postgraduate level, in the Republic of Ireland was 1500.

This information is available on the Department for the Economy website at the attached link below:

<https://www.economy-ni.gov.uk/publications/higher-education-statistical-fact-sheets-open-data-tables>

2019/20 data is due to be published later in the year.

Ms Hunter asked the Minister for the Economy how many students from Northern Ireland are currently studying at universities and colleges in the south.

(AQW 13377/17-22)

Mrs Dodds: The latest information available regarding student enrolments is for 2018/19.

In this year, the total number of Northern Ireland domiciled students enrolled on Higher Education courses, at both undergraduate and postgraduate level, in the Republic of Ireland was 1500.

This information is available on the Department for the Economy website at the attached link below:

<https://www.economy-ni.gov.uk/publications/higher-education-statistical-fact-sheets-open-data-tables>

2019/20 data is due to be published later in the year.

The Department does not hold statistics on the numbers of students enrolled in further education institutions in the Republic of Ireland.

Mr Carroll asked the Minister for the Economy for her assessment of the level of tuition fees paid by students for the 2019-20 academic year.

(AQO 1450/17-22)

Mrs Dodds: From the outset, let me just say that I genuinely appreciate how difficult the situation must be for all university students. These are unprecedented times for all of us, and regrettably the situation with regard to the spread of Covid-19 is changing on an almost daily basis; as such, the response of Government, as well as the actions of the universities, must be flexible and adaptive to a constantly shifting environment.

My Department is responsible for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland, and we do so each year in line with inflation. However, it is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level.

It is unfortunate that as a result of the Covid-19 pandemic, the higher education institutions have had to adapt their usual course delivery methods. This will unfortunately have an impact on the normal student experience. However, the higher education institutions have assured me that they are committed to ensuring high academic standards, excellent teaching and learning provision and therefore value for money for students.

Mr Lyttle asked the Minister for the Economy what engagement she has had with the UK Department for Education and Pearson regarding making adjustments to this year's BTEC courses.

(AQO 1451/17-22)

Mrs Dodds: My Department works closely with counterparts in England and Wales as we too seek to mitigate the impact of the pandemic on vocational education.

Pearson BTECs are national qualifications used across the United Kingdom and specific flexibilities were agreed in December to primarily mitigate against lost learning time this year.

In conjunction with Ministerial colleagues in England and Wales, I also agreed recently that further flexibilities would be put in place for January BTEC exams.

Further education colleges, schools and training providers have been afforded the choice on whether to proceed or not with BTec exams in January, taking into consideration health and safety and the needs of their learners. Alternative arrangements will be put in place for those learners who do not sit January BTec exams to ensure that no learner is disadvantaged.

[In light of the ongoing disruption to learners, and to ensure parity with general qualifications, I have recently announced the cancellation of all external vocational exams in Northern Ireland for the remainder of this year, including BTecs.

I have instructed CCEA Regulation to work with awarding organisations to ensure that suitable alternative arrangements are put in place that will enable learners to receive fair and timely results.

Mr Robinson asked the Minister for the Economy what plans she has to streamline her Department's grants application processes.

(AQO 1452/17-22)

Mrs Dodds: The pandemic and the subsequent restrictions have brought significant difficulties for businesses as they adapt to new circumstances and face financial pressures. I remain committed to providing support to as many businesses and individuals facing hardship as possible within the available funding envelope.

I fully understand the need to make the application process for each of the grant schemes as accessible and as streamlined as possible to ensure support reaches all eligible businesses, and does so in a timely manner. However, as I have said before in this chamber, it is important to strike a balance between getting money out to businesses quickly and ensuring a sound verification and assurance process that is required when managing public funds.

When developing recent schemes including the Wet Pubs Business Support Scheme, my Department has kept the application process as streamlined as possible.

My department has also listened to feedback on the support schemes from businesses and representative bodies and will continue to do so. This has provided valuable information which has allowed amendments to the eligibility criteria, the published information on the schemes and the application and verification processes.

Miss Woods asked the Minister for the Economy for an update on the Wet Pubs Business Support Scheme.

(AQO 1453/17-22)

Mrs Dodds: As you are aware the Wet Pubs Business Support Scheme received Executive agreement on 17 December 2020.

Since then, the verification process is currently in operation using records held by Land and Property Services and additional verification checks are being completed by my Department.

These include the completion of self-declaration forms by each business to clarify the qualifying period of time the business was closed. I'm pleased to say the forms began to issue week commencing 11th January.

Already we have begun to receive responses.

It is anticipated that the first payments will be made from the 3rd week in January.

Mr Hilditch asked the Minister for the Economy what support she will provide to taxi operators and depots.

(AQO 1454/17-22)

Mrs Dodds: I fully understand and appreciate the difficulties local businesses, including taxi operators and depots, are facing as a result of the current restrictions. My focus is firmly on helping as many local businesses as possible mitigate the impact of restrictions and be positioned to resume trading and contribute to the economic recovery.

That is why I introduced the Covid Restrictions Business Support Scheme which has provided over £18 million in support to date.

Part B of the scheme provides support to businesses that are in the supply chain of businesses required to close or cease trading, or are reliant on such businesses being open and have been severely impacted as a result. This includes taxi operators and depots.

The scheme has now reopened to provide support for the current period of restrictions. I would encourage all taxi operators and depots to review the eligibility criteria available on the NI Business Info website and to make an application if they may be eligible. New, successful applicants will receive backdated payments.

I also welcome the Minister for Infrastructure's announcement of a further support scheme for taxi drivers which supplements the UK Government's Self-Employed Income Support Scheme.

Mr Butler asked the Minister for the Economy what support her Department has given to the hotel and accommodation sector, particularly those businesses with a 2020 net annual value of over £51,000.

(AQO 1456/17-22)

Mrs Dodds: I recognise the ongoing impact of the Covid-19 pandemic on local economy, including the very significant impact on the hotel and accommodation sector.

I will shortly be bringing forward a proposal to the Executive to put in place a large tourism and hospitality business support scheme to provide grant support towards meeting the significant and unavoidable fixed costs overheads faced by the sector.

A budget of £15 million has been allocated to my Department to provide support for such a scheme. Once Executive agreement is in place, further details on the scheme and a date for launch will be publicised.

In addition to this scheme for larger businesses, many smaller businesses in the hotel and accommodation sector have been able to avail of funding from either the 10K Small Business Support Grant Scheme or the 25K Business Support Grant Scheme for the Retail, Hospitality, Tourism and Leisure Sectors that my Department delivered last year.

Furthermore, the Covid Restrictions Business Support Scheme delivered by Invest NI has provided support to eligible businesses in these sectors in recent months and will continue to provide support during the current period of restrictions.

Mr Dickson asked the Minister for the Economy whether she has had any engagement with the Republic of Ireland Government in regards to expanding capacity on ferry routes from Ireland to continental Europe to reduce trade friction for importing and exporting goods as a result of Brexit.

(AQW 13392/17-22)

Mrs Dodds: I have not had any conversations with the Government in Ireland regarding ferry capacity from Ireland to continental Europe. The operation of ferries from Ireland to Europe is a commercial matter for the ferry operators, and they have responded to demand by increasing their sailings. There is no obvious deficit of supply and therefore no need for me to raise this as an issue with the Government in Ireland.

Northern Ireland Assembly Commission

Ms Armstrong asked the Assembly Commission to detail (i) the progress being made to ensure the Northern Ireland Assembly is a living wage employer; and (ii) the actions taken to ensure all suppliers to Parliament Buildings, contracted by the Commission, are meeting living wage standards.

(AQW 12502/17-22)

Mr Butler (The Representative of the Assembly Commission): The Assembly Commission is already a living wage employer. The pay scales for all staff employed by the Assembly Commission exceed the National Living Wage. These pay scales are also applied to temporary workers engaged through a temporary worker agency. The Assembly Commission also has an Apprenticeship and Placement Framework. Apprentices engaged by the Assembly Commission through this Framework are paid the National Living Wage as opposed to the lower apprentice rate.

All of the Assembly Commission's suppliers are required to comply with statutory requirements and this includes payment of the National Living Wage. For a contract where the contractor's employees are employed exclusively on the Assembly Commission contract, pricing schedules are reviewed to ensure that these comply with the Living Wage requirement.

Ms Bailey asked the Assembly Commission to detail the rationale in making the wearing masks mandatory for staff but advisory for Members in Parliament Buildings.

(AQW 13236/17-22)

Mr Butler (The Representative of the Assembly Commission): The Assembly Commission considered its on-going response to the coronavirus pandemic at a meeting on Wednesday 20 January 2020.

The Regulations that deal with the wearing of face coverings were considered and Assembly Commission Members were briefed on a legal and technical point, from the perspective of enforcement, that the Assembly Commission does not have the same relationship with Members as it does with Assembly Secretariat staff who have contracts of employment. It was in this context that the use of the word "mandatory" was used in communications in relation to staff.

While Assembly Commission Members were cognisant of the legal point, it was unanimously agreed that, in the interests of preventing infection for everyone, there should be no distinction in arrangements in Parliament Buildings and that the right decision was for face coverings to be worn by both Members and staff.

The Assembly Commission believes that the wearing of face coverings in public areas is an entirely reasonable mitigating measure which demonstrates respect for the welfare of all building users, particularly for those who are working in the building to support Members. The Assembly Commission expects all Members to comply with this measure and that Parties will ensure that their Members do so.

Northern Ireland Assembly

Friday 5 February 2021

Written Answers to Questions

The Executive Office

Miss Woods asked the First Minister and deputy First Minister to detail (i) how the Community Sponsorship element of the new UK Relocation Scheme for refugees is being promoted; and (ii) how applications from community groups wishing to sponsor refugee families to relocate in Northern Ireland will be responded to.

(AQW 6611/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill (The First Minister and deputy First Minister): Our primary focus in the Syrian Vulnerable Persons Resettlement Scheme (VPRS) has been to ensure the successful resettlement of participants here, through collaborative working across departments and partners in the Voluntary and Community sector, to enable families to build a new life, realise their full potential and be active members of our communities.

Following discussions with Home Office officials and research on the Community Sponsorship element of the Scheme, on 25 September 2018, the Strategic Planning Group agreed to pilot the scheme with the two groups which approached the Department at that time.

The outcome of the pilot, coupled with our participation in the new Global Resettlement Scheme will inform decisions around further involvement in Community Sponsorship. This has been the response to the small number of queries received about sponsoring refugee families.

Mr McGrath asked the First Minister and deputy First Minister what communication they have had with the Racial Equality Subgroup since the restoration of the Assembly in January 2020.

(AQW 7026/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Our officials in the Racial Equality Unit are in frequent contact with the Subgroup and provide us with regular updates on the work and issues emerging.

In addition, the Racial Equality Subgroup have written to us following the death of George Floyd and we intend to meet with members to discuss this and wider racial equality matters in due course.

Mr Durkan asked the First Minister and deputy First Minister what arrangements are in place for (i) the emptying of bins; and (ii) the cleaning and monitoring of the public toilets on the Ebrington site.

(AQW 12080/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Waste bins on Ebrington are emptied on a daily basis, seven days a week with collections increased during busy periods. The Public Toilets are cleaned twice daily. Both services are completed under contract.

There has been considerable additional football on Ebrington in the past year which, whilst welcomed, has increased the volume of waste and use of on-site toilet facilities.

In recognition of this, additional recycling bins are being provided and the toilet facilities cleaned more regularly during busy periods. The cleanliness of the site is constantly monitored by officials to ensure any enhanced arrangements are made should they be required.

Department of Agriculture, Environment and Rural Affairs

Mr Blair asked the Minister of Agriculture, Environment and Rural Affairs to detail (i) when Phase 2 of the third Special Protection Area (SPA) network review will be published; (ii) when his Department will publish the Phase 3 report of the third SPA network review; and (iii) the timetable for implementation and review of the recommendations from both the second SPA network review (2001) and the third SPA network review (2016).

(AQW 11353/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): My officials in the Northern Ireland Environment Agency (NIEA) are involved in undertaking the third UK SPA network review, along with colleagues from the other UK nature conservation agencies. As this is a UK review, timetabling and publication is not a decision solely for the Northern Ireland Executive. Ministers from the Department for Environment, Food and Rural Affairs (DEFRA) and the Devolved Administrations along with the Joint Nature Conservation Committee (JNCC), will be responsible for deciding when to publish the findings from this Review. I can, therefore, answer as follows:-

- (i) At this time I cannot detail when Phase 2 of the third UK SPA network review will be published. Once advised to by my officials, I will consider whether to approve the outputs of Phase 2 on behalf of the Northern Ireland Executive.
- (ii) I cannot detail when a Phase 3 report on the third UK SPA network review will be published, as this follows the outcomes of Phase 2. Once advised to by my officials, I will decide whether to approve a report on Phase 3 on behalf of the Northern Ireland Executive.
- (iii) I cannot detail a timetable for implementation and review of the recommendations from both the second SPA network review (2001) and the third SPA network review (2016). The outcomes of Phase 2 of the third UK SPA network review will first need to be finalised, considered and approved by Ministers across the UK before my officials can propose any advice for my consideration and approval on a timetable for implementation of the third UK SPA network review.

Once the outcomes of Phase 2 of the 3rd UK SPA network review have been published, I look forward to considering the advice for the Northern Ireland protected site network. I fully appreciate the key role that a resilient and coherent network of designated nature sites and the protection afforded to them will play in delivering a truly Green Growth recovery after the COVID-19 global pandemic, to support the achievement of climate change, biodiversity and sustainable development goals.

Mr Beggs asked the Minister of Agriculture, Environment and Rural Affairs to detail the procedures and conditions that must now be met to enable (i) pets; (ii) cattle; (iii) sheep; and (iv) horses to move between Northern Ireland and the rest of the United Kingdom.[R]

(AQW 12774/17-22)

Mr Poots:

Pets

There will be no change to the requirements for pets moving from Northern Ireland (NI) to the rest of the UK. There are currently no requirements for pets travelling from NI to Great Britain (GB).

Cattle

In the case of cattle being exported from NI to GB there is no change to certification arrangements i.e. cattle must be tagged (identified) in accordance with The Cattle Identification (No.2) Regulations (NI) 1998 and accompanied by the following fully completed documents:

- Export Health Certificate
- MC2L movement licence(s)
- Passport(s)

Animals aged 42 days or more at the date of export, being exported for breeding or production, will have to pass a bTB (bovine Tuberculosis) test during the 30 days prior to export.

Sheep

There is no change to the certification arrangements for sheep being exported from NI to GB. Sheep must be tagged (identified) in accordance with The Sheep and Goats (Records, Identification and Movement) Order (NI) 2009 and accompanied by the following fully completed documents:

- Export Health Certificate
- OVNLIC movement licence(s)

Horses

There are no changes in the way horses and other equines are moved directly from NI to GB from 1 January 2021. These movements will continue as before

Mrs Barton asked the Minister of Agriculture, Environment and Rural Affairs what plans there are in the new bTB Strategy to DNA sample calves at birth for bTB when other sampling is being carried.

(AQW 12859/17-22)

Mr Poots: The Northern Ireland (NI) bTB (bovine Tuberculosis) Programme complies with EU Council Directive 64/432/EEC. The NI Protocol requires that we continue to implement this legislation which contains within it the prescribed tests permissible for use to identify bTB in cattle.

At present, there are only two EU approved diagnostic methods for testing for bTB infection in bovines, the Tuberculin Skin Test and the Gamma Interferon Assay. Therefore at this juncture there are no plans to utilise any unapproved tests as part of our current programme or the proposed bTB Eradication Strategy.

My Department remains open to the introduction of new technologies that would assist in the early detection of bTB, however, any such tests would require extensive research to establish sensitivity and specificity in herds and individual animals, prior to any approval both locally and by the European Union.

Mr Beattie asked the Minister of Agriculture, Environment and Rural Affairs whether his Department will be carrying out a review of how the money for the Revitalisation Recovery Grant scheme was delivered.

(AQW 13014/17-22)

Mr Poots: The DAERA £2.3m contribution to the Covid-19 Recovery Revitalisation Programme funding was allocated to each Council area to address the identified needs of rural towns and villages. Each Council will be expected to report against the performance measures, programme objectives and outcomes. Councils will also be required to complete a post project evaluation 12 months after the completion of the Programme which will be aggregated to a Programme evaluation. This evaluation will report on all objectives and include information against all performance measures. The Department for Communities will be responsible for commissioning and compiling of the evaluation which will be shared with other contributing Departments including DAERA.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered enshrining World Health Organisation air quality guidelines in law.

(AQW 13097/17-22)

Mr Poots: As you are aware, I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

You will note in the Discussion Document under Section 1.3 Health-Based Air Quality Standards and other Sources of Evidence, World Health Organisation air quality guidelines are discussed. Question 1. goes on to ask:

Should there be legally binding targets for particulate matter, which are based on WHO guidelines?

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process. I would, however, like to encourage you to formally respond with your views on enshrining World Health Organisation air quality guidelines in law and any other questions you may have a viewpoint on, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered introducing stricter regulations on the types of fuel that can be burned residentially to help consumers choose less polluting fuels.

(AQW 13098/17-22)

Mr Poots: I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

You will note in the Discussion Document under Section 1.8, titled, The UK Clean Air Strategy, that the Defra proposals to introduce legislation to prohibit the most polluting solid fuels, such as bituminous ('household' or 'smoky') coal, as well as wet wood, are highlighted.

Chapter 3 - Household Emissions discusses the matter further. Section 3.1, Legislation and Controls, provides further information on Smoke Control Areas and section 3.8, Further Smoke Control Measures in England, specifically looks at the approach taken by Defra. Page 96 then goes on to ask six questions:

- Q: Should urban areas, in their entirety, be designated as Smoke Control Areas?
- Q: Should the law should be changed so that non-smokeless fuels may not under any circumstances be sold in Smoke Control Areas?
- Q: Should government ban the sale to the general public of smoky / bituminous / household coal in Northern Ireland?
- Q: Should government ban the import, into Northern Ireland, of high-sulphur coal?
- Q: Should government ban the sale to the general public of unseasoned wood in Northern Ireland at retail outlets?
- Q: Are there any further things you think that central and local government could be doing to address air pollution from burning solid fuels?

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process. I would, however, like to encourage you to formally respond with your views on stricter regulations on the types of fuel that can be burned residentially, and any other questions you may have a viewpoint on, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered mandating his Department to produce a statutory air quality strategy every ten years.

(AQW 13099/17-22)

Mr Poots: I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

Northern Ireland has not had its own dedicated Clean Air Strategy before now. I and my Department have firmly committed developing and implementing the first Clean Air Strategy for Northern Ireland. Your question as to whether I propose to mandate my Department to produce a statutory air quality strategy every ten years is noted. The process undertaken so far demonstrates our commitment to this strategy. The final policy direction in relation to a mandate or time-frame will be decided after analysis of all responses received. However, given our commitment to the process to date, you can be assured that decisions in this respect will seek to deliver a robust strategy.

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process. I would, however, like to encourage you to formally respond with your views on mandating my Department to produce a statutory air quality strategy every ten years, and any other questions you may have a viewpoint on, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered providing a statutory duty on local councils to appropriately monitor and assess air pollution, and to take action around it.

(AQW 13100/17-22)

Mr Poots: District councils have a statutory duty to appropriately monitor, assess and to take action on air pollution under Part III of The Environment Order (NI) 2002.

The Local Air Quality Management (LAQM) system has been established for councils to fulfil their statutory duties under the Order and assess compliance with objectives in the UK Air Quality Strategy. At locations where objectives are not expected to be met by the relevant target date, district councils are required to declare an Air Quality Management Area (AQMA) and to develop an Action Plan to address the problem. The Department provides funding to councils under the LAQM grant scheme to carry out monitoring and associated air quality duties.

Further information is available from our website <https://www.airqualityni.co.uk/laqm>

As you are aware, I recently launched a twelve week public consultation, The Clean Air Strategy Discussion Document, developed by my Department (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document). LAQMs and AQMAs are discussed further in this Discussion Document.

I would like to encourage you to review the proposed changes put forward and respond to the Discussion Document with your views on the statutory duty on local councils to monitor, assess and take action on air pollution. Please submit your response through the formal route using the designated inbox (casni@daera-ni.gov.uk) to help inform the final Clean Air Strategy for Northern Ireland. This will ensure that your important comments, are captured as part of the final assessment.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether funding will be given to local councils to boost pollution monitoring outside schools, health centres and hospitals, so that the public have the information needed to protect their health.

(AQW 13101/17-22)

Mr Poots: My Department financially supports district councils in monitoring air quality through the Local Air Quality Management (LAQM) grant and has done for many years. Through the LAQM grant scheme, councils can apply annually for financial support in connection with air quality monitoring, reviews, assessments, management and the preparation and implementation of action plans.

Any request for funding for local councils to boost pollution monitoring outside schools, health centres and hospitals, would be considered as part of the LAQM process. A district council would be required to submit a request for my Department to consider in the first instance.

As you are aware, I recently launched a twelve week public consultation, The Clean Air Strategy Discussion Document, developed by my Department.

Changes to the way in which grant funding may be allocated, is proposed on page 131 of the Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document). It is proposed that the grant application process will change to allow Local Authorities and also non-governmental organisations or other similar bodies to bid for money to develop projects which demonstrate outcomes where the activities, supported by the grant money, will have a direct impact on the improvement of air quality in the region or location.

The Discussion Document poses a LAQM question:

Q: What are your views on the proposals to change the LAQM process, in particular to grant funding for outcome-based measures as opposed to monitoring?

I would like to encourage you to review the proposed changes put forward and respond to this Discussion Document question, through the formal route using the designated inbox (casni@daera-ni.gov.uk) to help inform the final Clean Air Strategy for Northern Ireland. This will ensure that your important comments, are captured as part of the final assessment.

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs what species of exotic animals are allowed to be kept in Northern Ireland.

(AQW 13170/17-22)

Mr Poots: Exotic animals are those that occur in areas outside of their natural range. It is not possible to give a definitive list of such species that may be kept in Northern Ireland, but some species or groups of animals are subject to regulatory control.

In Northern Ireland a wide range of exotic species are sold to the public in pet shops. These include those commonly offered for sale (Goldfish, Budgerigars, Hamsters, etc), but also more unusual pets such as monkeys.

Pet shops selling species defined as 'dangerous' under the terms of the Dangerous Wild Animals (Northern Ireland) Order 2004, must ensure that the buyer has a DWA license from the Northern Ireland Environment Agency before sale. This ensures that a prior inspection of the buyer's premises has been undertaken and that the facilities are suitable with a minimal risk of escape and subsequent danger to the owner or public. The schedule to the Order details the kinds of animals involved, and may be found on the following link:-

The Dangerous Wild Animals (Northern Ireland) Order 2004 (<https://www.legislation.gov.uk/nisi/2004/1993/made>)

Permanent establishments where animals of wild species are kept for exhibition to the public for seven days or more a year are defined as Zoos under the terms of the Zoos Licensing Regulations (Northern Ireland) 2003. These zoos are subject to NIEA inspections to ensure they accommodate the animals under conditions which satisfy their biological and conservation requirements whilst also ensuring that they promote public education and awareness of relevant conservation issues. These zoos are also subject to animal welfare inspections by DAERA vets.

Certain species of birds of prey kept for the purposes of falconry or public education require licences from NIEA. These licences are required before taking receipt of the bird and the owners premises are subject to subsequent inspections.

The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 implements penalties and sanctions in relation to primary European legislation on invasive species. The intention of the primary legislation is to prevent the introduction and spread of certain harmful plant and animal species. At the core of the legislation is a list of invasive alien species of Union concern (the Union list). The legislation imposes restrictions on the keeping, importing, selling, breeding or growing of the listed species. Two relevant examples of species on this list are Muntjac deer and Raccoon dog.

Mr Carroll asked the Minister of Agriculture, Environment and Rural Affairs whether he has considered introducing a right to breathe, whereby local councils are obliged to inform vulnerable groups when certain air quality levels are breached.

(AQW 13180/17-22)

Mr Poots: I recently launched a twelve week public consultation on The Clean Air Strategy Discussion Document (available at: http://www.daera-ni.gov.uk/clean_air_strategy_discussion_document), developed by my Department, which seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position at this stage.

Your comment on an introduction of a right to breathe, whereby local councils are obliged to inform vulnerable groups when certain levels are breached, is noted. While the Clean Air Strategy Discussion Document does not use this phrase, it is in essence, trying to ensure the air we breathe in Northern Ireland is wholesome and of the highest standard possible. All comments relating to a right to breathe are welcome.

As recommendations and public views are sought through this Discussion Document, my assessment at this stage may influence the view of respondents and I do not wish to pre-empt the outcome of this process. I would, however, like to encourage you to formally respond with your views on a introducing a right to breathe and any other relevant comments you may wish to make, through the formal route using the designated inbox (casni@daera-ni.gov.uk). This will ensure your important comments, are captured as part of the final assessment. All comments will be welcome and will strengthen the consultation process.

With regard to informing vulnerable groups when certain air quality levels are breached, you may be interested to know that on 7 May 2020 I launched Northern Ireland's first Air Quality App. The App gives the public up to date information on air

pollution levels across Northern Ireland and a five day air quality forecast. Users can set up a push notification to alert them to when levels of elevated pollutants are detected or forecast. Alerts can be further tailored to specific council districts.

An air pollution alert text service is also available. Subscribers can receive high or very high air pollution alerts to their mobile phone, providing notification of when air pollution levels are elevated. To subscribe to the 'Air Aware' service, text AIR to 67300. Alerts are free but text messages to the service cost your normal standard rate. A free helpline providing the latest air pollution information in Northern Ireland is available by contacting the helpline telephone number: 0800 556677.

The public can also access valuable health information through the App on the impacts reduced air quality can have on health, as well as guidance on when to seek medical advice. Health guidance has been developed in partnership with Department of Health officials.

The Air Quality App, Air Aware text service and free helpline allow people to protect their health using reliable, local air quality data. Further information on this, and a host of other excellent air quality information is available from our website at <https://www.airqualityni.co.uk/> and NI Direct at <https://www.nidirect.gov.uk/articles/air-pollution-and-health>

Mr Stewart asked the Minister of Agriculture, Environment and Rural Affairs what measures are being considered to resolve the issue of raw frozen pet food being required to obtain Export Health Certificates, but unable to pass Enterobacteriaceae tests in order to clear point of entry from Great Britain into Northern Ireland.

(AQW 13195/17-22)

Mr Poots: The health requirements for animal by products and derived products not intended for human consumption are detailed in Commission Regulation (EU) 142/2011. This Regulation continues to apply in Northern Ireland (NI) as a result of the NI Protocol.

These same EU requirements apply in respect of raw food imports from third countries, which is how the EU now views trade with and from GB.

As a result, following the end of the transition period, there are now additional requirements that must be met to import raw pet food from Great Britain (GB) to NI. Manufacturers must obtain an Export Health Certificate (EHC) and meet the salmonella and enterobacteriaceae obligations.

While there are currently no apparent flexibilities that can be applied, I am acutely aware of the issue and my officials will continue to engage with counterparts in the Department for Food, Environment and Rural Affairs (Defra) on this matter.

Mr McGlone asked the Minister of Agriculture, Environment and Rural Affairs how his Department plans to enforce the new requirements for documents for assistance dog owners to travel between Northern Ireland and Britain.

(AQW 13308/17-22)

Mr Poots: The EU Pet Travel Regulation (Regulation (EU) 576/2013) details the documentary, health and compliance check requirements for the travel of pet dogs (including assistance dogs), cats and ferrets between or into EU Member States (MS) which are needed to avoid the quarantining of animals. The Regulation continues to apply in Northern Ireland (NI) following the end of the transition phase.

As Great Britain (GB), has been identified as a "Part II" listed country by the EU, for the purposes of pet travel, these requirements will now need to be adhered to for pet travel from GB to NI.

However, after engaging with my officials to find potential flexibilities, and considering pet owners have not had time to familiarise themselves with the new rules, I can now confirm that my Department will delay the introduction of any compliance checks on these requirements for pet travel (including that of assistance dogs) from GB to NI until 1 July 2021. There will be no routine checks until then.

I am however acutely aware of the impact of what I consider to be completely unnecessary measures, on those travelling with pets within the United Kingdom (UK), and I am particularly concerned at the impact these will have on those travelling with assistance pets.

I will therefore continue discussions to urgently seek derogations from these unnecessary medical interventions. In addition, I have written to the Secretary of State for Environment, Food and Rural Affairs, George Eustice MP, and to the European Commission, highlighting these issues, and particularly the entirely unjustified requirements for rabies vaccination and tapeworm treatment given that both the UK and the Republic of Ireland (RoI) are considered free from both diseases. I have also requested that urgent consideration be given to the introduction of a 'Common Travel Area' for pets travelling between GB, NI and RoI.

Officials will continue to discuss with counterparts to progress this matter further and, as highlighted, there will be no routine checks until July 2021, which will permit time for this engagement to be progressed. In order to keep you and the wider public updated, any progress made or flexibilities agreed in respect of the additional requirements, will be published on the DAERA website <https://www.daera-ni.gov.uk/articles/travelling-pets> and on the DAERA Frequently Asked Questions document <https://www.daera-ni.gov.uk/articles/qas-pet-travel-1-january-2021>

Ms Bailey asked the Minister of Agriculture, Environment and Rural Affairs to provide details of the waste management plan for the pig farm in development at 10 Calhame Road, Ballyclare, BT39 9NA.

(AQW 13347/17-22)

Mr Poots: The information requested is part of an application for a variation to an existing Pollution Prevention and Control (PPC) Permit (Permit Number P0253/07A) and is publicly available on the Industrial Pollution & Radiochemical Inspectorate Public Register website at: https://apps.d.aera-ni.gov.uk/IPRI/docs/P0253-07A%20JMW%20Farms%20Ballyclare%20Variation_Redacted.pdf

Further details of the management of pig slurry produced on the farm are also publicly available on the Planning Portal website at: <http://epicdocs.planningni.gov.uk/ViewDocument.aspx?guid=e0d5daa6-bb2a-49b1-8384-2fc220cb266b>

Mr Easton asked the Minister of Agriculture, Environment and Rural Affairs whether Westminster paid for the installation of border posts at Northern Ireland ports.

(AQW 13482/17-22)

Mr Poots: Her Majesty's Treasury have funded the cost of the infrastructure, IT and staff resources required for Northern Ireland's Points of Entry.

Ms Armstrong asked the Minister of Agriculture, Environment and Rural Affairs (i) whether he intends to bring forward a Deposit Return Scheme for plastic bottles or aluminium containers in Northern Ireland; and (ii) for an update on his plans to have a variable or fixed rate scheme.

(AQW 13504/17-22)

Mr Poots: I committed back in February 2020 to Northern Ireland's continued participation in the development of UK-wide proposals to reform the Packaging Producer Responsibility system and the introduction of a Deposit Return Scheme. I am taking powers in the Westminster Environment Bill to allow a Deposit Return Scheme to be established in Northern Ireland, the purpose of which is to secure an increase in recycling and recyclability of materials, and to reduce the amount and costs of littering and fly-tipping.

The specific details of the scheme have been refined following earlier consultation in 2019, using evidence gathered and through ongoing engagement with stakeholders. I plan to launch a second public consultation this year. The options for scope (material and size of container), deposit level and model of a DRS will be presented in the second consultation.

Department for Communities

Mr Buckley asked the Minister for Communities whether she plans to implement an updated Living Over the Shops scheme. **(AQW 12785/17-22)**

Ms Hargey (The Minister for Communities): I can confirm that there is currently no plan to implement a Living Over the Shops (LOTS) scheme.

An independent review of the scheme was carried out in 2016 and this identified numerous issues which the provision of a small grants scheme did not significantly overcome and neither did it significantly contribute to housing supply or regeneration. As there is nothing to suggest that any of this has changed, there is no plan to re-instate a LOTS grant scheme.

The Department's focus, therefore, is on encouraging town and city centre living generally, not just over shops, finding new and innovative ways to increase the supply of affordable housing and on addressing broader issues, for example, through the Local Development Plan process.

Mr McNulty asked the Minister for Communities to detail (i) the number of properties to benefit from the Affordable Warmth Project during (a) 2018/19; (b) 2019/20 and (c) 2020/21; and (ii) her Department's financial commitment to the Affordable Warmth Project during each of these years.

(AQW 12931/17-22)

Ms Hargey:

- (i) The Housing Executive has provided the following information, showing (i) the number of homes improved; and (ii) expenditure for each financial year:

Affordable Warmth Scheme

Financial Year	Homes Improved	Expenditure
2018/2019	3,205	£14,542,409
2019/2020	2,594	£12,331,383
2020/2021 (at 31 Dec 2020)	947	£3,507,000

- (ii) The figures for 2018/19 and 2019/20 represent actual expenditure. The projected spend for the financial year 2020/21 is expected to be approximately £6.5m. The reduction is due to the impact of Covid-19 which has resulted in fewer households completing work.

Mr McGrath asked the Minister for Communities to detail the number of households in each council area (i) eligible to apply for; and (ii) that have applied to, the warm homes scheme, in each of the last five years.

(AQW 12942/17-22)

Ms Hargey: The Affordable Warmth Scheme, which is administered by the Housing Executive on behalf of the Department in partnership with local Councils, replaced the Warm Homes Scheme from April 2015.

- (i) Households eligible to apply for the scheme in each Council Area

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.

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>

While the Affordable Warmth Scheme is targeted at those areas where households are most likely to be in fuel poverty this does not necessarily mean that all households in those areas will be eligible for assistance.

Neither the Department nor the Housing Executive hold details on the numbers of households in each Council area who could currently fall within the overall eligibility criteria, including the income threshold, for the Scheme.

- (ii) Applicants for the Affordable Warmth Scheme, in each of the last five years for each Council Area.

The table below sets out referrals received from the local councils over the financial years 2015/2016 to 2019/2020. Referral figures for 2020/2021 are to the end of December 2020 and reflect the impact of Covid-19 restrictions on home visiting which has reduced the number of referrals this year.

Referrals to the Affordable Warmth Scheme by council for the last 5 financial years (plus the current year up to the end of December 2020)

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Antrim & Newtownabbey	695	429	405	337	257	121
Ards & North Down	857	505	405	337	254	172
Armagh Banbridge & Craigavon	1048	513	411	330	245	125
Belfast	1154	534	320	303	235	135
Causeway Coast & Glens	1058	509	406	332	235	159
Derry & Strabane	1195	501	406	326	276	201
Fermanagh & Omagh	740	450	403	319	238	133
Lisburn & Castlereagh	797	536	330	334	247	155
Mid U& East Antrim	519	442	376	319	246	209
Mid Ulster	732	506	372	336	253	139
Newry Mourne & Down	944	501	396	345	219	131
Total	9739	5426	4230	3618	2705	1680

Mrs Cameron asked the Minister for Communities how much public funding has been spent on recent improvement projects for (i) Casement Park; (ii) the National Stadium at Windsor Park; and (iii) Ulster Rugby Kingspan Stadium; and what is the expected final spend on each project.

(AQW 13030/17-22)

Ms Hargey: In March 2011, the Executive allocated a budget of £110 million, capital grant funding, to deliver the three projects within the Regional Stadia Programme.

- The redevelopment of the National Stadium at Windsor Park was completed and opened to the public in October 2016 - £31million public funding was spent on this project. Construction snagging is being concluded and the final account is currently being finalised.
- The Ulster Rugby Kingspan Stadium was completed and opened to the public in May 2014 - £16.5million public funding was spent on this project

To date the public funding expended on Casement Park is £10,669,110

Only when all matters associated with the planning and business case process are concluded, will the expected final spend be known.

Mr Muir asked the Minister for Communities to detail the total funding (i) bid for; (ii) received; (iii) spent; and (iv) surrendered to the centre in 2020/21 financial year with regards to the JobStart Initiative.

(AQW 13067/17-22)

Ms Hargey: The Department has reallocated internal funding in 2020-21 to meet the costs of the launching the JobStart scheme and continues to hold the funding required to launch the Scheme in 2020-21. To date no funding has been spent on the scheme or surrendered to DoF.

The Department bid to DoF as part of the Budget 2021-22 exercise for £24.7m to support delivery of the new and expanded labour market interventions in 2021-22, this included a £17.8m bid for JobStart.

The Executive's Draft Budget 2021-22 was announced by the Finance Minister on 18 January 2021. The Draft Budget provides the proposed Resource and Capital investment funding allocations to departments for the 2021-22 financial year. The settlement provides the Department with no Covid-19 allocation to address the need for labour market interventions to support people into employment in 2021-22.

Mr Easton asked the Minister for Communities to detail the Housing Executive maintenance schemes planned for Willowbrook, Bangor, over the next two years.

(AQW 13081/17-22)

Ms Hargey: The schemes currently programmed for the next two years in Willowbrook, Bangor are set out in the table below.

It should be noted that the delivery of these schemes in the years intended will be subject to a number of factors including the necessary scheme design work being completed and approvals obtained, sufficient funding being available and, potentially, the impact of an ongoing Covid-19 pandemic and lockdown on construction work.

Scheme	Type of Work	Year
Willowbrook		
Bangor Estates (06/07)	Heating	22/23

Mr Easton asked the Minister for Communities to detail the Housing Executive maintenance schemes planned for Rathgill, Bangor, over the next two years.

(AQW 13082/17-22)

Ms Hargey: The schemes currently programmed for the next two years in Rathgill, Bangor are set out in the table below.

It should be noted that the delivery of these schemes in the years intended will be subject to a number of factors including the necessary scheme design work being completed and approvals obtained, sufficient funding being available and, potentially, the impact of an ongoing Covid-19 pandemic and lockdown on construction work.

Scheme	Type of Work	Year
Rathgill		
Rathgill Bangor DGL	Windows	21/22
Bangor Estates	Heating	21/22

Mr Easton asked the Minister for Communities to detail the Housing Executive maintenance schemes planned for Whitehill and Lisnabreen, Bangor, over the next two years.

(AQW 13083/17-22)

Ms Hargey: The schemes currently programmed for the next two years in Whitehill and Lisnabreen, Bangor, are set out in the table below.

It should be noted that the delivery of these schemes in the years intended will be subject to a number of factors including the necessary scheme design work being completed and approvals obtained, sufficient funding being available and, potentially, the impact of an ongoing Covid-19 pandemic and lockdown on construction work.

Scheme	Type of Work	Year
Whitehill / Lisnabreen		
Bangor Estates	Heating	21/22

Scheme	Type of Work	Year
Whitehill Bangor, Corner Flats	Bathroom/Kitchen/Rewire	22/23
Lisnabreen Bathrooms	Bathrooms	22/23
(ERDF) Whitehill Estate No Fines	External Wall Insulation	22/23
Bangor Estates (06/07)	Heating	22/23

Mr Easton asked the Minister for Communities to detail the Housing Executive maintenance schemes planned for Bloomfield, Bangor, over the next two years.

(AQW 13084/17-22)

Ms Hargey: The schemes currently programmed for the next two years in Bloomfield, Bangor, are set out in the table below.

It should be noted that the delivery of these schemes in the years intended will be subject to a number of factors including the necessary scheme design work being completed and approvals obtained, sufficient funding being available and, potentially, the impact of an ongoing Covid-19 pandemic and lockdown on construction work.

Scheme	Type of Work	Year
Bloomfield		
Bangor Estates	Heating	21/22
Bangor Estates (06/07)	Heating	22/23
Bloomfield Estate Roofs	Roofs	22/23

Mr Easton asked the Minister for Communities to detail the Housing Executive maintenance schemes planned for Kilcooley, Bangor, over the next two years.

(AQW 13085/17-22)

Ms Hargey: The schemes currently programmed for the next two years in Kilcooley, Bangor, are set out in the table below.

It should be noted that the delivery of these schemes in the years intended will be subject to a number of factors including the necessary scheme design work being completed and approvals obtained, sufficient funding being available and, potentially, the impact of an ongoing Covid-19 pandemic and lockdown on construction work.

Scheme	Type of Work	Year
Kilcooley		
Bangor Estates	Heating	21/22
Kilcooley Timber DGL	Windows	22/23
Bangor Estates (06/07)	Heating	22/23

Mr T Buchanan asked the Minister for Communities for an update on the Sub-Regional Stadia Programme for Soccer.

(AQW 13094/17-22)

Ms Hargey: 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 McNulty asked the Minister for Communities to detail (i) the total cost for the redevelopment of Windsor Park; (ii) the Executive's contribution to the redevelopment of Windsor Park; (iii) the Irish Football Association's contribution to the redevelopment of Windsor Park; (iv) the total cost for the redevelopment of Ravenhill Rugby Stadium; (v) the Executive's contribution to the redevelopment of Ravenhill Rugby Stadium; and (vi) Ulster Rugby's contribution to the redevelopment of Ravenhill Rugby Stadium.

(AQW 13110/17-22)

Ms Hargey: The table below shows the total cost of the redevelopment, the Executive Contribution to it and the contribution from each of the Sports Governing Bodies:

	Total Cost	Contribution from Governing Body	Contribution from the NI Executive
Windsor Park Redevelopment	£35.0 million	£4.0 million	£31.0 million
Kingspan Redevelopment (formerly known as Ravenhill Rugby Stadium)	£16.5 million	£0*	£16.5 million

* UBIRFU self-funded the construction of their Premier Stand B in 2009 with a circa £3.75million UBIRFU capital investment, which was considered an acceptable partnership contribution.

Mr Allister asked the Minister for Communities to detail the location of the intended additional housing announced in the budget statement on 18 January 2021.

(AQW 13129/17-22)

Ms Hargey: In line with the Executive's New Decade, New Approach, my priority will be to enhance investment and increase new social home starts. Once the budget for the 2021/22 Social Housing Development Programme has been finalised, I will be in a position to announce further detail of new social homes that will be started.

Mr M Bradley asked the Minister for Communities what support is available to those impacted by long Covid.

(AQW 13135/17-22)

Ms Hargey: I am committed to ensuring that we do all that we can to protect the health, welfare and wellbeing of all the people here.

Disability Benefits are available to anyone who has a long term disability which impacts their daily life. Entitlement depends on the extent of a person's need for personal care and/or their ability to mobilise, and not on a particular diagnosis or disability. This ensures that all people have equal access to the benefit.

Disability Living Allowance is available to children who are under age 16, Personal Independence Payment is available to adults who are working age (age 16 and over and below State Pension Age), with Attendance Allowance available to anyone over State Pension Age.

People impacted by long COVID and unable to work due to illness, can claim Employment and Support Allowance or Universal Credit in the normal way.

Help is also available for those in financial crisis through my Department's Discretionary Support scheme. On 25 March 2020 the scheme was enhanced and a non-repayable Discretionary Support Self-Isolation grant was introduced 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 Public Health Agency.

The support available was reviewed in November 2020 and the daily amount that can be paid through the Discretionary Support Self-Isolation grant was increased as well as providing more flexibility for awards to be paid for longer periods.

My Department's Make the Call service 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.

In addition, anyone in need of additional support, including those who have been identified as clinically extremely vulnerable, 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.

I have provided contact details below.

- Personal Independence Payment

People can apply by telephone on 0800 012 1573 or textphone on 0800 587 0937. More information is available at <https://www.nidirect.gov.uk/articles/personal-independence-payment-pip>

- Universal Credit

People can apply for Universal Credit online at <https://www.universal-credit.service.gov.uk/postcode-checker> More information is available at <https://www.nidirect.gov.uk/campaigns/universal-credit>

- New Style Employment and Support Allowance

People can apply by telephone on 0800 085 6318 or textphone on 0800 328 3419. More information is available at <https://www.nidirect.gov.uk/articles/employment-and-support-allowance>

- Discretionary Support

People can apply by telephone on 0800 587 2750, textphone on 0800 587 2751 or online at <https://consultations.nidirect.gov.uk/dfc-antrim-jbo-finance-support/b7c412bb/consultation/subpage.2020-04-16.4642656920/> or

More information is available at <https://consultations.nidirect.gov.uk/dfc-antrim-jbo-finance-support/b7c412bb/>

Mr Carroll asked the Minister for Communities to detail the average amount of benefits received by the 528 people from West Belfast who got access to benefits via the Make the Call wraparound service.

(AQW 13177/17-22)

Ms Hargey: The most recent results for the 2019/2020 financial year were published in October 2020. Within the Belfast West Constituency, the average amount of additional benefits received by the 528 people who made the call in 2019/20 was £85.98 per week.

Mr Carroll asked the Minister for Communities to detail the types of benefits received by the 9,500 successful claimants from the Make the Call service, broken down as a percentage.

(AQW 13178/17-22)

Ms Hargey: The number of people who have received additional benefits in the 2020/2021 financial year as a result of contacting Make the Call is 9,620. A number of people have had more than one successful claim to a benefit therefore the total number of successful claims was 10,900.

A breakdown of the types of benefits received by successful claimants is set out in the below table.

	Benefit Type	Number of Successful Claims per Benefit	% of Successful Claims per Benefit
1	Attendance Allowance	2,267	20.80%
2	Universal Credit	2,179	19.99%
3	State Pension Credit	1,588	14.57%
4	PIP	1,545	14.17%
5	ESA	1,048	9.61%
6	Carers Allowance	624	5.72%
7	Disability Living Allowance	478	4.39%
8	Discretionary Payments	254	2.33%
9	JSA	209	1.92%
10	Child Benefit	195	1.79%
11	Budgeting Loan	102	0.94%
12	Funeral Payment	88	0.81%
13	Sure Start Maternity Payment	68	0.62%
14	Housing Benefit	66	0.61%
15	Income Support	59	0.54%
16	Maternity Allowance	53	0.49%
17	State Pension	49	0.45%
18	Tax Credit	14	0.13%
19	Mitigation	9	0.08%
20	Industrial Injuries	3	0.03%
21	Rate Relief	1	0.01%
22	Winter Fuel Allowance	1	0.01%
Total		10,900	100.00%

Ms Armstrong asked the Minister for Communities whether she will bring forward a further statutory rule to enable COVID-19 heating payments to be provided for people whose delayed Personal Independence Payment appeal is successful and who should have been in receipt of qualifying benefits during the qualifying week.

(AQW 13187/17-22)

Ms Hargey: Payments will be made automatically to people where a successful appeal results in a retrospective award for one of the qualifying benefits for the scheme during the qualifying week. These payments will be made under the existing Covid-19 Heating Payment Scheme Regulations without the need for a further statutory rule as people in these circumstances will have met the existing eligibility criteria.

Ms Armstrong asked the Minister for Communities (i) for an update on the review of the Concordat with the Community and Voluntary Sector; (ii) with whom she has consulted; and (iii) to publish an interim report to ensure all Departments are aware of the agreement before budgets, contracts and grants are issued for 2021/22.

(AQW 13188/17-22)

Ms Hargey: My Department is not currently undertaking a formal review of the 2011 Concordat, which formalises the strategic level relationships between government and the voluntary and community sector. My Department remains committed to the principles of the Concordat which applies to all government departments, local government and Arm's Length Bodies.

My Department has worked in close partnership with the sector to support the community response to the pandemic. Collaboration and partnership have facilitated a strong collective response to the pandemic and underline the value of the Concordat commitments.

Mr Durkan asked the Minister for Communities for an update on the number of additional staff that have been recruited in response to the projected uplift in benefit claimants.

(AQW 13199/17-22)

Ms Hargey: An initial recruitment exercise for the staff required to deal with the significant increase in Universal Credit demand from the beginning of this pandemic was launched and completed by the end of December 2020.

My Department submitted the necessary bids for the funding required for these additional staff but no budget has been allocated in the Executive's Draft Budget 2021/22.

Therefore, the recruitment process has been temporarily paused until clarity on the 2021/22 budgetary position is confirmed.

Mr Middleton asked the Minister for Communities how her Department is supporting sporting social clubs.

(AQW 13225/17-22)

Ms Hargey: At the end of 2020, Minister Ni Chuilín secured £25million for a Sports Sustainability Fund in order to provide support for the sports sector who are experiencing financial hardship due to Covid-19.

The Sports Sustainability Fund which closed for applications on 20 January, is being administered by Sport NI to assist eligible sport governing bodies and their affiliated clubs.

The Fund recognises that hospitality is an important income stream for many sports clubs and the application process included the provision for clubs to submit details on Covid losses based on information on income and expenditure relating to their social club bars and food provision.

Minister Ni Chuilín also secured the Sports Hardship Fund to support sports clubs in maintaining their facilities. Although this fund is now closed for applications, it provided sports clubs with £1.7million in financial support. The reopening of the Sports Hardship Fund will be kept under review with Sport NI currently monitoring the position.

I have asked my officials to continue their engagement with the sports sector as they explore what further help, including financial help, can be given as we seek to protect our communities and facilitate a safe return to sport.

Mr Beattie asked the Minister for Communities to detail (i) the number of Housing Executive tenants waiting for an extension to their home in the Upper Bann area; and (ii) the length of time they have been waiting.

(AQW 13285/17-22)

Ms Hargey: The Housing Executive has advised that there are currently 16 tenants awaiting a Major Adaptation to their home in the Upper Bann area, with an additional 4 that are currently "On Site" and 1 that is "On Hold" by recommendation of the Occupational Therapist.

Of the 16 properties awaiting a Major Adaptation, 4 have been waiting less than 6 months and 10 have been waiting 7-12 months. The remaining 2 properties have been waiting 16 and 20 months. This is primarily due to delays because of the current situation with COVID-19 and time spent "On Hold."

During 2020, the Housing Executive experienced approximately 4-5 month delays to all works and continue to experience challenges such as providing the service to tenants that are isolating/shielding due to COVID-19.

The Housing Executive have also changed its working practices to minimise the number of personnel working on a property at any one time. It continues to deliver the service to the best of its ability, whilst ensuring that a safe environment for tenants is maintained.

Mr Durkan asked the Minister for Communities how many eligible recipients have not yet received their Winter Fuel Payment; and when they will receive payment.

(AQW 13304/17-22)

Ms Hargey: The Department for Work and Pensions (DWP) administer the Winter Fuel Payment on behalf of the Department for Communities.

DWP has informed my Department that it is not possible to provide information on the number of eligible customers here who have yet to receive their Winter Fuel Payment. The data is encrypted in line with their security protocols and they are unable to run enquiries against it. DWP is aware of the issues delaying the payments to some customers throughout and as a consequence now anticipate that all payments will be made by 31 March 2021.

I have raised my concerns about this matter and instructed officials keep me updated on progress of the resolution.

Mr Durkan asked the Minister for Communities whether her Department, or the Department for Work and Pensions, is administering the Winter Fuel Payment; and to detail the rationale for this decision.

(AQW 13305/17-22)

Ms Hargey: The Winter Fuel Payment scheme was introduced in January 1998 to help alleviate fuel poverty by providing financial help, specifically to older people, towards their winter fuel bills.

The Department for Work and Pensions has administered and managed the Winter Fuel Payment Scheme for customers here since its introduction.

The administration of the scheme and agreed service arrangements, were included in the concordat between DWP and the former Department for Social Development.

Mrs Cameron asked the Minister for Communities whether she is considering any grant schemes to support sports clubs which have a hospitality business at their premises, that were ineligible for the Localised Restrictions Support Scheme.

(AQW 13312/17-22)

Ms Hargey: My Department has implemented a number of schemes to support and sustain the sports sector during the restrictions, including the Sports Sustainability Fund and the Sports Hardship Fund.

At the end of 2020, Minister Ní Chuilín secured £25million for a Sports Sustainability Fund in order to provide support for the sports sector who are experiencing financial hardship due to Covid-19.

The Sports Sustainability Fund which closed for applications on 20 January, is being administered by Sport NI to assist eligible sport governing bodies and their affiliated clubs. The Fund recognises that hospitality is an important income stream for many sports clubs and the application process included the provision for clubs to submit details on Covid losses based on information on income and expenditure relating to their social club bars and food provision.

The need for further funding for the sports sector will be kept under review as the impact of the pandemic and the ongoing restrictions evolve.

Mr Newton asked the Minister for Communities for an update on progress of the COVID-19 prompted JobStart Scheme, including (i) the agreed budget; (ii) the start date; (iii) the number of participating and location of participating employers; (iv) the number of trainee places; and (v) number of trainee places agreed in district council area.

(AQW 13340/17-22)

Ms Hargey: The Executive's Draft Budget 2021-22 was announced on 18 January 2021. The settlement provides the Department with no Covid-19 allocation to address the need for labour market interventions to support people into employment in 2021-22.

As a result none of the labour market interventions can be launched. This includes JobStart, as well as our expanded work experience schemes, our increased flexible support funding and our Work Ready Employability Service.

My Department has engaged with 6 employer bodies and 238 individual employers to generate interest in the JobStart Scheme and, while there has been significant interest from employers in participating in the scheme, we have not been able to sign any employers up or allocate any young people to the scheme without confirmation of a JobStart budget for the 21/22 financial year.

While there is no planned start date due to the budget issues outlined in this communication if the funding was to be confirmed for the 21/22 financial year the JobStart Scheme could launch immediately with the first young people going into employment early April 2021. This is due to the time lag period built into the Scheme for completion of employer registration checks and the recruitment and selection process.

Mr O'Toole asked the Minister for Communities whether all the £33 million arts funding will be disbursed and none returned as underspend.

(AQW 13370/17-22)

Ms Hargey: The Executive allocated £4 million to my Department on 1 July to support the arts sector impacted by Covid-19. A further allocation of £29 million was approved on 24 September 2020 to support the culture, languages, arts and heritage sectors impacted by Covid-19. This funding is being delivered to these sectors through a range of schemes designed to mitigate the impacts of the pandemic. I am pleased to say that I do not envisage circumstances arising where any of this total £33 million of funding allocated by the Executive would be returned unspent.

Mr Durkan asked the Minister for Communities, in reference to the proposed Portaferry Public Realms Scheme agreed between her Department and Ards and North Down Borough Council, whether her Department can commit to fund such projects in settlements with a population below 5,000.

(AQW 13425/17-22)

Ms Hargey: My Department is aware of work undertaken by Ards & North Down Borough Council on the development of a Public Realm scheme for Portaferry, although a final proposal has not yet been received. When a finalised proposal is received, my Department will consider this in the context of our regeneration priorities, policy focus and confirmed capital budget.

Mr Allen asked the Minister for Communities why her Department did not include (i) universal credit; (ii) employment support allowance; (iii) income support; (iv) job seekers allowance; (v) other components of personal independence payments or disability living allowance; or (vi) other low income or means-tested eligibility in criteria to determine eligibility for the COVID-19 heating payment.

(AQW 13447/17-22)

Ms Hargey: My Department received funding of £44.256m from the Executive to make a Covid-19 Heating Payment. The Scheme was introduced to provide support, when needed most, to over 200,000 older people and people with the highest levels of daily care and mobility needs who were likely to be particularly adversely impacted by spending prolonged periods in under-heated homes during the pandemic.

This Scheme, however, is just one of an extensive suite of Covid-19 responses which my Department has brought forward to support a wide spectrum of people with a range of needs, including assistance with heating costs.

Mr Allen asked the Minister for Communities to detail the evidence and research used in determining the eligibility criteria for the COVID-19 heating payment, including the decision to make more than one payment to households with multiple eligible persons.

(AQW 13448/17-22)

Ms Hargey: The Covid-19 Heating Payment Scheme was introduced by my Department to provide support, when needed most, to over 200,000 older people and people with the highest levels of daily care and mobility needs who were likely to be particularly adversely impacted by spending prolonged periods in under-heated homes during the pandemic.

Eligibility criteria was focused on those in receipt of social security benefits, whose need for support had been established and assessed by the Department and who were deemed to require the highest levels of support.

The Department also reviewed a range of research which informed the approach being taken. This included consideration of schemes in other jurisdictions, including the Child Winter Heating Assistance Scheme in Scotland which provides a heating payment to young people with disabilities, and is paid on an individual rather than a household basis.

Ms Ní Chuilín asked the Minister for Communities for an update on sign language legislation.

(AQW 13450/17-22)

Ms Hargey: Progress on the introduction of a Sign Language Bill has been impacted by the Covid-19 pandemic. However, I remain committed to bringing forward legislation built on the principles of equality and social inclusion in ensuring that the Deaf community here have the same rights and opportunities as those in the hearing community and are able to access services in their own language.

I have directed officials to consider timescales and immediate next steps with a view to making early progress.

Mr Robinson asked the Minister for Communities whether entitlement to the COVID-19 heating payment is for households or for individuals within a household.

(AQW 13457/17-22)

Ms Hargey: The Covid-19 Heating Payment has been made on an individual rather than a household basis. Individuals are only eligible for one payment, even if they fall into multiple groups. Depending on each individual's circumstances, it could be possible for more than one person in a household to receive a COVID-19 Heating Payment.

Ms McLaughlin asked the Minister for Communities for an update on her Department's engagement with the Department of Finance on the creation of a dedicated support scheme for sporting social clubs that have been deemed ineligible for the Localised Restrictions Support Scheme.

(AQW 13475/17-22)

Ms Hargey: Department for Communities has ongoing engagement with other Departments including the Department of Finance with regard to the financial support needed across the sports sector.

My Department has implemented a number of schemes to support and sustain the sports sector during the restrictions, including the Sports Sustainability Fund and the Sports Hardship Fund.

The £25M Sports Sustainability Fund which closed for applications on 20 January, is being administered by Sport NI to assist eligible sport governing bodies and their affiliated clubs. The Fund recognises that hospitality is an important income stream for many sports clubs and the application process included the provision for clubs to submit details on Covid losses based on information on income and expenditure relating to their social club bars and food provision.

The need for further funding for the sports sector will be kept under review as the impact of the pandemic and the ongoing restrictions evolve.

Mr Givan asked the Minister for Communities for an update on discussions between her Department, the Department of the Economy and the Department of Finance regarding support for sports clubs and social clubs who were not eligible for financial support.

(AQW 13487/17-22)

Ms Hargey: Officials in the Department for Communities have had ongoing engagement with other Departments including the Department of the Economy and the Department of Finance with regard to covid relief schemes and access for the sports sector.

My Department has implemented a number of schemes to support and sustain the sports sector during the restrictions, including the Sports Sustainability Fund and the Sports Hardship Fund.

The £25M Sports Sustainability Fund which closed for applications on 20 January, is being administered by Sport NI to assist eligible sport governing bodies and their affiliated clubs. The Fund recognises that hospitality is an important income stream for many sports clubs and will consider Covid-related losses based on information provided around income and expenditure from their social club bars and food provision. However, a separately constituted 'social club' would not be eligible in its own right for this scheme.

The Sports Sustainability Fund complements the Department of Finance's Localised Restrictions Support Scheme (LRSS) which can provide support for:

- an independent business, such as a restaurant or shop, which has been restricted by the Health Regulations and which occupies part of sporting premises; and
- social clubs which are associated with or affiliated to a sports club but which are legally separate and managed independently.

Mr McCrossan asked the Minister for Communities when the COVID-19 fuel payment will be made to eligible recipients.

(AQW 13524/17-22)

Ms Hargey: The Covid-19 Heating Payment has been issuing to eligible recipients as planned during week commencing 25 January 2021.

Mr Allen asked the Minister for Communities to detail the timeline for the extension and strengthening of welfare mitigations beyond March 2021.

(AQW 13542/17-22)

Ms Hargey: The New Decade, New Approach Deal included a commitment to extend the welfare mitigation schemes that my Department currently delivers.

I can confirm that I intend to introduce new primary legislation to provide for an extension of welfare mitigation payments for people affected by the Social Sector Size Criteria, also known as the Bedroom Tax.

Unfortunately I am unable to provide a definitive timeline for the introduction of this legislation at this stage. However, I must stress that my Department continues to make mitigation payments to eligible people under contingency arrangements agreed with the Department of Finance.

Mr Allen asked the Minister for Communities to detail the timeline for payment of the COVID-19 heating payment .

(AQW 13632/17-22)

Ms Hargey: The Covid-19 Heating Payment has been issuing to eligible recipients as planned during week commencing 25 January 2021.

Department of Education

Mr McCrossan asked the Minister of Education how her Department is supporting children in West Tyrone access IT and broadband devices.

(AQW 13023/17-22)

Mr Weir (The Minister of Education): To support remote learning across Northern Ireland, I have invested significantly in education technology and this has included the provision of laptops and other IT equipment. To date, over 11 000 new devices

have been provided by the Education Authority (EA) to lend to pupils. A further 17,700 additional devices have been procured and will be available from early February to help meet the projected demand across the province.

Departmental officials, along with colleagues from the Education Authority, are currently working on a strategy to provide a data allowance scheme to supplement the WiFi and MiFi initiative I announced last July. A data allowance scheme was recently announced by the Department for Education (England) and I was regrettably informed this initiative does not extend to Northern Ireland, Scotland or Wales.

Officials are engaging with their counterparts in Wales and Scotland to explore the introduction of a data allowance scheme in our respective jurisdictions. In support of this, discussions are ongoing with local telecoms providers to develop a process that can be deployed in an efficient and effective manner.

The importance of good telecommunications services has come to the fore as we support remote learning. The Department for Economy (DfE) is responsible for the provision of broadband throughout Northern Ireland and they fully appreciate the impact of poor broadband on local communities, particularly in rural areas of Northern Ireland. The Covid-19 crisis has emphasised the greater challenges faced by those with poor broadband coverage, especially for those tasked with home schooling responsibilities.

I welcome the recent announcement from the mobile operators O2, Three and Vodafone to boost 4G rural coverage through the Shared Rural Network programme. This programme represents an investment of £1 billion across all four nations of the United Kingdom and will boost 4G coverage in Northern Ireland from 75% of landmass to at least 85%. The construction of the new IT infrastructure will commence this year.

I am committed to continue to do all I can to support those who need access to technology that supports their learning at this time.

Mr Beattie asked the Minister of Education how much funding his Department has provided for the Independent Counselling Service for Schools in each of the last three years, broken down by area.

(AQW 13114/17-22)

Mr Weir: The Education Authority, which assumed operational responsibility for the Independent Counselling Service for Schools from 1 September 2016, has provided the following information on the annual budget over the last three years, and has advised that the breakdown of costs per area is not available.

The financial totals are listed below:

- Sept 2017 – Aug 2018 £2,171,717
- Sept 2018 – Aug 2019 £1,935,350
- Sept 2019 – Aug 2020 £3,072,991.06

Mr McCrossan asked the Minister of Education to detail (i) his plans for promoting a smooth restart for education following the current lockdown; (ii) what period of advance notice he will give all stakeholders; (iii) how and when such communications will be issued; and (iv) whether revised guidance for safety mitigations, especially in the light of the advance of the new variant of the virus, will be provided prior to the restart.

(AQW 13120/17-22)

Mr Weir: Following the Executive announcement yesterday my officials will be engaging with practitioners and unions over the coming period, to discuss and prepare for a smooth restart, reviewing existing mitigations and assessing with health professionals if any further actions are necessary to meet prevailing public health guidance.

This process will allow all stakeholders to have as much prior notice as possible for the arrangements post 8th March, and DE will keep the situation under constant review.

My Department will communicate with stakeholders and unions through our existing fora, and we will continue to use our web and email resources to keep everyone informed.

Mr Lyttle asked the Minister of Education when he will establish the Vulnerable Children's Reference Group.

(AQW 13124/17-22)

Mr Weir: The Department of Health has led on the cross departmental response to vulnerable children during the pandemic, including on the development of the Vulnerable Children and Young People Plan. As part of this work, the Health and Social Care Board (HSCB) has established, through the Children and Young People's Strategic Partnership (CYPSP), a children and young persons' group that will provide weekly input into the Joint Health and Education Oversight Group meetings.

HSCB has similarly used CYPSP structures to engage with parents with children attending special school. This group will be facilitated by Children in Northern Ireland (CiNI) and is due to have its first meeting this week.

The Joint Health and Education Oversight Group has also been working with the Public Health Agency to scope a job description to engage someone to undertake the development, establishment and oversight of a Vulnerable Children and Young People (VCYP) partnership framework that supports and embeds the views of VCYP and their families in the Health and Education interface.

Mr McGrath asked the Minister of Education whether he will give consideration to an increase in resources for voluntary service providers.

(AQW 13207/17-22)

Mr Weir: In response to need and through direct engagement with the voluntary sector I have made available additional resources of £125k for capacity building within the Irish Medium youth sector this financial year and secured £1m Executive funding to support voluntary residential Outdoor Education Centres impacted by the restrictions imposed due to the Covid 19 pandemic.

The Education Authority (EA), which is responsible for service delivery, has also increased resources to the voluntary sector including £7m to support youth work delivery during the Covid 19 pandemic; £3m increased funding of core legacy groups and £1.3m enhanced regional funding.

The implementation of the EA's New Funding Scheme which I have agreed will commence in April 2021 will provide an open, transparent and cost effective means to ensure young people's identified needs are met and that those best able to meet those needs in a value for money way have the opportunity to deliver the services.

My Department and the EA will continue to consider resourcing voluntary service providers through robust assessment of need and stakeholder engagement. That notwithstanding, I can only provide resources within the confines of the overall budget allocated to my Department.

Mr McGrath asked the Minister of Education, pursuant to AQW 11801/17-22 and AQW 12524/17-22, (i) to provide a breakdown of the 50 individual properties listed; and (ii) to detail how much has been spent on rates per annum for the last five years, per property.

(AQW 13209/17-22)

Mr Weir: I have arranged for the information requested to be placed in the Assembly Library.

Mr Butler asked the Minister of Education what statistics are available on the transmission of COVID-19 in special schools.

(AQW 13210/17-22)

Mr Weir: Data on Covid is published by the PHA who publish weekly epidemiology reports with high level data on key areas currently used to monitor Covid activity. It includes a section on schools which continues to show that transmission and prevalence within our schools remains low, including within Special Schools.

The PHA have reported that the number of Covid cases in Special Schools for staff and pupils was, in the six days prior to the last reporting period, nine cases out of approximately 2600 staff.

Mr Butler asked the Minister of Education to detail the number of Special Educational Needs children who have (i) tested positive; and (ii) had to self isolate due to COVID-19.

(AQW 13211/17-22)

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 (<https://www.publichealth.hscni.net/publications/coronavirus-bulletin>).

The Department receives weekly pupil attendance reports taken directly from the School Information Management System (SIMS) of each school which records the number of pupil half-day sessions. This information does not allow for identification of Special Educational Needs children in mainstream schools.

The most recent information available which relates to week commencing 18 January 2021 showed that 45% of special school pupils were "self-isolating" due to COVID-19 a large proportion of whom were also learning from home.

Ms Ní Chuilín asked the Minister of Education (i) how much funding has been awarded to schools for IT equipment to help pupils; (ii) which schools received this support, broken down by constituency; and (iii) whether he is considering providing additional funding to schools and pupils from areas of multiple deprivation in tackling digital poverty.

(AQW 13217/17-22)

Mr Weir: I have invested significantly in education technology, with almost £7 million of funding provided during the current financial year, to help those pupils in need access the necessary IT equipment to assist with their remote learning. This investment includes:

- supporting the expansion of bandwidth in particularly low bandwidth areas;
- the procurement of additional learning applications to support remote learning;
- the purchase of 8,000 Chromebooks and 3664 Laptops for disadvantaged or vulnerable learners; and
- establishing a scheme to provide Wi-Fi vouchers and MiFi devices for disadvantaged or vulnerable learners.

In addition, a further 17,700 devices have been procured and will be available from early February.

As with any finite budget, resources have to be targeted where the need is greatest. To ensure this is achieved, priority has therefore been given to children entitled to free school meals, and either have special educational needs, are newcomer children or are looked after children or otherwise vulnerable in year groups 12, 14, 7, 4, 11 and 13.

In July, I announced that free Wi-Fi and mobile connectivity would be provided to children and young people, including those in rural settings, who may not have had access to digital technology. Both WiFi vouchers and MiFi devices are to be issued to disadvantaged and vulnerable learners in all year groups. BT has recently removed the cap on the number of vouchers that can be allocated to vulnerable learners.

To support schools' delivery of remote learning funding has been provided to the Education Authority (EA) to continue to improve the services available through C2k, including upgrades to software, the addition of a number of learning applications and upgrading the bandwidth in schools.

A list of the number of schools per constituency, attended by children who have received devices as part of this scheme are listed in Table A. The table also lists the number of devices issued per constituency.

Table A

Constituency	Number of devices issued	Number of schools
Belfast East	307	7
Belfast North	1772	35
Belfast South	392	24
Belfast West	1713	19
East Antrim	342	18
East Londonderry	730	37
Fermanagh and South Tyrone	882	52
Foyle	853	26
Lagan Valley	302	19
Mid Ulster	796	29
Newry and Armagh	716	41
North Antrim	546	22
North Down	332	12
South Antrim	244	12
South Down	708	33
Strangford	236	17
Upper Bann	763	32
West Tyrone	875	44
Total	12509	479

Mr McCrossan asked the Minister of Education for his assessment of the adequacy of youth provision, provided by the Education Authority, in rural parts of West Tyrone.

(AQW 13414/17-22)

Mr Weir: I am confident that the Education Authority (EA) undertakes robust assessment of need of young people living in rural areas and, through their local youth development plans, identifies priorities for delivery of youth provision. Current local plans covering the West Tyrone area prioritise support for the health and wellbeing of young people; rural isolation and lack of access to services which impacts on young people's mental health. There are programmes relating to life and leadership skills; volunteering opportunities to address barriers to participation, and the development of positive social capital also highlighted through youth engagement.

With almost 75% of young people in Fermanagh and Omagh and Derry and Strabane Districts living in rural areas, it is imperative that they can engage with youth services. Hence Area Youth Workers are employed across the region to provide this support through the development of educational and personal development programmes, responsive to the needs of young people in areas where there is little or no provision, vital to young people experiencing social isolation. This work also involves building capacity in communities to sustain youth provision through the development of community workers or young volunteers.

In addition services are delivered through a range of full and part-time controlled youth clubs and centres, with a business case currently progressing for a further full-time youth centre in Strabane town. These services are complimented by those delivered by voluntary; faith-based and uniformed organisations through 47 part time units registered with the EA.

As well as local service delivery, the EA provides a range of regional youth services including the Outdoor Learning Service that supports young people from West Tyrone through access to facilities including outdoor peripatetic instructors (Gortatole and Corrick Outdoor learning Centres are located, in or close, to West Tyrone); FLARE - supporting young people aged between 11-25 years to promote positive mental health; REACH school programme that aims to build resilience and support young people's mental health and well-being, Youth Voice which empowers young people to participate in society to improve their own lives by representing and advocating their needs and interests and those of their organisation, and Youth Online and Stay Connected on-line platforms specifically developed by the EA Youth Service to respond to need as a result of the Covid 19 pandemic.

Mr Sheehan asked the Minister of Education what further investment with regard to school counselling services he intends to make given the impact that the pandemic has had on the mental health and emotional wellbeing of children and young people. (AQW 13509/17-22)

Mr Weir: I appreciate that the Covid-19 crisis creates a different dimension to mental health and emotional wellbeing of children and young people.

As part of the Education Restart Programme the Department of Education (DE) and the Education Authority considered how best we could ensure that all children and young people were supported when they returned to school for the new academic year. We were mindful that many were facing higher levels of anxiety and distress and would need help with the transition back to school, and help to cope with the impact of the first and subsequent absences.

In support of this, £5m was made available in 2020/21 direct to all schools (nursery, primary, post primary, special), as well as Education Otherwise Than At School (EOTAS) and Youth Settings to help address Wellbeing pressures arising as a result of Covid-19. By receiving their own allocation, settings benefited from having the flexibility to use the money to provide health and wellbeing support for their pupils and/or staff.

DE also currently provides funding of around £3m per annum for an Independent Counselling Service for Schools (ICSS) for post primary pupils. Further research is needed to inform any future decision on extending the counselling service to primary schools and DE has developed a pilot for evaluation in primary schools, subject to securing the necessary resources in 2021/22.

Finally, I can confirm that DE provides funding of £266k per annum to support the Foyle based Childline. NSPCC Childline operates twelve counselling bases throughout the UK, two of which are based in Northern Ireland (NI), in Belfast and Foyle. Although a high proportion of calls to the NI helpline come from children in NI, calls can also be re-routed from other regions of the UK.

Ms Ní Chuilín asked the Minister of Education whether members of the the Education Authority Board must adhere to Section 75 of the Northern Ireland Act 1998; and also ensure that their behaviour, including commentary, is reflective of the legislation in Section 75.

(AQW 13547/17-22)

Mr Weir: Section 75 places the obligation to promote equality of opportunity on public authorities, i.e. the Education Authority, rather than on individual members of the Board. The Education Authority has an Equality Scheme which sets out how it proposes to fulfil Section 75 statutory duties. Responsibility for the effective implementation of the Scheme rests with the Chair and Chief Executive of the Authority.

The Education Authority has a Code of Conduct for its Board members included as an Annex to its Standing Orders. Members must at all times observe and comply with the Seven Principles of Public Life drawn up by the Committee on Standards of Public Life (the Nolan Committee).

In addition to the Seven Principles of Public Life, the Northern Ireland Assembly identified 5 further principles with which Members must also comply:- Equality; Promoting Good Relations; Respect; Good Working Relationships between Members; and Good Working Relationships with Employees of the NDPB.

A copy of the Education Authority's Code of Conduct for Board members will be made available in the Assembly Library.

Miss Woods asked the Minister of Education (i) what action his Department is taking to ensure consistency and equity across grammar schools with regard to their selection criteria for the 2021 pupil intake; and (ii) whether his Department will produce mandatory guidance to ensure that pupil performance data and teacher assessments are fair, equitable and consistent across all primary schools if they are being used for selection.

(AQW 13557/17-22)

Mr Weir: My Department has provided guidance to schools on the post-primary admissions process, including on the admissions criteria that are recommended and are not recommended, however the content of a school's admissions criteria is a decision for that school's Board of Governors (BoGs). Legislation governing the admissions process provides BoGs with the power to determine admissions criteria, not my Department, therefore I am unable to impose admissions criteria on schools.

In the absence of test scores, BoGs must now determine which alternative criteria to utilise and the Department cannot intervene in that process. I therefore reminded schools considering using academic selection that, in the absence of the AQE and GL assessments, they should ensure that any alternative approaches are robust, are supported by legal advice and that any process adopted can clearly and objectively select pupils for admission.

Mrs Cameron asked the Minister of Education what support or advice can be given to parents whose children have been temporarily removed from nursery school due to members of their household being clinically extremely vulnerable, but are still paying full fees for the nursery place.

(AQW 13622/17-22)

Mr Weir: Pre-school education settings participating in the Pre-School Education Programme remain open to provide supervised learning for vulnerable children and the children of key workers. Remote learning is being provided for all other pupils. There is no charge to parents for this provision.

Childcare providers do charge parents for the childcare provision they offer. The specific arrangements for childcare fees between parents and childcare providers are subject to the individual agreements between both parties. However, I would expect childcare providers to be fair and reasonable in all their dealings with parents.

The Competition and Markets Authority (CMA) has issued guidance on this issue, and advises that if a provider is open and available to provide childcare as normal, then a provider is likely to be able to continue to charge parents even if they choose not to send their child for any reason. The advice from the CMA is available at <https://www.childcare.co.uk/information/cma-faq>.

Department of Finance

Mr Newton asked the Minister of Finance what research or checks are carried out before awarding international contracts, to ensure that successful bidders do not make use of slave labour, child labour or engage in human rights abuses.

(AQW 13045/17-22)

Mr Murphy (The Minister of Finance): In December 2018 the Procurement Board published PGN 03/18 - Human Rights in Public Procurement, which provides information on how to identify potential risks to human rights in contracts, and how to incorporate human rights considerations into contract documentation to mitigate against them.

This policy requires that Departments take a risk based approach when assessing the potential for human rights violations.

For example where the risk is low a self-declaration from the contractor stating it is aware of potential human rights issues and has policies in place to address them would be acceptable but where the risk is high it may be necessary to put more stringent measures in place which could include site inspection and regular audits of sites throughout the supply chain.

Miss Woods asked the Minister of Finance, pursuant to AQW 12467/17-22, and with regard to Construction and Procurement Delivery within his Department, (i) when environmental statements within contracts and tenders around addressing unnecessary single use plastic were amended; (ii) the details of the amendments made; and (iii) to lay a copy of the environmental statements within contracts and tenders in the Assembly Library.

(AQW 13065/17-22)

Mr Murphy: In response to your questions I can confirm that:

- (i) a requirement to reduce single use plastics in catering contracts for a number of NICS buildings was introduced in January 2020;
- (ii) these contracts require service providers to encourage the use of washable cutlery, cups, plates; and to work to identify alternatives to single use plastics. Contracts will be amended to ban single use plastics from October 2021; and
- (iii) a copy of the contract specifications will be made available in the Assembly Library. Localised Restrictions Support Scheme

Ms McLaughlin asked the Minister of Finance, pursuant to AQW 12388/17-22, what assessment has been made of the disparity according to council district between the percentage of applications approved under the Localised Restrictions Support Scheme.

(AQW 13075/17-22)

Mr Murphy: Eligibility for the Localised Restrictions Support Scheme is determined by whether a business is required to close or severely curtail the way that it operates by the Health Protection regulations. There is a finite number of businesses in any council area that will be eligible for the LRSS grant and this will vary from one council area to another.

All applications from every district have been assessed by the same team of staff, which means that there should be no systemic difference in the approach to decision making in different districts.

Mr McNulty asked the Minister of Finance to detail (i) the number of bids he has received from the Minister for Communities in relation to the redevelopment of Casement Park since January 2020; and (ii) the number of times he has sought to bring this before the Executive for consideration.

(AQW 13109/17-22)

Mr Murphy: DfC received a £2.2 million capital allocation for multi-regional Sports Stadia in Budget 2020-21 and a £20 million capital for Casement Park in draft Budget 2021-22. Both of these allocations were agreed by the Executive.

Mr Easton asked the Minister of Finance when the Localised Restrictions Support Scheme payments will begin.

(AQW 13168/17-22)

Mr Murphy: The Localised Restriction Support Scheme opened to applications on 14th October 2020 and the first payments were released on 19 October 2020. To date, £126.85 million has been paid to businesses through the scheme.

Mr Lyttle asked the Minister of Finance (i) whether sports clubs running commercial businesses from their premises, such as bars and restaurants, are specifically precluded from receiving support from the Localised Restrictions Support Scheme; (ii) which specific regulations detail this exclusion; and (iii) to detail the rationale for this position.

(AQW 13303/17-22)

Mr Murphy:

- (i) My Department's Localised Restrictions Support Scheme (LRSS) was established to assist a person who carries on a business or provides a service which is restricted in accordance with the Health Protection (Coronavirus, Restrictions) Regulations. A standalone business or service that operates as an independent occupier, for example an independent pro-shop or restaurant operated by a third party within a sports club premises, will be eligible for the LRSS scheme. Likewise a sporting facility run as a business or service (for example gyms and private sports facilities) may also be eligible in its own right for LRSS.
- (ii) The Financial Assistance (Coronavirus) Regulations (Northern Ireland) 2020 as amended provide the statutory basis for the scheme.
- (iii) Sports clubs are run for the benefit of its members and are not classed as a business or service. The Executive provided funding for a separate scheme for sports clubs, known as the Sports Sustainability Fund, through the Department for Communities. As the Department with responsibility for sport, it was best placed to direct funding to clubs through Sport NI and the sport governing bodies.

Mr O'Toole asked the Minister of Finance when he will bring forward proposals for a Fiscal Council and one-off Fiscal Commission.

(AQW 13368/17-22)

Mr Murphy: Preparations for both the Fiscal Council and Fiscal Commission are now at an advanced stage and I will bring a paper to the Executive very shortly on my proposals for establishing both these bodies.

Mr McNulty asked the Minister of Finance whether businesses in receipt of (i) Small Business Rates Relief; and (ii) Industrial De-rating Allowance will benefit from the rates holiday for the 2021/22 financial year.

(AQW 13397/17-22)

Mr Murphy: Small Business Rate Relief and Industrial Derating are long standing reliefs that are free standing. Most businesses that benefitted from these reliefs in 2020/21 also received the additional benefit of either the 4 or 12 months rates holiday as part of the Executive's Covid-19 support. I confirmed in my draft budget statement on 21 January that I have set aside funding for additional business rates support in 2021/22. Work is ongoing with the Ulster University Economic Policy Centre to identify those business sectors most severely impacted by the economic consequences of the pandemic. This will allow me to determine how additional business rate relief can be applied to best effect to support local business.

Mr McHugh asked the Minister of Finance what financial support schemes are available through his Department to assist with a business start-up.

(AQW 13460/17-22)

Mr Murphy: The Department for the Economy is responsible for enterprise policy and providing support for business start-ups. My Department does not administer support schemes of this nature.

Ms McLaughlin asked the Minister of Finance when businesses that have applied for financial assistance under the Localised Restrictions Support Scheme will have their claims decided and paid.

(AQW 13564/17-22)

Mr Murphy: LPS has processed 19,554 applications and is continuing to work as quickly as possible to process outstanding applications. The timeframe for each application depends on the specific circumstances of the case as some are more complex to resolve than others.

Miss McIlveen asked the Minister of Finance whether he will consider expanding the eligible business uses as set out in the Rates (Coronavirus) (Emergency Relief) (No. 2) Regulations (Northern Ireland) 2020 to provide support for those businesses who have been unable to avail of financial assistance.

(AQW 13609/17-22)

Mr Murphy: All businesses, with a small number of exceptions, received the financial assistance of a 4 months rates holiday this year. Not all of these businesses were eligible for the full 12 month holiday. On 23 November 2020 I announced that the Executive had agreed to extend the 12 month rate holiday to the manufacturing sector at a cost of £20 million. In my further statement of 21 January 2021, I announced the allocation of £0.6 million to extend that relief to the newspaper sector.

I am currently bringing forward legislation to amend the Rates (Coronavirus) (Emergency Relief) (No. 2) Regulations (Northern Ireland) 2020 to give effect to these Executive policy decisions. I have no plans to further expand the rate support in place at this late stage of the current year beyond that which I have already announced.

Mr Muir asked the Minister of Finance why Northern Ireland will receive Financial Transaction Capital of £73.6 million in 2021/22 compared to £194.6 million in 2020/21.

(AQW 13773/17-22)

Mr Murphy: The outcome of the Spending Review announced on 25 November 2020, provided the Executive with £73.6 million Financial Transactions Capital for 2021-22.

This was as a result of the application of the Barnett formula on reduced Financial Transactions Capital expenditure in England in 2021-22 when compared to expenditure in 2020-21.

Mr Muir asked the Minister of Finance whether he will amend relevant criteria to make Sports Clubs, operating a commercial entity required to close under COVID-19 public health restrictions, such as hospitality, eligible for support from the Localised Restrictions Support Scheme if disqualified for support under the Sports Sustainability Fund.

(AQW 13871/17-22)

Mr Murphy: I refer the Member to my answer to the Member for Belfast East (AQW 13303/17-22). If a club is involved in a sport whose governing body is not recognised by Sports NI, and if such a club is operating a commercial entity that is required to close under COVID-19 public health restrictions, then that club may apply to the Localised Restrictions Support Scheme. There is no need to amend the Localised Restrictions Support Scheme to allow for such applications.

Ms McLaughlin asked the Minister of Finance what programmes will be affected by the shortfall in funding for 2021-22 as a result of lost European Union Structural Funds.

(AQO 1475/17-22)

Mr Murphy: EU Structural Fund Programmes, funded under the 2014-20 Multiannual Financial Framework, will continue until their completion. Therefore, no current programmes should be affected in the 21-22 financial year.

However, the delay by the British Government in providing detail or information on replacement funds will prevent the development of new programmes and creates the risk of a funding gap in the transition from current EU funds to future domestic funds.

To help alleviate this pressure and mitigate this risk the Executive have approved a £42m bid from the Department for the Economy to help bridge the potential gap caused by the delay in the commencement of the proposed Shared Prosperity Fund.

I have repeatedly expressed the unacceptability of this delay in my engagement with British Government Ministers and will continue to do so.

Ms Dillon asked the Minister of Finance whether a policy on social value will be brought to the next meeting of the Procurement Board.

(AQO 1476/17-22)

Mr Murphy: I tabled a paper on Social Value at the first meeting of the reconstituted Procurement Board on 16 December 2020.

Following feedback received from Members I intend to bring forward a revision of the policy on incorporating social considerations into contracts to the next meeting of the Procurement Board on 3 February which, once agreed, will go to the Executive for approval.

Mr Buckley asked the Minister of Finance for an update on the progress of COVID-19 support funding allocations made by his Department.

(AQO 1477/17-22)

Mr Murphy: £190m has been allocated for the Localised Restrictions Support Scheme. To date, just under £126.85 million has been paid to over 11,755 applicants. We estimate that approximately another £45 million will issue to those applications for the 6th February to 5th March 2021 restrictions.

£290.8m was allocated to rates reliefs this year. £270.2 million has been awarded to eligible businesses. I announced the extension of the full year's rates holiday to manufacturing at an estimated cost of £20 million. The Executive recently agreed to the extension of the full year's rates holiday to newspapers at a cost of £0.6 million. My Department is urgently taking forward legislation to extend the relief to these businesses, which will allow it to be awarded to eligible businesses before the end of March.

Members will be aware that in November I announced my intention to make available a substantial package of business rates relief in the 2021/22 financial year and I am holding £150 million to provide that relief.

On 10 December, I announced £7.8 million of further support to Belfast International and Belfast City Airports through to March 2021. There is significant work to be completed to allow for payments to commence, but my officials are working at pace with representatives of the Belfast airports and are in the process of finalising contracts to begin making payments.

Mr Robinson asked the Minister of Finance what plans he has to streamline the COVID-19 grants application process within his Department.

(AQO 1478/17-22)

Mr Murphy: Land & Property Services has made a number of changes to the operation of the Localised Restrictions Support Scheme since it was established in early October with the aim of improving its operation, including investing in software and other measures to streamline the process and allow staff to deal with errors in applications without the need for applicants to reapply.

In anticipation that the Executive may need to further extend or adjust the restrictions, Land & Property Services has set up the system for the scheme in such a way as to allow top-up payments to approved applicants to be issued automatically without the need for further application.

Because the volume of applications has been very high and the restrictions have been amended and extended on a number of occasions, the administration of the scheme has been more complex than anticipated. As a result, LPS has directed all its available staff to the processing of applications to ensure payment is made at the earliest possible date. These staff are working hard to process the applications as quickly as possible, and I am very grateful to them for doing so. However, this has meant that there are no resources available with the necessary expertise to provide a dedicated telephone service to handle individual cases and all communication has been directed through e-mail.

Mr Humphrey asked the Minister of Finance what further support is he planning for the two Belfast airports to ensure they remain solvent during this COVID-19 related downturn.

(AQO 1479/17-22)

Mr Murphy: Our airports and airlines are essential for our connectivity and a critical part of our economic infrastructure. It is vital that they are maintained through this crisis.

We have been able to make really significant progress recently in support of all our airports, with the announcement in November of an additional £1.23m of support to the City of Derry Airport, through to March 2021.

And in relation to the two Belfast airports specifically, I announced on 10 December the provision of up to £7.8m of further support to Belfast International and Belfast City Airports through to March 2021.

However, my officials continue to liaise closely with the Belfast airports. As a result, I understand that the financial performance and outlook for these airports has deteriorated further in recent weeks, extended restrictions locally and further afield will have played a part in that. Therefore, I am giving consideration to how this can be addressed to ensure they receive the support they need during this difficult time.

Mr Muir asked the Minister of Finance whether he will provide additional funding to District Councils in the next financial year in order to enable freezing of both the District and Regional Domestic and Non Domestic Rate in 2021-22.

(AQO 1480/17-22)

Mr Murphy: I have no control over the District Rates set by Councils. However in recognition of the impact that COVID-19 has had on jobs and households I would encourage them to freeze District Rates in the same way as the Executive as frozen the Regional Rate.

The Executive has borne the full cost of rates holidays provided to businesses, with Councils receiving the full district rate income associated with those in receipt of support. This has protected Councils from lost income from businesses who may otherwise have been unable to pay rates.

Funding for local government is a matter for the Department for Communities and the Executive has provided that department with £85.3 million this year to provide support to Councils for Covid19. Should Councils need additional funding it would be for the Communities Minister to bring forward proposals.

Mr McAleer asked the Minister of Finance whether the Department of Agriculture, Environment and Rural Affairs has bid for any additional money in the January monitoring round.

(AQO 1481/17-22)

Mr Murphy: As set out in the tables accompanying my statement on the January Monitoring round, the Department of Agriculture, Environment and Rural Affairs submitted one bid of £3.5m for Financial Discipline Reimbursement.

This bid has been met.

Department of Health

Mr Givan asked the Minister of Health what steps are being taken to allow dental patients to avail of emergency treatment in their dental practice.

(AQW 6150/17-22)

Mr Swann (The Minister of Health): Guidance issued to all Northern Ireland General Dental Practitioners recommends that patients are ordered on the basis of need and that patients requiring emergency and urgent care are given the highest priority. Prioritisation of patients based on clinical need is also one of the conditions of the Financial Support Scheme for GPs. Registered patients should therefore be able to access emergency treatment in their own surgeries in most cases.

At the end of June, I approved £1m of level 1 PPE to be delivered to dental practices and at the end of July, I approved £3.8m funding to dentists for level 2 PPE. Checks with dental suppliers show that PPE availability is now good and recent surveys of practitioners have found that all now have the necessary PPE. As a result, access to primary care dental services, and in particular Aerosol Generating Procedures (AGPs), improved markedly from September 2020 onwards.

However, additional Infection Prevention and Control (IPC) procedures, including fallow time following AGPs and enhanced cleaning, limit the number of patients which practices can treat each day, as may certain other factors e.g. dentist is pregnant and cannot undertake patient facing treatment. Activity levels are therefore considerably lower than they were prior to the pandemic. Nevertheless, there is sufficient capacity to ensure that all emergency and urgent cases are seen.

Revisions to the Northern Ireland dental IPC guidance in September 2020 mean that fallow times are now significantly shorter than they were during the summer allowing practices to increase patient throughput. Practices can reduce the fallow time further by using enhanced surgery ventilation systems.

Additional treatment capacity is provided by two Urgent Dental Care Centres (UDCCs). The UDCCs currently provide cover for patients with dental emergencies who cannot be seen in practice. This service currently runs at weekends at both sites and on Tuesday and Thursday evenings in one UDCC.

Mr Buckley asked the Minister of Health for his assessment of the impact of the current postponement of planned renal access surgery on kidney patients, in terms of (i) the volume and scope of procedures unable to be conducted; (ii) the financial and quality of life impact on patients affected; and (iii) the long-term health impact on those patients.

(AQW 6161/17-22)

Mr Swann: The financial, quality of life and long term health impacts of kidney failure are well documented, and the safety of patients must therefore remain at the forefront of our pandemic response. I am committed to avoiding any prolonged reduction in the provision of both renal access and renal transplant surgery, despite the unprecedented constraints which COVID-19 is placing on our health service. Clinicians are also working collaboratively across Trusts to ensure that the most clinically urgent patients can continue to receive the treatment they require to enable them to commence dialysis. Furthermore, patients who do not have dialysis access created by surgical means can commence haemodialysis by means of central venous access, which is non-surgical.

In light of the current constraints on theatre capacity with Belfast Trust, the full resumption of renal access surgery is likely to involve alternative locations, and work is under way to develop proposals to facilitate this on a regional and equitable basis as soon as possible. My Department has approved a funding bid to support this work which will meet demand by delivering additional peritoneal dialysis (PD) catheter insertions and arteriovenous fistula (AVF) creations per annum.

Whilst there currently are no dedicated elective general anaesthetic surgical lists for renal access surgery, some activity has been delivered on the basis of clinical priority. Since May 2020 the Belfast Trust provided 125 fistuloplasties, 10 AVF salvages, 34 dialysis catheter insertions, 5 renal angioplasties, 5 stent insertions and 7 nephrostomy tube insertions. Clinicians have also had access to theatre lists within the Independent Sector which, since March 2020 have facilitated 96 AVF creations, 20 PD catheter insertions 21 PD catheter removals post-transplant and 9 fistula ligations.

Enabling home-based therapy through PD access is preferable to in-hospital haemodialysis, as this facilitates patients spending time with their families, and avoids the physical and financial inconvenience of travelling to haemodialysis and post-dialysis fatigue. The preferred treatment for patients with kidney failure is ultimately transplant surgery, which is often performed pre-emptively thus avoiding the need to commence dialysis. Northern Ireland has the highest pre-emptive rate of kidney transplantation in the UK, with the majority of these delivered by live donation, allowing patients to return to work and avoid hospitalisation, outpatient or home dialysis. It is therefore vital that these services resume as soon as it is safe and feasible to do so.

Mr Allister asked the Minister of Health how many abortions have been performed at Braid Valley Care Complex in Ballymena.

(AQW 7824/17-22)

Mr Swann: From the coming into force of the Abortion (Northern Ireland) Regulations 2020 on 30 March 2020, to 25 September 2020, 179 abortions were carried out at the Braid Valley Care Complex.

Ms Bradshaw asked the Minister of Health whether the work of the Chief Nursing Officer on the banding issue around bands five and six will be complete by the end of 2020.

(AQW 11646/17-22)

Mr Swann: Work on this issue has been impacted by the response to the COVID-19 pandemic and has not commenced.

This work will be considered as part of the Nursing and Midwifery Task Group recommendations going forward.

Mrs Cameron asked the Minister of Health to detail the total cost of abortion services in Northern Ireland since 31 March 2020, including training of staff, equipment, facilities or any other costs associated with the implementation of the new abortion framework.

(AQW 11875/17-22)

Mr Swann: Abortion services are not currently commissioned by my Department, pending a decision by the Executive. In the meantime services are provided by Trusts using existing staff and resources. There is no means within the Trust finance information system to separately identify these costs.

Mr Easton asked the Minister of Health whether he will reverse the decision made to cancel urgent cancer surgery.

(AQW 12579/17-22)

Mr Swann: All Trusts are maintaining urgent bookable theatre lists for emergency surgery and, where any capacity allows, are utilising capacity within those lists for cancer surgery. Every attempt is being made to protect the most urgent surgery, and that postponed operations are being rescheduled as quickly as possible. Trusts are keeping the position under daily review.

Mr Carroll asked the Minister of Health to detail the number of private or independent patient beds.

(AQW 12690/17-22)

Mr Swann: The average number of available private or independent patient beds is not readily available, and could not be collected without disproportionate cost.

Mr Gildernew asked the Minister of Health whether everyone who has received a shielding letter is deemed clinically extremely vulnerable from COVID-19.

(AQW 12741/17-22)

Mr Swann: All those who are clinically extremely vulnerable in relation to COVID-19 have been advised by the Chief Medical Officer not to attend the workplace from 26th December 2020 if they are unable to work from home. The Chief Medical Officer is writing to all those identified as clinically extremely vulnerable to set out this advice. This letter is evidence for an employer that the person is advised not to attend the workplace. If there is a delay in receiving the new letter, the original 'shielding letter' can be used as evidence. It is up to the individual to decide if they wish to follow the Chief Medical Officer's advice. Anyone who is clinically extremely vulnerable and who chooses not to attend work due to the Chief Medical Officer's updated advice is eligible to apply for support.

The definition 'clinically extremely vulnerable' is applied to a list of identified specific medical conditions that, based on what medical experts know about Covid-19 so far, place some people at greatest risk of severe illness from COVID-19. Further details of the definition of 'clinically extremely vulnerable' in relation to COVID-19 can be found at: Coronavirus (COVID-19): definitions of 'clinically extremely vulnerable' and 'vulnerable' | nidirect .

If a person has concerns that they are 'clinically extremely vulnerable' in relation to COVID-19 but have not received a letter, it is best to speak with their GP or hospital clinician as they will have knowledge of the individual's medical history and circumstances.

Mr Carroll asked the Minister of Health whether every person who has received a shielding letter is deemed to be clinically extremely vulnerable from COVID-19.

(AQW 12770/17-22)

Mr Swann: All those who are clinically extremely vulnerable in relation to COVID-19 have been advised by the Chief Medical Officer not to attend the workplace from 26th December 2020 if they are unable to work from home. The Chief Medical Officer is writing to all those identified as clinically extremely vulnerable to set out this advice. This letter is evidence for an employer that the person is advised not to attend the workplace. If there is a delay in receiving the new letter, the original 'shielding letter' can be used as evidence. It is up to the individual to decide if they wish to follow the Chief Medical Officer's advice.

Anyone who is clinically extremely vulnerable and who chooses not to attend work due to the Chief Medical Officer's updated advice is eligible to apply for support.

The definition 'clinically extremely vulnerable' is applied to a list of identified specific medical conditions that, based on what medical experts know about Covid-19 so far, place some people at greatest risk of severe illness from COVID-19. Further details of the definition of 'clinically extremely vulnerable' in relation to COVID-19 can be found at: Coronavirus (COVID-19): definitions of 'clinically extremely vulnerable' and 'vulnerable' | nidirect .

If a person has concerns that they are 'clinically extremely vulnerable' in relation to COVID-19 but have not received a letter, it is best to speak with their GP or hospital clinician as they will have knowledge of the individual's medical history and circumstances.

Ms Flynn asked the Minister of Health how many Carers Assessments have been completed by the Belfast Health and Social Care Trust within the past two years broken down by timeframe for completion, (i) 0-4 weeks; (ii) 4-8 weeks; (iii) 8-12 weeks; (iv) 12 weeks and over.

(AQW 12827/17-22)

Mr Swann: The number of Carers Assessments that have been completed by the Belfast Health and Social Care Trust within the past two years is presented in Table 1. The timeframe breakdown requested could not be provided as this would require a manual trawl through all files and could only be supplied at disproportionate cost.

Table 1: Carers Assessments Accepted / Completed (1st January 2019 to 30th September 2020) for Belfast Health and Social Care Trust.1

Quarter	2019	2020
1 January - 31 March	551	473
1 March - 30 June	467	369
1 July - 30 September	510	357
1 October - 31 December	585	Not yet available
Total	2,113	Not yet available

Source: Belfast Health and Social Care Trust

1 Figures may vary slightly from the official figures published by Department of Health if Belfast Trust have updated their records.

My Department publishes figures relating to carers assessments on a quarterly basis. The most recent figures were published for quarter ending September 2020, and can be found at the following link:

<https://www.health-ni.gov.uk/articles/carers-assessments-and-reassessments>

Ms Flynn asked the Minister of Health how many Carers Assessments have been completed by the South Eastern Health and Social Care Trust within the past two years broken down by timeframe for completion, (i) 0-4 weeks; (ii) 4-8 weeks; (iii) 8-12 weeks; (iv) 12 weeks and over.

(AQW 12828/17-22)

Mr Swann: The number of Carers Assessments that have been completed by the South Eastern Health and Social Care (HSC) Trust within the past two years is presented in Table 1 below. The breakdown requested could not be provided as South Eastern HSC Trust do not collate timeframes, and to provide this would require a manual trawl at disproportionate cost.

Table 1: Carers Assessments Accepted / Completed (1st January 2019 to 30th September 2020) for South Eastern Health and Social Care Trust.

Quarter	2019	2020
1 January - 31 March	254	508
1 April - 30 June	276	267
1 July - 30 September	352	294
1 September - 31 December	287	Not yet available
Total	1,169	Not yet available

Source: "Carer's assessments Statistics for Northern Ireland", Department of Health

My Department publishes figures relating to carers assessments on a quarterly basis. The most recent figures were published for quarter ending September 2020, and can be found at the following link:

<https://www.health-ni.gov.uk/articles/carers-assessments-and-reassessments>

Mr McCrossan asked the Minister of Health to detail the current waiting lists for mental health services in West Tyrone; and whether the statutory target for assessments has been met.

(AQW 12864/17-22)

Mr Swann: The department does not hold waiting list information for mental health services in West Tyrone, however, it does hold waiting list information for mental health services for the Western Trust. Table 1, below, sets out the number of people waiting for mental health services at 30 November 2020 split into the following service areas - Child and Adolescent Mental Health Service (CAMHS), Adult Mental Health, Dementia, Psychological Therapies.

Table 1. Number of people waiting for mental health services as at 30 November 2020^{1,2}.

Western Trust	Active Waits
Child and Adolescent Mental Health Service (CAMHS)	276
Adult Mental Health	858
Dementia	505
Psychological Therapies	1,563

1 Figures are taken from management systems and are subject to change.

2 These figures relate to all active waits, regardless of how long the client has been on the waiting list.

Departmental Commissioning Plan Direction Target 4.14 states 'By March 2021, no patient waits longer than 9 weeks to access child and adolescent mental health services; 9 weeks to access adult mental health services; 9 weeks to access dementia services; and 13 weeks to access psychological therapies (any age)'. Table 2 below sets out the breaches to the Departmental Commissioning Plan Direction Target 4.14 for the Western Trust as at 30 November 2020.

Table 2. Number of breaches to mental health services for Western Trust by service area as at 30 November 2020¹.

Western Trust	Breach Waits
Child and Adolescent Mental Health Service (CAMHS) (Waits > 9 weeks)	96
Adult Mental Health (Waits > 9 weeks)	402
Dementia (Waits > 9 weeks)	385
Psychological Therapies (Waits > 13 weeks)	1,204

1 Figures are taken from management systems and are subject to change.

Mr Gildernew asked the Minister of Health whether he has requested any additional monies during 2020/21 budgetary monitoring rounds to provide a grant to unpaid carers for COVID-19-related expenses.

(AQW 12899/17-22)

Mr Swann: My Department has considered the potential funding requirement in respect of this issue. It is estimated that any funding required could be contained with the Department's existing Covid allocation and no additional funding requests were therefore sought through budgetary monitoring rounds.

Ms Flynn asked the Minister of Health how many carer assessment grants were awarded in (i) 2017/18; (ii) 2018/19; and (iii) 2019/20.

(AQW 12915/17-22)

Mr Swann: The number of Carers Cash Grants that have been awarded in (i) 2017/18; (ii) 2018/19; and (iii) 2019/20 is detailed in Table 1.

Table 1: Carer Cash Grants Awarded

	2017/2018	2018/2019	2019/2020
Northern Ireland	5,009	5,621	5,431

Source: Health and Social Care Trusts

Mr Carroll asked the Minister of Health when the FAST campaign on stroke awareness will be run in 2021.

(AQW 12924/17-22)

Mr Swann: The Public Health Agency is planning to launch another F.A.S.T campaign before the end of March to raise awareness of the signs of Stroke and encourage individuals to act quickly. I remain clear that all patients with acute stroke symptoms should continue to call 999.

Mrs D Kelly asked the Minister of Health to detail the status of the Regional Trauma Network and the timescale for it becoming operational.

(AQW 12938/17-22)

Mr Swann: Implementation of the Regional Trauma Network is jointly led by my Department and The Executive Office.

Progress on implementation of the Regional Trauma Network was delayed due to the emergency Covid-19 response taking priority.

Next steps on implementation are currently being considered. I am hopeful that further progress can be made shortly.

Mrs D Kelly asked the Minister of Health to outline the steps his Department is taking to ensure that victims and survivors are at the heart of the new regional trauma system and will be prioritised.

(AQW 12939/17-22)

Mr Swann: My Department has been working in partnership with The Executive Office, the Health and Social Care Board and the Victims and Survivors Service (VSS) to ensure that the Regional Trauma Network (RTN) delivers on the Stormont House Agreement. A process of co-design and co-production has been undertaken to develop a comprehensive regional trauma service model. To ensure that the victim's voice is heard in that process, the Partnership Board's membership has included the Victims Commissioner, the CEO of the VSS and individuals with lived experience, who are also represented on the RTN's working groups to help influence the development of the network.

Next steps on the implementation of the regional trauma service model including access arrangements for victims and survivors are currently under consideration.

Mr Allister asked the Minister of Health what is the departmental stance on the legal proceedings by its Chief Scientific Adviser, Professor Ian Young, arising from the hypernatremia inquiry; and whether his Department has any commitment, financial or otherwise, to these proceedings.

(AQW 12950/17-22)

Mr Swann: This is a private matter for the individual concerned and the Department of Health has no involvement.

Ms Rogan asked the Minister of Health how many care homes in each Health and Social Care Trust have established the care partner visiting arrangements.

(AQW 12970/17-22)

Mr Swann: As from the 20th January 2021, all care homes are asked to self-report via the RQIA Care Homes web portal detailing the type of visiting each Care Home facilitates and the number of Care Partners introduced. It is not possible to provide details on the number of care partner arrangements currently in place as the data is undergoing a validation exercise to assess the accuracy and reliability of the information reported. However we will continue to progress this work with a view to producing relevant information on care partners and visiting arrangements in place across the care home sector.

It remains my position that care home visiting and the subsequent implementation of care partners can be safely facilitated through compliance with the regional principles for visiting in care settings clearly set out in the existing guidance.

Health and Social Care Trusts have been asked to work with Care Homes to provide the support they might require to move forward with dynamic 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. HSCB and PHA are involved in coordinating this work and providing any necessary regional support to Trusts.

To help ensure the right balance is being struck by individual care homes, in line with regional guidance, the RQIA will assess the approach being used when undertaking inspections of residential and nursing homes, and considering compliance with the relevant care standards.

Support and funding continues to be available to help homes implement the approach set out in regional guidance. Trusts have been asked to assure themselves that care homes that accommodate their clients are operating in accordance with guidance and have implemented a dynamic risk assessed approach to visiting at their premises. In addition, Trusts continue to provide support and advice where there are difficulties to navigate.

We continue to live and work with the threat of Covid-19. While we wait as the vaccination programme is rolled out it is still important to take measures to minimise risks of spread of infection alongside providing safely managed but meaningful visits for residents with their loved ones.

Ms Rogan asked the Minister of Health how many Care Partner visiting arrangements are in place; and which body is responsible for monitoring these arrangements.

(AQW 12971/17-22)

Mr Swann: As from the 20th January 2021, all care homes are asked to self-report via the RQIA Care Homes web portal detailing the type of visiting each Care Home facilitates and the number of Care Partners introduced. It is not possible to provide details on the number of care partner arrangements currently in place as the data is undergoing a validation exercise to assess the accuracy and reliability of the information reported. However we will continue to progress this work with a view to producing relevant information on care partners and visiting arrangements in place across the care home sector.

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We continue to live and work with the threat of Covid-19. While we wait as the vaccination programme is rolled out it is still important to take measures to minimise risks of spread of infection alongside providing safely managed but meaningful visits for residents with their loved ones.

Mr Gildernew asked the Minister of Health to detail the differences in advice given to clinically extremely vulnerable, and those who are deemed vulnerable from COVID-19.

(AQW 12973/17-22)

Mr Swann: Clinical vulnerability to COVID-19 is understood to vary widely. The definition 'clinically extremely vulnerable' is applied to a list of identified specific medical conditions that, based on what medical experts know about Covid-19 so far, place some people at greatest risk of severe illness from COVID-19. Some people are considered to be 'clinically vulnerable' but not 'clinically extremely vulnerable'. In addition, it is recognised that some people may not fit into either the 'clinically extremely vulnerable' or 'vulnerable' definitions but may still have concerns about their risk of severe illness from Covid-19. In that circumstance, the person can speak with their GP or hospital clinician since they will have knowledge of the individual's medical history and circumstances. Further details of the definitions for clinical vulnerability in relation to COVID-19 can be found at: [Coronavirus \(COVID-19\): definitions of 'clinically extremely vulnerable' and 'vulnerable' | nidirect](#) .

Everyone in Northern Ireland, regardless of clinical vulnerability, needs to comply with current coronavirus restrictions. These restrictions aim to manage the spread of COVID-19 here and the pressures on our health and social care system.

In terms of the specific advice offered to 'clinically vulnerable' and 'clinically extremely vulnerable' people, both groups are advised that, in addition to complying with the current population-wide restrictions, it is very important to continue to scrupulously follow the advice on limiting household contacts, keeping social distance, hand washing and wearing a face covering.

Additional advice has been offered to 'clinically extremely vulnerable' people in relation to the workplace. From 26 December 2020, clinically extremely vulnerable people who are working and are unable to do so from home are advised not to attend the workplace. This is advice only. People are free to make their own judgements about whether or not they should attend work, depending on the COVID-security of their working environment. Anyone who cannot attend work due to following this advice and who is unable to work from home is eligible to apply for support. This workplace advice does not apply to those who are 'clinically vulnerable' or to members of a 'clinically extremely vulnerable' person's household.

It is important to note that there is no return to shielding as we previously knew it. 'Clinically extremely vulnerable' people do not need to remain indoors and can go outside for exercise if they are able to do so, in line with restrictions and guidance that are in place and observing social distancing. Further information and advice is available at: [Coronavirus \(COVID-19\): guidance for 'clinically extremely vulnerable' and 'vulnerable' people | nidirect](#)

Mr Harvey asked the Minister of Health what steps his Department is taking to provide support for healthcare staff suffering from mental health issues due to the pressures of the pandemic.

(AQW 12978/17-22)

Mr Swann: Covid-19 has placed an enormous strain on our Health professionals within all sectors of the health care setting. It is vitally important to ensure that all staff and volunteers, irrespective of where they work, have access to the information and support they may need over the coming months and that everyone's contribution is valued and appreciated.

My Department is working alongside colleagues in DfC and across the HSC to coordinate a comprehensive response to the psychological impact of the coronavirus pandemic, both in the immediate and longer term.

A Regional Staff Wellbeing Work stream was initiated in response to Covid-19 and has worked closely with colleagues within Mental Health services at the Health and Social Care Board, officials within my Department, and with colleagues in the PHA to build resources and support for staff.

My Department has also published a framework for staff working across sectors in health and social care: "Supporting the Well-being Needs of our Health and Social Care Staff during COVID-19: A Framework for Leaders and Managers," with an aim to ensuring that we continue to prioritise evidence led staff wellbeing initiatives and approaches. The measures within the framework include a range of initiatives across organisations, which will enhance psychological well-being of staff.

Mr Easton asked the Minister of Health what plans his Department has to replace Bangor Health Centre with a new health centre.

(AQW 12993/17-22)

Mr Swann: Plans for a new Primary and Community Care Centre for the Ards and North Down area, are in the Primary Care Infrastructure Draft Strategic Implementation Plan. Unfortunately, due to the ongoing impact of Covid 19, the position of the project remains unchanged from your previous question of January 2020 and correspondence of June 2020.

The Trust remains committed to working with the Health and Social Care Board (HSCB) and my Department to progress this project as soon as possible to deliver a new primary and community care infrastructure for the Ards and North Down population. The project will continue to be considered alongside other capital investment priorities and will be dependent on future budget availability and value for money.

In the interim however, to help elevate some of the challenges on accommodation for Trust services and GP practices within the existing Bangor Health Centre, the South Eastern Trust has opened the Parkview Suite in Bangor Hospital to provide accommodation for clinical services which have relocated from Bangor Health Centre. This has provided additional space for GPs and their staff, and future proofs the Health Centre to support the new regional model of services in Primary Care, which is to co-locate Multi-Disciplinary Teams within GP practices.

Mr Easton asked the Minister of Health when he will make an announcement on the future of stroke services.

(AQW 12995/17-22)

Mr Swann: My officials have now completed the analysis of the consultation responses received to the Reshaping Stroke Care consultation. 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.

Mr McCrossan asked the Minister of Health for an update on the provision of medicinal cannabis as a treatment for neurological conditions.

(AQW 13020/17-22)

Mr Swann: The law changed on 1 November 2018 to allow doctors on the specialist register of the General Medical Council to prescribe cannabis-based products for medicinal use (CBPMs) where clinically appropriate.

Any decisions on whether to prescribe such products are a matter for specialist clinicians who are responsible for providing clinical care to individual patients. There is no role for me or my Department in the clinical decision making process.

All prescribers in Northern Ireland are guided by the clinical guidance that is provided by the National Institute for Health and Care Excellence (NICE). Any constituent should engage with a specialist clinician (or their own GP if not under the care of a specialist clinician) as they are best placed to provide clinical advice and to determine the best treatment options for specific conditions.

Mr Muir asked the Minister of Health to detail the percentage of COVID-19 (i) positive tests; (ii) hospitalisations; and (iii) deaths, broken down by age bracket for each month of the pandemic.

(AQW 13068/17-22)

Mr Swann: Information on the percentage of COVID-19 (i) positive tests; (ii) hospitalisations; and (iii) deaths, broken down by age group for each month of the pandemic is detailed in the tables overleaf. This information is also published daily on the Department's COVID-19 dashboard and is available in excel format at the link below:

<https://www.health-ni.gov.uk/articles/covid-19-daily-dashboard-updates>

Part (i) Individuals with a Positive Test for COVID-19 by Month & Age Group

Month	Aged 0 - 19	Aged 20 - 39	Aged 40 - 59	Aged 60 - 79	Aged 80 & Over	Unknown
Mar-20	2.1%	17.2%	23.6%	25.7%	28.1%	0.0%
Apr-20	6.5%	23.9%	24.9%	28.8%	51.8%	16.7%
May-20	4.3%	8.1%	8.7%	6.1%	13.1%	0.0%
Jun-20	0.7%	1.1%	1.3%	0.9%	2.1%	0.0%
Jul-20	0.6%	1.2%	1.1%	0.7%	1.2%	0.0%
Aug-20	2.2%	2.3%	2.2%	1.5%	1.6%	3.3%
Sep-20	3.4%	6.7%	5.8%	4.2%	2.9%	3.3%
Oct-20	14.6%	19.7%	21.2%	18.2%	15.5%	17.2%
Nov-20	10.0%	14.8%	16.7%	14.9%	19.4%	16.9%
Dec-20	11.9%	16.4%	18.8%	17.1%	17.3%	19.0%

Note: Figures detail the percentage of laboratory completed tests (both HSC & National Initiative) which were identified as positive by the month the specimen (sample / swab) was taken at a testing location.

Part (ii): COVID-19 Hospital Admissions by Month & Age Group

Month	Aged 0 - 19	Aged 20 - 39	Aged 40 - 59	Aged 60 - 79	Aged 80 & Over	Unknown
Feb-20	0.0%	0.0%	0.0%	50.0%	50.0%	0.0%
Mar-20	0.0%	4.6%	22.9%	45.0%	27.5%	0.0%
Apr-20	0.9%	6.4%	23.2%	37.2%	32.4%	0.0%
May-20	1.6%	8.4%	15.0%	34.1%	40.9%	0.0%
Jun-20	0.0%	6.0%	19.4%	31.3%	43.3%	0.0%
Jul-20	2.9%	20.0%	17.1%	31.4%	28.6%	0.0%
Aug-20	6.4%	13.8%	21.3%	37.2%	21.3%	0.0%
Sep-20	3.6%	8.2%	16.4%	40.5%	31.3%	0.0%
Oct-20	0.8%	6.6%	21.9%	41.3%	29.4%	0.0%
Nov-20	0.5%	4.4%	19.1%	39.9%	36.0%	0.1%
Dec-20	0.7%	4.3%	16.7%	39.5%	38.4%	0.4%

Part (iii): COVID-19 Deaths by Month & Age Group

Month	Aged 0 - 19	Aged 20 - 39	Aged 40 - 59	Aged 60 - 79	Aged 80 & Over	Unknown
Mar-20	0.0%	2.4%	4.9%	46.3%	43.9%	2.4%
Apr-20	0.0%	0.0%	4.2%	29.3%	66.5%	0.0%
May-20	0.0%	0.0%	4.5%	22.4%	73.1%	0.0%
Jun-20	0.0%	0.0%	0.0%	30.0%	70.0%	0.0%
Jul-20	0.0%	0.0%	0.0%	20.0%	80.0%	0.0%
Aug-20	0.0%	20.0%	0.0%	40.0%	40.0%	0.0%
Sep-20	0.0%	0.0%	0.0%	79.0%	21.1%	0.0%
Oct-20	0.7%	0.0%	5.8%	43.1%	50.4%	0.0%
Nov-20	0.0%	0.0%	5.4%	32.2%	62.4%	0.0%
Dec-20	0.0%	0.0%	4.3%	32.0%	63.7%	0.0%

Mr K Buchanan asked the Minister of Health what additional preparation was made for the second wave of COVID-19 in the Northern Health and Social Care Trust; and what additional resources have been made available to combat the additional stress being placed on services in the Northern Health and Social Care Trust.

(AQW 13092/17-22)

Mr Swann: The Surge Planning Strategic Framework, which I published on 6 October 2020, set the overarching context for individual Trust surge and winter planning. Subsequently, each Trust, including the Northern Health and Social Care Trust (NHSCT), published their own individual surge plans, ensuring comprehensive plans are in place to address COVID-19 surges and winter pressures.

In addition, the Critical Care Network for Northern Ireland (CCaNNI) has developed a critical care surge plan, which has been kept under review and was updated in advance of this third surge. The revised plan provides the ability to flex critical care capacity to an absolute maximum of 177 ICU beds across the region. The plan requires Trusts to work collectively to ensure that critical care capacity is maximised, while making the most of available staffing resources. Within this overarching plan, decisions will be taken on the need to transfer patients to the Belfast City Hospital Nightingale facility.

On 20 November 2020, I opened an additional regional Nightingale facility on the Whiteabbey Hospital site, which is operated by NHSCT.

Mr Frew asked the Minister of Health to detail his Department's position on the implementation of the O'Hara report, including report recommendations and findings; and what progress has been made on implementation of the recommendations.

(AQW 13132/17-22)

Mr Swann: My Department accepts all of the recommendations in the report. Following the publication of the report, the Department established a Hyponatraemia Implementation Programme. The programme has 9 workstreams and 7 sub-groups, involving over 200 programme members. Prior to the Covid-19 pandemic, the workstreams and sub-groups were meeting regularly to consider the implementation of the recommendations and were approaching a point where the recommendations their work addressed would be ready to be passed to the HSC for implementation.

In March 2020 I approved a decision to suspend the IHRD workstream meetings to allow Department and Trust staff to be re-directed to focus on COVID-critical work. It was also a decision taken with the safety and wellbeing of service users and carers as a priority.

Some work has been able to continue such as the Statutory Duty of Candour, the Independent Medical Examiner, Being Open Guidance, the HSC Board Member Handbook and the SAI Statement of Rights.

In the current environment, I accept the original timeline for implementation to be impacted upon; however, my officials continue to move this forward in tandem with dealing with the pressure on the system as a result of the pandemic.

Mr Frew asked the Minister of Health what recommendations, findings, conclusions and criticisms from Mr Justice O'Hara's report his Department rejects; and whether this position is consistent with the Chief Scientific Advisor and the Chief Medical Officer's view.

(AQW 13133/17-22)

Mr Swann: I do not reject any of the recommendations in Justice O'Hara's report and this is consistent with Departmental advice.

The implementation of these recommendations will address the findings, conclusions and criticisms from the report.

Mr Givan asked the Minister of Health for the definition of close contact services in relation to COVID-19 restrictions.

(AQW 13173/17-22)

Mr Swann: The definition of close contact services is outlined in Schedule 2 of the Health Protection (Coronavirus, Restrictions) (No. 2)

Regulations (Northern Ireland) 2020, and is detailed below:

"Close contact service" means—

- (a) hairdressing or barbering;
- (b) provision of beauty or aesthetics treatments including treatments in relation to nails or makeup;
- (c) tattooing;
- (d) tanning;
- (e) services in spas;
- (f) sports and massage therapy;
- (g) well-being and holistic therapies;
- (h) dress fitting, tailoring and fashion design (unless social distance is maintained);

- (i) body piercing;
- (j) electrolysis;
- (k) training in any of the services listed at (a) to (j) (unless social distancing is maintained);
- (l) driving instruction for the test of competence to drive a vehicle other than a motorcycle established by Article 5 of the Road Traffic (Northern Ireland) Order 1981.

The regulations and their amendments can be found on the Department of Health website:

<https://www.health-ni.gov.uk/publications/health-protection-coronavirus-restrictions-no2-regulations-northern-ireland-2020>

Mr Givan asked the Minister of Health, in relation to COVID-19 restrictions, whether consideration has been given to the granting of a specific sector for personal care such as hair, beauty and spas similar to England and Wales.
(AQW 13174/17-22)

Mr Swann: The Executive, when making decisions on restrictions, takes into account the scientific and medical evidence and also the impacts of the restrictions on the economy and society. Introduction of the current restrictions from 26 December 2020 was necessary as a consequence of the relaxations in restrictions and associated behaviours in the two weeks before and over the Christmas period. It is critical that social interactions are reduced to a minimum during the current period of restrictions in order to reverse these upward trends in the disease. Efforts to achieve this need to be maximised.

It is not always possible to disaggregate the precise impact on the rate of transmission of the virus in the community for each of the individual restrictions on their own.

The current closure of close contact services, which includes hairdressers, beauty salons and spas, together with the combination of restrictions on other sectors and activities is to minimise social contact, reduce the pressure on our health services, protect the elderly and the vulnerable and allow other essential services to be maintained during the current pandemic.

The Executive maintains an ongoing process of review of the coronavirus restrictions regulations, and it is the Executive's clear intention not to retain restrictions for any longer than is absolutely necessary.

Ms Armstrong asked the Minister of Health whether he will ensure that in instances where a person is having an early pregnancy scan, having a miscarriage or is having a procedure following the death of their baby in the womb, that an exemption is provided for a partner to enable the person to be accompanied and not forced to go through the process alone.
(AQW 13190/17-22)

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 15 January 2021. The guidance is based on the best scientific advice available, with restrictions applying in line with the current Regional Alert Level Position.

The clear intention is that in any instance of pregnancy loss, arrangements will be made to facilitate the birth partner to accompany the pregnant woman.

Mrs Cameron asked the Minister of Health whether his Department will carry out a full workforce review and plan of the paramedic profession.
(AQW 13201/17-22)

Mr Swann: My Department is currently taking forward a Paramedic Workforce Review as part of the wider programme of AHP workforce reviews. Work is currently suspended due to the COVID-19 emergency and will resume when service pressures have eased.

Mrs Cameron asked the Minister of Health whether his Department has any plans to increase opportunities for educational and career development of paramedics, as laid out within the College of Paramedics Career Framework.
(AQW 13202/17-22)

Mr Swann: Paramedics gained recognition in Northern Ireland as an Allied Health Profession in 2018 and there are currently no plans to increase education and career development of paramedics.

As a new AHP profession the department's priority and focus has been on commissioning a new foundation degree - BSc (Hons) Paramedic Science to support the stabilisation of pre-hospital care.

Educational and career developments of paramedics' opportunities are being explored as part of the transformation and rebuild of services.

It would also be our long-term ambition to progress advanced and specialist paramedic roles, subject to funding becoming available for Allied Health Professions post graduate training.

Mrs Cameron asked the Minister of Health whether his Department has considered implementation of the recommendations of the Independent Medicines and Medical Devices Safety Review.

(AQW 13204/17-22)

Mr Swann: A departmental working group has been established to consider the recommendations and my Department's response to the report. This work is progressing and I plan to provide a formal response to the report shortly.

Ms Bunting asked the Minister of Health how deaths in hospitals are monitored for patterns or trends.

(AQW 13219/17-22)

Mr Swann: There are a number of ways in which deaths in hospital are monitored for patterns and trends including the Summary Hospital-level Mortality Indicator (SHMI) and the Regional Mortality and Morbidity Review System (RM&MRS).

SHMI compares the actual number of patients who die following hospitalisation at a Trust with the number that would be expected to die on the basis of average Northern Ireland figures, given the characteristics of the patients treated there. Where there is a higher than expected or lower than expected SHMI categorisation for a hospital this does not necessarily mean bad or good performance but it does allow for investigation by the relevant Trust.

RM&MRS ensures that all deaths in hospital are reviewed by Mortality and Morbidity (M&M) teams who will discuss the death and identify relevant learning lessons and actions. Using the data from these reviews Trusts are then able to identify wider trends.

Ms Bunting asked the Minister of Health how patient care in hospital is supervised, scrutinised and assessed.

(AQW 13220/17-22)

Mr Swann: Patient care in hospital is supervised, scrutinised and assessed in accordance with each patient's clinical needs and in line with the relevant clinical and professional guidelines and standards associated with those needs.

Ms Bunting asked the Minister of Health what obligations exist for medical professionals (i) to provide; and (ii) when providing (a) information and (b) evidence to the coroner.

(AQW 13222/17-22)

Mr Swann: Medical practitioners have statutory and professional obligations when reporting deaths to the Coroner or providing evidence. Section 7 of the Coroners Act (NI) 1959 places a statutory duty on medical practitioners to notify the Coroner of the facts and circumstances of a death where they believe the deceased died, directly or indirectly, as a result of violence, misadventure or unfair means, or as a result of negligence, malpractice or misconduct, or in circumstances which may require investigation.

The professional responsibilities of a medical practitioner are set out in Good Medical Practice guidance issued by the General Medical Council. When giving evidence to courts, doctors must be honest and trustworthy and must ensure that evidence is not false or misleading.

Mr Stalford asked the Minister of Health to detail the number of abortions that have been performed in Northern Ireland since 1 January 2020.

(AQW 13231/17-22)

Mr Swann: From the 1 January 2020 to 30 March 2020 there were seven terminations of pregnancy carried out in HSC Hospitals in Northern Ireland. Since The Abortion (Northern Ireland) Regulations 2020 came into force on 31 March 2020 the Department of Health has received 1091 notifications of termination

Mr Gildernew asked the Minister of Health whether Pulse Oximeters are available to those with COVID-19 in the community to better manage their condition.

(AQW 13240/17-22)

Mr Swann: Pulse Oximeters are seen as being an important preventative tool for certain vulnerable patient groups, but especially for those who are symptomatic and 65 or older. I was pleased therefore to have been able to announce a £11.7m package of financial support for community care homes back in June 2020, £2.2m of which was to be used for the provision of new equipment, including pulse oximeters, to enable the recording of clinical observations.

(See www.health-ni.gov.uk/news/minister-announces-ps117m-care-home-support-package)

In addition, the Department is aware that many community pharmacies are offering the sale of Pulse Oximeters to the public to allow them to track their own blood oxygen levels at home.

Ms Hunter asked the Minister of Health what urgent staff recruitment plans have been implemented given the serious nature of COVID-19.

(AQW 13256/17-22)

Mr Swann: Since the beginning of the pandemic, my Department, working closely with HSC Trusts, has maintained a dedicated focus on ensuring there is sufficient capacity within the system to meet the exceptional demands on staffing requirements

The Workforce Appeal was established to manage the recruitment and deployment of healthcare professionals and non-healthcare workers across the health and social care system during the outbreak of Covid-19. In anticipation of a further surge in infections, the Workforce Appeal was re-launched in an effort to further build capacity, with particular focus on certain roles and positions across hospitals and community care.

From the first campaign 899 people were appointed and deployed in Trusts, including:

- 515 Clinical Appointments across a range of professions; and
- 384 Non Clinical Appointments;

As at 27th January, the current campaign has appointed 1,214 people covering both:

- 774 Health & Social Care appointments; and
- 440 Clerical & Admin appointments.

In addition, the Vaccinator Appeal has generated 1,094 Formal Applications from Healthcare Professionals (927), Support Workers (61) and Admin (106). As of 21 January a total of 326 medical applicants have been approved for appointment; of this a total of 130 have already been appointed and are available to cover shifts as and when required by the PHA. The remaining 196 approved medical applicants are currently undergoing the required pre-employment checks.

Mr Stalford asked the Minister of Health what methodology of modelling his Department used to project COVID-19 deaths at the beginning of the pandemic.

(AQW 13342/17-22)

Mr Swann: The initial scenario modelling produced by the Covid-19 modelling group reflected the best judgement of the group. This was informed by a range of sources of information including analysis published by the Scientific Advisory Group for Emergencies (SAGE).

In addition, demographic data for Northern Ireland was applied to a model that had been developed for NHS England. The results of this analysis were compared with the initial results from a bespoke compartmental model with a SIR (susceptible-infectious-recovered) approach that had been developed for Northern Ireland.

The modelling work is not a prediction or forecast, rather a model of potential scenarios for planning purposes.

Mr Gildernew asked the Minister of Health to detail the number of Health and Social Care staff in each Health and Social Care Trust who are paid below the living wage.

(AQW 13348/17-22)

Mr Swann: Further to my answer of AQW 12367/17-22 on 18th January, the lowest salaries currently payable under AfC are already in excess of the National living wage proposed for April 2021 (£8.91) and before any increases in pay are considered as part of the 2021/22 pay rounds.

Mr Easton asked the Minister of Health to detail the current number of GP vacancies.

(AQW 13381/17-22)

Mr Swann: I refer the member to my response to AQW 1050/17-22.

Mr McCrossan asked the Minister of Health to detail the current (i) vacancy rate; and (ii) sickness rate for the Northern Ireland Ambulance Service, broken down by Health and Social Care Trust.

(AQW 13416/17-22)

Mr Swann: At 30th September 2020, the vacancy rate in the Northern Ireland Ambulance Service (NIAS) was 4.2%.

The metric used to measure sickness absence is the percentage hours lost over a period of time. Between 1st April 2020 and 30th November 2020, 9.4% hours were lost due to sickness absence in NIAS. This included sick leave, industrial injury and Covid-19 sickness.

Ms Bradshaw asked the Minister of Health when he will roll-out the FAST campaign in 2021.

(AQW 13432/17-22)

Mr Swann: The Public Health Agency is planning to launch another F.A.S.T campaign before the end of March to raise awareness of the signs of Stroke and encourage individuals to act quickly. I remain clear that all patients with acute stroke symptoms should continue to call 999.

Ms Bradshaw asked the Minister of Health for an update on the reconfiguration of stroke services.

(AQW 13433/17-22)

Mr Swann: My officials have now completed the analysis of the consultation responses received to the Reshaping Stroke Care consultation. 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.

Mr Allister asked the Minister of Health what is the comparable survival rate for persons diagnosed with (i) COVID-19; and (ii) cancer.

(AQW 13439/17-22)

Mr Swann: Information on survival rates of (i) COVID-19 is unavailable. The latest survival rates for (ii) cancer is available however and is published by the Northern Ireland Cancer Registry at <https://www.qub.ac.uk/research-centres/nicr/CancerInformation/official-statistics/> and presented in the table overleaf.

Age-standardised net survival (Death from cause related to diagnosed cancer) by time since diagnosis*

Period of diagnosis	Gender	One year		Two years		Five years	
		net survival rate	Confidence interval of net survival rate	net survival rate	Confidence interval of net survival rate	net survival rate	Confidence interval of net survival rate
2009-2013	Male	71.2%	(70.5% - 71.9%)	62.9%	(62.1% - 63.6%)	54.3%	(53.4% - 55.2%)
	Female	73.3%	(72.6% - 74.0%)	66.5%	(65.7% - 67.3%)	58.5%	(57.5% - 59.4%)
	Both sexes	72.5%	(72.0% - 73.0%)	65.0%	(64.4% - 65.5%)	56.6%	(56.0% - 57.3%)
2012-2016 estimates	Male	72.9%	(72.3% - 73.6%)	64.6%	(63.9% - 65.4%)	56.0%	(55.0% - 57.1%)
	Female	73.8%	(73.1% - 74.5%)	66.8%	(66.0% - 67.5%)	58.5%	(57.4% - 59.6%)
	Both sexes	73.6%	(73.1% - 74.1%)	66.0%	(65.5% - 66.5%)	57.6%	(56.8% - 58.3%)

Source: Northern Ireland Cancer Registry (NICR)

* Excludes non melanoma skin cancer.

Ms Ní Chuilín asked the Minister of Health how many looked after children approaching 18 years old are due to leave residential care.

(AQW 13453/17-22)

Mr Swann: At 31 March 2020, 38 young people aged 17 years old were living in residential children's homes. This figure relates to young people who, according to The Children (Northern Ireland) Order 1995 (as amended), and The Children (Leaving Care) Regulations (Northern Ireland) 2005 were 'eligible' (young people who have been in care for 13 weeks since the age of 14 and who are still 'looked after children'). The figure excludes young people who were in secure or specialist residential care or other supported accommodation. My department collects this information bi-annually and these reflect the latest figures available.

Ms McLaughlin asked the Minister of Health to detail the number of cervical screening tests carried out in each of the last ten years.

(AQW 13472/17-22)

Mr Swann: Information on the number of cervical screenings tests carried out in each of the last ten years has been sourced from the Public Health Agency (PHA) and provided in Table 1 below.

Table 1: Number of cervical screening tests carried out in each of the last ten years.

Year	No. of screenings	Year	No. of screenings
2011	131,542	2016	114,460
2012	130,527	2017	119,207

Year	No. of screenings	Year	No. of screenings
2013	126,562	2018	127,234
2014	128,575	2019	125,064
2015	124,729	2020	72,085

Source: Public Health Agency (PHA)

Mr Carroll asked the Minister of Health how the £90 million which will be handed back was intended to be spent.
(AQW 13490/17-22)

Mr Swann: The £90 million related to a reduction in the forecast requirement for the cost of untaken annual leave of £65 million and a £25 million reduction in forecast PPE requirements.

Mr Buckley asked the Minister of Health whether there is an opportunity to make use of peripheral medical facilities that are no longer in use due to COVID-19 restrictions and staff working remotely.
(AQW 13513/17-22)

Mr Swann: HSC Trusts have been exploring all options for increasing capacity and this includes capital investment to bring unused sites into operation. However, it must be stressed that the main limiting factor in increasing HSC capacity is not from a lack of equipment or bed space, but from pressures on staff resources, such as nursing staff, including those absent because of COVID-19. My Department is exploring all options to manage this issue, including having re-opened the Workforce Appeal in an effort to build capacity. I have made it clear that addressing workforce capacity issues will require sustained investment.

I have also established a new regional approach to ensure that any available theatre capacity across Northern Ireland is allocated for those patients most in need of surgery both during surge and as we come out of this surge. This will include seeking to fully maximise all available in-house HSC and Independent Sector capacity.

Mr McNulty asked the Minister of Health whether his proposals for a £500 thank you payment for Health Care workers will (i) be made to Agency Workers working in the Health Care Sector; (ii) be made to Domiciliary Care Workers in the Independent sector; (iii) be made to Community Pharmacists; (iv) have a start date for when staff had to be employed; (v) be subject to Tax and National Insurance deductions; and (vi) be made before the end of the financial year.
(AQW 13598/17-22)

Mr Swann: My Officials are finalising the details of the special recognition payment, which we will publish on the Department's website as soon as possible.

Mr Stalford asked the Minister of Health to detail the scientific probability of COVID-19 (i) asymptomatic; (ii) presymptomatic; and (iii) symptomatic transmission.
(AQW 13646/17-22)

Mr Swann: The Scientific Advisory Group on Emergencies (SAGE) has published a paper on the transmission routes and environments of Covid-19 which is available at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933225/S0824_SARS-CoV-2_Transmission_routes_and_environments.pdf

This includes a summary of the findings of studies which estimate the secondary attack rates of Covid-19, i.e. the probability that infection occurs within susceptible people within a specific group, depending on the type of infection. The studies found that the secondary attack rates from asymptomatic index cases ranged from 0% to 2.8% compared with secondary attack rates of 0.7% to 16.2% in symptomatic cases in the same studies. Pre-symptomatic secondary attack rates ranged from 0.7% to 31.8%.

However, SAGE also highlight that both asymptomatic and presymptomatic cases may play a significant role in facilitating transmission as individuals are less likely to self-isolate and minimise contacts if they do not have symptoms.

Mr Easton asked the Minister of Health how many medical legal claims have been made against each Health and Social Care Trust, over the last two years.
(AQW 13675/17-22)

Mr Swann: Information on the number of new clinical / social care negligence cases opened against Health and Social Care Trusts each year is published annually by my Department and is available to view or download from:

<https://www.health-ni.gov.uk/articles/clinical-negligence-statistics>

Mr Easton asked the Minister of Health how much compensation has been paid by each Health and Social Care Trust for medical negligence claims, over the last two years.

(AQW 13676/17-22)

Mr Swann: Information on how much has been paid by Health and Social Care Trusts on clinical / social care negligence cases each year is published annually by my Department and is available to view or download from:

<https://www.health-ni.gov.uk/articles/clinical-negligence-statistics>

Mr Allister asked the Minister of Health whether bio medical science students who have been helping out in hospital laboratories will qualify for the Health Service recognition payment.

(AQW 13732/17-22)

Mr Swann: On 25 January, I announced the payment of a flat rate, one-off special recognition of £2,000 to qualifying students on certain pre-registration healthcare programmes over the period 1 October 2020 to 31 March 2021.

The qualifying courses are the Nursing and Midwifery, Allied Health Profession, Social Work and Physician Associate pre-registration programmes commissioned by my Department from Queen's University Belfast and Ulster University.

As biomedical science students are not on a pre-registration course commissioned by my Department, they would not qualify for this special recognition payment.

Department for Infrastructure

Mr Dickson asked the Minister for Infrastructure for an update on the review of the York Street Interchange project.

(AQW 12777/17-22)

Ms Mallon (The Minister for Infrastructure): I commissioned a short sharp review of the York Street Interchange scheme, to ensure it is future-proofed and forward looking. This review was completed in November 2020. I am currently considering its findings with a view to deciding on the next steps for the scheme, after which I will make an announcement.

Mr Allister asked the Minister for Infrastructure what support is available for company drivers within the taxi industry.

(AQW 12951/17-22)

Ms Mallon: As you know, the Taxi Driver Financial Assistance Schemes, as agreed by the Executive, work on the basis that overhead costs must have actually been incurred by the driver for them to receive any financial assistance from the schemes.

Where a taxi company owner has drivers that are covered by his/her fleet insurance policy and the company owner, rather than the driver, fully pays the insurance costs, the driver will not therefore be eligible for financial assistance under the Taxi Driver Financial Assistance Schemes.

Provided they are self-employed taxi drivers they will be eligible for the SEISS and the newly self-employed scheme. Employed taxi drivers are eligible for the furlough scheme operating through the UK Government.

Mr G Kelly asked the Minister for Infrastructure, in relation to frontline workers, including health professionals delivering the COVID-19 vaccine being penalised, what plans she has to relax current restrictions around on-street parking regulations.

(AQW 12955/17-22)

Ms Mallon: Firstly, I would like to express my appreciation to all our health professionals for the work they are doing in these difficult times. During the first lockdown it was evident that some drivers took advantage of the absence of Traffic Attendants, as there were instances of hazardous and irresponsible parking, some of which compromised road safety and impacted on traffic progression. I am however well aware of the difficult circumstances at present and have taken the decision to scale back the parking enforcement service during this lock-down with a small team of Traffic Attendants continuing to be deployed on a priority basis to locations where they can contribute most to road safety and traffic progression.

Mr Chambers asked the Minister for Infrastructure whether her Department has any plans to introduce traffic light controls on the Newtownards Road Roundabout on Bangor Ring Road, given the success of such a scheme on the Gransha Road Roundabout.

(AQW 12999/17-22)

Ms Mallon: All requests for improvements to the road network, including a large minor works scheme such as the signalisation of Newtownards Road Roundabout, are assessed in line with my Department's current policies and guidance. All works are subject to prioritisation, with all viable proposals competing for the limited funding currently available.

Given the scale and cost of a project of this nature and in light of current budgetary constraints, there are no plans at this time to develop a scheme at the Newtownards Roundabout. I shall however continue to stress with my Executive colleagues the need for investment in infrastructure and for funding to be made available to allow my Department to take forward improvements to the road network.

Mr McCrossan asked the Minister for Infrastructure for an update on flood alleviation works in Ballycolman, Strabane.
(AQW 13021/17-22)

Ms Mallon: Heavy rainfall events in June and August 2020 resulted in a number of properties at the Ballycolman Estate, Strabane being flooded. Following meetings at that time with elected representatives, I instructed my officials to continue engagement and work to provide change in the area, within the context of resource and funding availability.

Northern Ireland Water (NIW) replaced all sealing plates on the pressurised tank sewer at Ballycolman Estate with stronger galvanized plate; and a sand bag container, stocked with 700 sandbags, was placed in the Lower Ballycolman area close to the affected properties. In addition, eight keys for the container were distributed to the local community.

NIW has continued to monitor the area, and during prolonged heavy rain on the evening of Tuesday 19th January 2021, attended the Ballycolman Estate to inspect the sewer system and found it to be operating properly.

In addition, my Department commissioned a drainage study and detailed topographical study, to identify potential alleviation measures to eliminate, or reduce the risk, of residential flooding at this location. The study has focused on:

- The adequacy of the current road drainage system;
- The potential to reshape the road to divert water away from the houses; and
- Identifying opportunities that may be available for additional storm water separation within the existing drainage infrastructure.

The findings of these surveys are currently being assessed and my officials anticipate the initial report will be available in February 2021.

Mr Newton asked the Minister for Infrastructure for a breakdown of the £4 million allocated towards walking and cycling schemes.
(AQW 13047/17-22)

Ms Mallon: Expenditure on walking and cycling schemes, including allocations for greenway projects, is allocated out of my Blue / Green Infrastructure Fund. To date £3.4 million has been allocated throughout Northern Ireland for walking and cycling schemes on the public road network in 2020/21. Funding is allocated as schemes are designed and go through the necessary statutory approvals. These involve a range of interventions including foot and cycle ways, pop up cycle lanes, crossings and other walking / cycling infrastructure and social distancing measures. The regional breakdown is provided below.

Eastern	£0.7 million
Northern	£0.7 million
Southern	£0.5 million
Western	£1.5 million
Total	£3.4 million

A further £1.5 million has been allocated to six Council greenway projects being taken forward by: Ards and North Down Borough Council; Armagh City, Banbridge and Craigavon Borough Council; Belfast City Council; and, Derry City and Strabane District Council.

The total currently allocated to walking and cycling projects in 2020/21 is £4.9 million although I anticipate that further allocations may be made before the end of March 2021.

Mr Muir asked the Minister for Infrastructure, in light of the deaths caused on smart motorways in Great Britain and concerns expressed by Sheffield coroner David Urpeth that smart motorways present an ongoing risk of future deaths, to detail the rationale for including M1 All Lanes Smart Motorway as part of funding bids.
(AQW 13069/17-22)

Ms Mallon: My Department is aware of the safety concerns associated with All Lane Running and Dynamic Hard Shoulder SMART motorways. My officials have carried out a preliminary assessment of the suitability of All Lane Running schemes on our M1 and M2 motorways and I can confirm there are no plans to progress these at this time. In the meantime my officials will continue to closely monitor the debate on SMART Motorway safety.

Mr Chambers asked the Minister for Infrastructure (i) whether payments to the Driver and Vehicle Agency for the issue for a provisional licence can only be made by cheque or postal order; and (ii) if so, why other methods of payment cannot be facilitated.
(AQW 13086/17-22)

Ms Mallon: The Driver and Vehicle Agency (DVA) currently offers a range of online driver licensing services. Unfortunately, at present, those services do not include the ability to apply, and therefore pay, for a first provisional driving licence, which can only be processed through a postal application and paid for by cheque or postal order.

In February 2018, the first of the online driver licensing services were launched and they include Apply to Renew a Driving Licence, Notify a Change of Address and Apply for a Duplicate Licence. The decision on which online services to implement first, was based on the volume of application transactions as a percentage of the total licensing applications.

The DVA is currently developing plans to further enhance and improve its digital services to better meet the needs of its customers. I can confirm that the ability to apply, and therefore pay, for a first provisional driving licence online is included in their future works programme. The introduction of this service will be heavily dependent on the availability of a means to verify the identity of the citizen applying to use the service. The DVA is currently working with the Department of Finance's Digital Transformation Services on the implementation and roll out of the NI Identity Assurance solution which will be the enabler for further online transformation.

Mr Stalford asked the Minister for Infrastructure to detail how much each request for the installation of traffic calming within the DfI Roads Eastern Division area would cost to repair.

(AQW 13143/17-22)

Ms Mallon: I can advise the Member that my officials within DfI Eastern Division have a list of requests for traffic calming measures, which currently comprises 595 locations. This list is 'live' and is kept under continuous review, with only the top priority ranked schemes taken to detailed design. A typical traffic calming scheme is estimated to cost around £50k however actual costs would depend on the nature and scale of the individual scheme.

Mr Stalford asked the Minister for Infrastructure to detail, on average, how many cars have entered Belfast city centre daily in (i) 2015; (ii) 2016; (iii) 2017; (iv) 2018; (v) 2019; and (vi) 2020.

(AQW 13144/17-22)

Ms Mallon: The Department publishes an Annual Traffic Census which details traffic volumes on arterial routes and inter urban corridors. Copies of these reports can be downloaded at:

<https://www.infrastructure-ni.gov.uk/publications/traffic-and-travel-information-incorporating-annual-traffic-census-and-variations>

A "cordon survey" was carried out in Belfast in 2018 and measured the number of vehicles entering the city between 8am and 9am. This survey indicated that 13,164 private vehicles crossed the inbound cordon consisting of 11,428 cars, 569 taxis, 809 vans, 164 HGVs, 70 motorcycles and 124 private coaches.

The Department has also been publishing details of comparative traffic volumes during the pandemic. Details can be found at <https://www.infrastructure-ni.gov.uk/publications/traffic-flow-figures>

Mr Stalford asked the Minister for Infrastructure to detail, on average, how many passengers entered Belfast city centre daily via buses in (i) 2015; (ii) 2016; (iii) 2017; (iv) 2018; (v) 2019; and (vi) 2020.

(AQW 13145/17-22)

Ms Mallon: Translink's ticketing system does not record passenger journeys into and out of geographical areas such as Belfast City Centre and it has therefore not been possible to provide the information you requested.

You may however find the information below, regarding average total Metro and Glider bus journeys per day for the period requested, useful.

Year	Average Journeys per day
2015	68,271
2016	70,470
2017	72,486
2018	75,666
2019	81,140
2020	38,202

**Glider figures included from 2018 onwards (Glider commenced 03/09/18)

Mr Stalford asked the Minister for Infrastructure to detail, on average, how many passengers entered Belfast city centre daily via trains in (i) 2015; (ii) 2016; (iii) 2017; (iv) 2018; (v) 2019; and (vi) 2020.

(AQW 13146/17-22)

Ms Mallon: The daily average numbers of rail passengers entering Belfast City Centre from 2015-20 is shown in the table:

Year	Local Arrivals	Enterprise Arrivals	Total Passenger numbers per day
2015	15,273	734	16,007
2016	14,324	783	15,107
2017	15,232	850	16,082
2018	16,094	888	16,982
2019	16,191	828	17,019
2020	6,351	224	6,575

Mr Stalford asked the Minister for Infrastructure how much installation of cycling and bus lanes in Belfast have cost her Department, for each year since 2015.

(AQW 13147/17-22)

Ms Mallon: CYCLING

Details of the amount spent on the provision of cycling facilities in Belfast for each financial year since 2015 are provided in the table below:

Year	Expenditure
2015/16	£0.8m
2016/17	£0.6m
2017/18	£1.5m
2018/19	£1.1m
2019/20	£0.6m

BUS LANES

Details of the amount spent on the provision of bus lanes in Belfast for each financial year since 2015 are provided in the table below. It should be noted that these amounts include for infrastructure improvements provided on the Belfast Rapid Transit corridors (not including the BRT halt provision). The work includes carriageway widening, carriageway resurfacing, improved drainage, improved street lighting and the lines and signs required for the bus lanes:

Year	Expenditure
2015/16	£4.49m
2016/17	£7.77m
2017/18	£12.73m
2018/19	£6.17m
2019/20	£0.27m

Mr Dunne asked the Minister for Infrastructure how many Translink staff within (i) Ulsterbus; (ii) NI Railways; and (iii) the Glider services have been placed on the furlough scheme since the start of the COVID-19 pandemic.

(AQW 13175/17-22)

Ms Mallon: Translink has continued to provide essential public services through its delivery of the public transport network in support of its obligation under the Public Service Agreement with my Department.

This has required significant additional work at Translink stations and on-board services, to help mitigate against the risk associated with spread of COVID-19 and to deliver public passenger transport services safety.

In addition to frontline services, Translink's infrastructure including the rail network, stations, workshops and depots have remained open. Infrastructure and property maintenance staff continue to undertake inspections, routine maintenance and emergency works in accordance with industry safety and technical standards to ensure the safety of both passengers and staff.

In addition, these staff are supported in their delivery of these essential functions by support staff.

As a result of the need to continue to deliver our essential public transport services, Translink was not in a position to furlough staff working either in:

- (i) Ulsterbus;
- (ii) NI Railways; or
- (iii) Glider.

Covid-19 had a substantial detrimental impact upon the Translink Travel Centre and Private Hire business, with the lockdown placing restrictions upon unnecessary travel. As a way to mitigate this impact, Translink utilised the Government's Job Retention Scheme. There were 43 employees furloughed.

Mr Dunne asked the Minister for Infrastructure how many Traffic Attendants have been placed on the furlough scheme since the start of the COVID-19 pandemic.

(AQW 13176/17-22)

Ms Mallon: During the first lockdown the Department's enforcement contract with NSL was suspended under the Government Supplier Relief Scheme and so the Furlough Scheme was not used. In the current lockdown, I have taken the decision to scale back the parking enforcement service due to the difficult trading conditions being encountered by businesses along with the reduced traffic volumes using our roads. In response, NSL, is putting 115 of their 152 Traffic Attendants in the Furlough Scheme.

Mr Carroll asked the Minister for Infrastructure whether there is provision in place for key workers to get access to driving tests.

(AQW 13179/17-22)

Ms Mallon: During the initial lockdown period, the DVA assessed requests from key workers to provide them with priority driving tests appointments, once driving tests resumed.

From 1 September 2020, the DVA resumed priority driving tests for key workers, and those who had their driving tests cancelled between the end of March and late June. The DVA continued to accept and assess requests for consideration as a key worker until 5 October 2020 when the application process for key workers closed and the booking system opened to all customers.

The DVA has received a number of requests from key workers requesting that they reinstate a priority service for them to avail of early appointments. The DVA is actively considering the facilitation of priority requests from key workers whose jobs are ancillary to medical, health or social care services and who are required to drive for the purposes of their work. However this approach, if implemented, would be based on engagement with the relevant employers, rather than with the individual learners, to provide the DVA with a list of any relevant staff that fall within this priority group and the numbers involved would be expected to be very limited.

Ms Ní Chuilín asked the Minister for Infrastructure to detail the discussions she has had with (i) Belfast Harbour; and (ii) the haulage sector regarding the current difficulties they are facing as a result of Brexit.

(AQW 13213/17-22)

Ms Mallon: My officials are routinely in regular contact with Belfast Harbour and even more so since the UK-EU trade deal was agreed. Most recently I met with Belfast Harbour Commissioners on 25 January 2021. My Department will continue to engage with Belfast Harbour to monitor ongoing operational activity. Harbour officials have also agreed to keep the Department informed about any significant developments which impact operational activity.

My officials are also in regular contact with representatives of the road haulage trade bodies and on 26 January 2021 they met with the Road Haulage Association (RHA) to discuss the current difficulties the sector is facing as a result of Brexit.

I also plan to meet the RHA on 3 February 2021 to discuss the issues being faced by haulage operators.

I appreciate that hauliers have been impacted in January due to the implications arising from Brexit and the difficulties that some GB suppliers have had in working through the new requirements when trading between GB and NI. These are very real concerns and I share the frustrations of the haulage sector given the impact. My Department will continue to work with other Executive Departments to press the British Government to resolve the difficulties and financial costs, given that they relate, in the main, to trade and customs matters, and low awareness within GB firms.

Miss Woods asked the Minister for Infrastructure, given her responsibility for ensuring that the integrity and credibility of the planning system is not undermined, (i) why her Department did not to comply with condition 2 of its own planning permission LA11/2018/0013/F for a new park and ride facility associated with the A6 road construction at Drumahoe, Derry; and (ii) whether any other conditions of the permission have been breached.

(AQW 13245/17-22)

Ms Mallon: Condition 2 of the planning permission associated with the Drumahoe Park and Ride planning application, required submission of a Construction Environmental Management Plan, a site layout drawing, a site drainage plan and a

method of works statement to the local planning authority. These documents were duly submitted to Derry & Strabane District Council on 01 February 2019 as required.

I do not believe that any conditions of this planning permission have been breached.

Mr Muir asked the Minister for Infrastructure, in light of the current backlog in practical driving tests due to the COVID-19 pandemic, whether her Department has considered permitting issuance of driving licences following assessment by driving instructors.

(AQW 13247/17-22)

Ms Mallon: The Driver and Vehicle Agency (DVA) has considered using Approved Driving Instructors to conduct driving tests but unfortunately this is not a viable option. Driving instructors would require the same level of training to become driving examiners as any new recruit to the DVA.

In addition, Directive 2006/126/EC, Article 10, Annex IV, Clause 2.1(e) states that a driving examiner may not be active as a commercial driving instructor in a driving school simultaneously. This means that driving instructors cannot also act as driving examiners.

Furthermore, in order to maintain mutual recognition of the driving licence going forwards, the driving test needs to be delivered by examiners who have completed the initial qualification set out in Directive 2006/126/EC, commonly referred to as the 3rd EU Directive.

When practical driving tests resume again the DVA will continue to offer driving tests on a Saturday and will 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 is also recruiting additional examiners and will 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 have brought 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, have had 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, have had 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 Muir asked the Minister for Infrastructure for her assessment of the impact of the draft 2021/22 budget on Northern Ireland Water.

(AQW 13248/17-22)

Ms Mallon: The draft 2021/22 budget position effectively provides very limited scope to provide the additional Public Expenditure that NI Water relies on from the Executive to provide the essential water and wastewater services that we all rely on for our health, to provide capacity for housing development, to protect our environment and to stimulate the economic recovery from Covid-19.

NI Water has planned to embark on an ambitious new Price Control, PC21, which would see it begin to recover our water and wastewater infrastructure from years of underinvestment and neglect. If the Executive cannot provide the required funding, then the actions needed to live within the Public Expenditure baseline in 2021/22, would require a complete re-evaluation of the services that NI Water could provide within a very constrained budget, as opposed to what the Regulator determines is needed. The consequences of not meeting PC21 levels of investment would be detrimental to environmental standards and could have implications for public health. The pressure on the Resource budget would also limit the company's efficiency and ability to respond to extreme weather events or other crises. The consequences of not addressing this will detrimentally impact on all aspects of life and the ability of the Executive to deliver on its own Programme for Government. I will continue to press at the Executive for the levels of investment required in our water and waste water infrastructure. Without this investment, the Executive will not be able to deliver on its Programme for Government.

Mr McAleer asked the Minister for Infrastructure whether her Department's winter gritting policy been rural proofed for compliance with the Rural Needs Act.

(AQW 13295/17-22)

Ms Mallon: The Rural Needs Act came into operation in 2016 and as such is predated by the Winter Service Policy.

It is important to note that rural roads make up over 77% of the total salted road network and that following severe weather in December 2008, the Department improved arrangements around rural schools. While no formal Rural Needs assessment has been carried out, it would be considered that the current policy has due regard, within the funding that is available, for the needs of all road users including those that use rural roads.

Mr McAleer asked the Minister for Infrastructure how many miles of primary gritted network are in the (i) Northern; (ii) Southern; (iii) Eastern; and (iv) Western Division areas.
(AQW 13296/17-22)

Ms Mallon: Details of the composition in miles of the Primary Salted Network broken down by Division are set out in the table below:

Division	Salted Network Distance
Northern	1,099 miles
Southern	1,061 miles
Eastern	812 miles
Western	1,315 miles
Total	4,287 miles

Ms Bradshaw asked the Minister for Infrastructure what consideration is being given to distinct arrangements which may allow priority driving tests to re-commence from 5 March.
(AQW 13314/17-22)

Ms Mallon: During the initial lockdown period last year, the Driver and Vehicle Agency (DVA) assessed requests from key workers to provide them with priority driving tests appointments, once driving tests resumed.

From 1 September 2020, the DVA resumed priority driving tests for key workers, and those who had their driving tests cancelled between the end of March and late June. The DVA continued to accept and assess requests for consideration as a key worker until 5 October 2020 when the application process for key workers closed and the booking system opened to all customers.

The DVA has received a number of requests from key workers requesting that they reinstate a priority service for them to avail of early appointments. The DVA is actively considering the facilitation of priority requests from key workers whose jobs are ancillary to medical, health or social care services and who are required to drive for the purposes of their work. However this approach, if implemented, would be based on engagement with the relevant employers, rather than with the individual learners, to provide the DVA with a list of any relevant staff that fall within this priority group.

Driving tests are scheduled to resume on 8 March, subject to the Executive's review of the Covid restrictions on 18 February, and when they do the booking service will open in three phases. Phases one and two will prioritise groups of customers, for a limited period, whose theory tests will expire by 31 October 2021 and 31 March 2022, respectively. The booking service will then be opened for all other customers in phase 3.

The DVA will contact phase one and phase two customers directly to tell them when they can access the booking system. The DVA will release more slots in May, June and July to provide the capacity needed.

When the DVA is in a position to reopen the booking service for all other customers (phase three), they will issue further communications through nidirect and social media channels, and write to all Approved Driving Instructors to confirm this position. The timing of the release of each phase will be kept under review as the Covid situation progresses.

When testing resumes the DVA will continue to offer driving tests on a Saturday and following consultation with key stakeholders will 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 recent cessation of practical driving tests as a result of Covid restrictions, I have brought 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 expired from 1 November 2020 onwards, have had 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 had not already benefited from an extension, have had their validity period extended by eight months. Customers whose certificates expire between the relevant dates do not need to do anything as their certificates have been automatically extended.

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 G Kelly asked the Minister for Infrastructure for her assessment of (i) the Hightown Incinerator application; and (ii) any local opposition to the application.

(AQW 13328/17-22)

Ms Mallon: Officials are continuing to progress the application in line with planning policy, and upon receipt of a recommendation from them I will carefully consider and take into account all material planning considerations in order to reach a robust and sustainable decision. As I hope you appreciate, it would not be appropriate for me to comment on the individual planning merits or otherwise of the application at this time.

Mr G Kelly asked the Minister for Infrastructure, in relation to her new alleyways programme, whether her Department will adapt alleyways between residential streets which suffer from disrepair and dumping due to no department or local council accepting responsibility for their upkeep to current safety standards.

(AQW 13329/17-22)

Ms Mallon: It is hoped that any proposals developed through the "Greening" of alleyways programme my department is supporting with local councils will be community led, allowing residents to take ownership and pride in the spaces adjacent to their homes and thereby negating the need for adoption.

Mr Newton asked the Minister for Infrastructure what actions are taken during periods of winter frost and snow to ensure that the Comber Greenway is safe for walkers and cyclists.

(AQW 13338/17-22)

Ms Mallon: The Comber Greenway currently does not meet the criteria for inclusion in the salted network. Whilst I would like to be able to expand our gritting service to the Greenway and many other routes, unfortunately it is simply not practicable to do so at present, due to the severe budget constraints and many other pressures faced by my Department.

Mr McHugh asked the Minister for Infrastructure (i) for an update on driving tests; and (ii) what her Department is doing to support key workers needing a test.

(AQW 13355/17-22)

Ms Mallon: Driving instructors were included in the Executive's regulations on close contact services that closed to help stop the spread of Covid-19. Following this Executive decision, driving tests also ceased and, following the Executive's review of the Covid restrictions on 21 January 2021, they will remain suspended until 6 March, subject to a further Executive review on 18 February. Motor cycle training and testing is unaffected.

The Driver and Vehicle Agency (DVA) has released additional testing slots for March, April and May. This will provide sufficient booking capacity to allow customers with previously cancelled tests the opportunity to rebook an appointment prior to the booking system opening for other customers. Additional booking slots will also be made available, where possible, as the DVA increases capacity by recruiting additional examiners.

When driving tests resume again the booking service will open in three phases. Phases one and two will prioritise groups of customers, for a limited period, whose theory tests will expire by 31 October 2021 and 31 March 2022, respectively. The booking service will then be opened for all other customers in phase 3.

The DVA will contact phase one and phase two customers directly to tell them when they can access the booking system. The DVA will release more slots in May, June and July to provide the capacity needed.

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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.

Miss Woods asked the Minister for Infrastructure to detail the total number of footpaths that her Department, or her Department in partnership with local councils, have gritted during extreme weather, in each of the last five years.
(AQW 13356/17-22)

Ms Mallon: My Department does not salt footpaths but during prolonged periods of snow and ice, we have agreements in place with local councils to clear footways in busy town centres. During these extreme conditions, council staff carry out salt/grit spreading on an agreed schedule of footways, the extent of which is dependent upon the availability of resource at the time. My Department does not maintain records of the numbers of footpaths cleared by local councils during such events.

Ms Dolan asked the Minister for Infrastructure (i) whether she will be making any bids to the Minister of Finance for funds to address sewerage infrastructure in Fermanagh; (ii) if so, how much will she be bidding for; and (iii) if not, to detail the rationale for this.

(AQW 13407/17-22)

Ms Mallon: NI Water plans to invest around £12.4m in wastewater infrastructure within the Fermanagh and Omagh District Council area across the next regulatory Price Control period (PC21 2021-2027). The level of funding required for NI Water in PC21, and the specific budget required for the Fermanagh and Omagh District Council as detailed above, has formed part of the department's funding bids and returns in response to the Department for Finance's spending review. I have advised the Minister of Finance that NI Water's total investment requirement, which includes the funding for sewerage infrastructure in Fermanagh, will amount to approximately £2bn in capital budget allocation during PC21, and that this funding must be allocated if we are to provide the water and wastewater services that are so essential to protect our environment, safeguard public health, the provision of housing and to allow our economy to grow. I hope all Members will be supportive of this case given the economic, social and environmental importance of this issue.

Mr Newton asked the Minister for Infrastructure to detail the annual cost of the Belfast Rapid Transport Glider service.
(AQW 13548/17-22)

Ms Mallon: The financial performance of the Glider service is reported by Translink within the overall Metro services which trades as Citybus Limited. Whilst the specific detail on the annual cost of the Glider service for 2019/20 is not available, the total operational costs for Citybus Limited were £53.4m as reported within Citybus Limited Statutory Accounts.

Mr McHugh asked the Minister for Infrastructure whether she will urgently review driving test applications so that key health care staff can book a test in order for them to have adequate transport to go to work during the fight against COVID-19.
(AQW 13556/17-22)

Ms Mallon: During the initial lockdown period, the DVA assessed requests from key workers to provide them with priority driving tests appointments, once driving tests resumed. From 1 September 2020, the DVA resumed priority driving tests for key workers, and those who had their driving tests cancelled between the end of March and late June. The DVA continued to accept and assess requests for consideration as a key worker until 5 October 2020 when the application process for key workers closed and the booking system opened to all customers.

The DVA has received a number of requests from key workers requesting that they reinstate a priority service for them to avail of early appointments. The DVA is actively considering the facilitation of priority requests from key workers whose jobs are ancillary to medical, health or social care services and who are required to drive for the purposes of their work. However

this approach, if implemented, would be based on engagement with the relevant employers, rather than with the individual learners, to provide the DVA with a list of any relevant staff that fall within this priority group.

Mr Muir asked the Minister for Infrastructure whether there will be any further provision of priority driving test appointments for newly employed critical workers unable to apply before the 5 October deadline.

(AQW 13558/17-22)

Ms Mallon: During the initial lockdown period, the DVA assessed requests from key workers to provide them with priority driving tests appointments, once driving tests resumed. From 1 September 2020, the DVA resumed priority driving tests for key workers, and those who had their driving tests cancelled between the end of March and late June. The DVA continued to accept and assess requests for consideration as a key worker until 5 October 2020 when the application process for key workers closed and the booking system opened to all customers.

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Mr Chambers asked the Minister for Infrastructure whether she will encourage NI Water to consider a staggered repayment plan for amateur sports clubs that have received back dated water rates bills as a result of recently being deemed as non-domestic.

(AQW 13575/17-22)

Ms Mallon: I have been advised by NI Water that many customers will find themselves in financial difficulties as a result of the on-going Covid-19 situation. NI Water is continuing to work with such non-domestic customers who require assistance in paying their bills, including the offer of affordable repayment plans. Customers in this situation are encouraged to contact NI Water to explore options available. More information can be found on their website: <https://www.niwater.com/covid19/>

Miss McIlveen asked the Minister for Infrastructure, pursuant to AQW 12703/17-22, whether her Department will consider developing a criteria for gritting greenways which is separate from the roads network.

(AQW 13606/17-22)

Ms Mallon: As outlined in my answer to AQW 12703/17-22, while I would like to expand my Department's winter service provision, unfortunately it is not possible to do so at present due to the severe resource budget constraints and many other pressures faced by my Department.

In respect of greenways specifically, the majority of greenway type paths throughout Northern Ireland are owned by local Councils and responsibility for maintenance of those paths falls to them.

Mr Muir asked the Minister for Infrastructure to detail efforts being undertaken to negate the need for Northern Ireland motorists to obtain and carry a Green Card when travelling into the Republic of Ireland.

(AQW 13666/17-22)

Ms Mallon: Following the end of the transition period, the UK no longer has automatic membership of the Green Card Free Circulation Zone established by the Motor Insurance Directive. Approval has been sought from the EU to be re-admitted but until or unless the EU decides to re-admit the UK, a green card will be required for vehicles from GB and NI being driven in any EU country.

As insurance is a reserved matter, the Department for Transport have been engaged with the motor insurance industry on this matter. I am clear that motorists travelling north and south should face no disruption, and in line with this objective, my officials remain in regular contact throughout this engagement to ensure the specific needs of Northern Ireland motorists are taken into account and they can drive south without any need for a Green Card.

Mr Muir asked the Minister for Infrastructure whether the Driver and Vehicle Agency plans to move towards full acceptance of credit and debit card payments, removing cheques or postal orders as methods of payment.

(AQW 13669/17-22)

Ms Mallon: The Driver and Vehicle Agency (DVA) offers a range of online and telephony services that require credit and debit card payments. However, there remains a few services that can only be paid for by cheque or postal order.

The DVA is currently developing plans to further enhance and improve its digital services to better meet the needs of its customers with a view to phasing out cheques and postal orders as methods of payment in favour of electronic payment options. This is being taken forward as part of an ongoing programme of work, subject to the necessary resources and funding being available.

Miss McIlveen asked the Minister for Infrastructure for an update on the timescale for the commencement of the upgrade to Ballygowan wastewater treatment works.

(AQW 13700/17-22)

Ms Mallon: NI Water has confirmed that work on the upgrade of Ballygowan wastewater treatment works commenced on 1 February 2021. This is a major, £6.4 million programme of work to construct a new modern wastewater facility at Ballygowan and will take approximately 15 months to complete.

Once the upgrade of Ballygowan wastewater treatment works is completed, it will bring real benefits to the local community by improving wastewater services and allowing future economic growth and development in Ballygowan and the surrounding area. It will also enhance the local environment by improving the water quality in the River Blackwater.

Mrs Cameron asked the Minister for Infrastructure whether a taxi can be used on a public road if the meter is not sealed or a plaque fixed to their vehicle by a test centre examiner.

(AQW 13713/17-22)

Ms Mallon: It is a legal requirement for all Class A and B taxis to have an approved taximeter and printer, fitted, tested and sealed before they can be used to stand or ply for hire or reward or carry passengers for hire or reward.

The Driver & Vehicle Agency will not take enforcement action where a licensed taxi is found to have an otherwise compliant taximeter and printer installed, providing a taximeter test appointment has been arranged. This policy seeks to ensure that taxi operators are not disadvantaged when they change their taximeter tariffs and are waiting to present their taxis for a taximeter test.

Mr Allister asked the Minister for Infrastructure in what circumstances does her Department exercise its powers to revoke a planning permission.

(AQO 1502/17-22)

Ms Mallon: The Planning Act (NI) 2011 provides local councils with the power to revoke planning permissions in their area if it appears to a council, having regard to the local development plan and to any other material considerations, that it is expedient to do so. My Department also has this power.

While my Department has these powers, the expectation is that Councils, as local planning authorities for their areas, will be best placed to make any decisions on revocation. This approach is entirely in keeping with the spirit of the transfer of local planning decisions to councils and the creation of the two tier planning system.

The decision by any planning authority to make a revocation order would in practice be unusual and a very serious step as it involves removing a planning permission already granted.

In deciding whether it would be expedient for my Department to exercise this power, in lieu of a council planning authority, careful consideration would need to be given to the seriousness of the case. It would normally only be in exceptional circumstances that it would be expedient for the Department to revoke a permission and such circumstances would be assessed on a case by case basis.

Mr McGrath asked the Minister for Infrastructure for an update on actions to improve hard infrastructure in South Down.

(AQO 1504/17-22)

Ms Mallon: Details of road resurfacing and improvement schemes that have been completed in 2019/20, or are due to be completed during the current financial year in South Down, are included in the Council reports for Armagh City, Banbridge and Craigavon Borough Council and Newry Mourne and Down District Council. These have been shared with councillors and are available to view online.

I have previously announced my commitment to the continued development of a number of Strategic Road Improvement schemes. The Ballynahinch Bypass scheme is at an advanced stage of development. Work is also progressing on developing the design for the Newry Southern Relief Road, as part of the Belfast Region City Deal. I continue to engage with stakeholders regarding the bridge over the Newry Canal and Narrow Water Bridge.

NI Water has invested across its Water infrastructure and Wastewater infrastructure asset base during PC15 (2015/16 to 2020/21) and has plans to more than double its investment during PC21 (2021/22 to 2026/27). In PC15 NI Water invested ca£16 million in Water infrastructure and ca£11 million (excluding base maintenance) in Wastewater infrastructure in South Down. Assuming the PC21 Business Plan is fully funded by the NI Executive then NI Water will invest ca£60 million (excluding base maintenance) in South Down.

Ms Bradshaw asked the Minister for Infrastructure for an update on the proposed community greenways for South and West Belfast on either side of the M1 motorway since 2014.

(AQO 1503/17-22)

Ms Mallon: The Member will know that I am committed to developing greenways that create safer, cleaner, greener spaces that allow our communities to thrive and that help to address the challenges we face from the climate emergency. I want

to deliver on projects that have the potential to improve the lives of people and connect communities. This fits in with the aspirations of many of the people of Belfast.

The most recent Bike Life survey (carried out in 2019) indicates the level of support for building quality active travel routes: as many as 78% of Belfast residents want increased space for socialising, cycling and walking; and, 65% of residents want to see fewer motor vehicles in their areas. The community greenways that the Member refers to were included in the Department for Communities publication 'Transformation South / West Masterplan' in December 2016. The principle of good quality cycling routes is central to my Department's Belfast Bicycle Network, which I hope to publish this spring. The draft Belfast Bicycle Network identified the possibility of a route alongside the M1 motorway from the Bog Meadows to Kennedy Way.

As the Member will be aware, I have committed funding towards the Belfast City Council's Forth Meadow Community Greenway which is planned to link the north and west of the city to the Bog Meadows. Officials from my Department and the Department for Communities continue to work closely in the delivery of active travel projects.

Mr Frew asked the Minister for Infrastructure for her assessment of the process of extant Battery Energy Storage Systems planning applications in Northern Ireland.

(AQO 1507/17-22)

Ms Mallon: A small number of applications for battery energy storage systems have been approved in the North by local councils. Following concerns raised by members of the public and elected representatives it became apparent that clarification was needed on how these developments should be classified for the purposes of planning.

Subsequently, on 16 December 2020 my Chief Planner formally confirmed that, for the purposes of planning in the North, the Department considers electricity storage development falls within the meaning of an 'electricity generating station'. This aligns with the approach in England, Scotland and Wales where the government has also confirmed the position that, in relation to planning, electricity storage facilities are a form of generating station.

This means that an electricity storage development of over 5 megawatts is considered 'major development', and over 30 megawatts could potentially be 'regionally significant development' for the purposes of section 26 of the Planning Act (NI) 2011. It will also mean that, while the decision on whether such development proposals constitute 'EIA development' is ultimately a matter for each local planning authority, developments with a site over 0.5 hectares in size should be subject to screening for environmental impact assessment.

I am also aware of the concerns in relation to extant permissions for electricity storage developments and this will be a matter for the relevant local planning authority to consider and take any action if deemed appropriate.

In relation to existing planning applications in the system, it is the responsibility of the relevant

planning authority to ensure that it processes and determines each application properly, within the legislative and policy context, and taking into account the individual circumstances of each case.

Ms Mullan asked the Minister for Infrastructure for an update on the status of the Residents' Parking Scheme in the Bogside area.

(AQO 1505/17-22)

Ms Mallon: The first residents' parking scheme in Rugby Road and College Park Avenue in Belfast came into operation during April 2018. I am due to receive a review of this scheme and any lessons learnt need to be given due consideration when taking forward other residents' parking schemes. The current proposals for a scheme in the Bogside area will be considered against the background of these findings.

Mr Durkan asked the Minister for Infrastructure for an update on her Department's work to protect services during COVID-19.

(AQO 1506/17-22)

Ms Mallon: Throughout the COVID-19 pandemic, my Department has continued to deliver essential services to our communities and to our citizens, supporting our key workers and ensuring water, waste water and essential transportation services are available to us all.

At times, particularly at the beginning of the outbreak, it has been necessary to suspend a number of services within the Department, especially affecting the work of DVA and of Roads and Rivers industrial staff and contractors.

Since that initial period of lockdown, the focus in the second half of this financial year has been on the full and safe resumption of services, improving resilience and contributing towards Northern Ireland's Green Recovery.

Public transport services, including the Strangford and Rathlin ferries, are continuing to operate with service provision and service levels adjusted in line with restrictions and public health guidance. At all times we have sought to maintain travel for key workers and children attending school, ensuring that people have access to essential services, and that no geographical area is losing services.

DVA has conducted an extensive review of its risk assessments, in line with the Public Health Agency advice and guidance, to ensure that where possible – and when permitted – its vehicle and driving tests could safely resume.

Roads and Rivers staff, including industrial staff, are now covering their full range of duties, although with slightly reduced capacity due to social distancing requirements. Contractors that had stopped work have also returned and are delivering a full range of work including road resurfacing, surface dressing and road improvements.

My Department's top priority now, and in the coming months, is to keep doing everything we can to help reduce the transmission of COVID-19; to continue to deliver essential public services safely; and to play our part in helping to support local communities and our economy in our Green Recovery from COVID-19. Understandably, progress on other business objectives may be affected or timescales amended and this is being kept under constant review.

I have also worked closely with DoH to provide DVA Centres for testing; community transport to assist with vaccinations and recently ensure the rapid testing of our hauliers some of the many actions my department has taken to assist with the fight back against Covid 19.

It must also be noted that the pandemic has had a major impact on Translink and NI Water finances following substantial drops in income due to the fall in passenger numbers and the reduction in non-domestic demand for water. I have sought, and will continue to seek, financial assistance to ensure that DfI essential services are protected both now, and into the future.

Ms Rogan asked the Minister for Infrastructure for an update on road maintenance and improvements in South Down.
(AQO 1508/17-22)

Ms Mallon: My Department does not hold information by constituency but rather holds it by Council area.

Details of road resurfacing and improvement schemes that have been completed in 2019/20, or are due to be completed during the current financial year in South Down, are included in the Council reports for Armagh City, Banbridge and Craigavon Borough Council and Newry Mourne and Down District Council. These reports have been shared with councillors and are available to view online.

Work programmes are currently being developed for the 2021/22 financial year but cannot be finalised until the Department's budget allocations have been confirmed. I have previously announced my commitment to the continued development of a number of Strategic Road Improvement schemes. The Ballynahinch Bypass scheme is at an advanced stage of development. Work is progressing on developing the design for the Newry Southern Relief Road, as part of the Belfast Region City Deal. I continue to engage with stakeholders regarding the bridge over the Newry Canal and my commitment to the Narrow Water Bridge.

Ms D Kelly asked the Minister for Infrastructure for an update on all-island connectivity.
(AQO 1509/17-22)

Ms Mallon: I am committed to improving transport links for the benefit of our economy and communities across Northern Ireland. Improving connectivity across the island is a key priority for me as it provides opportunities for increased social inclusion, enhanced economies and an improved environment.

My Department is currently developing proposals for a new Regional Strategic Transport Network Transport Plan, which will set out the priorities for future development of the main road, bus and rail networks to 2035 including cross border connections. The Draft Transport Plan will be subject to public consultation giving everyone an opportunity to support or challenge the proposals being brought forward. Additionally, in line with the commitments within the New Decade New Approach, I have already met several times with Transport Minister Eamon Ryan, my counterpart in the Irish Government, to discuss opportunities for cooperation and partnership working across public transport including rail links.

At the North / South Ministerial Council's Transport Sector meeting on Wednesday 7 October 2020, Minister Ryan and I agreed that our Departments would further develop draft terms of reference for a proposed study of rail speeds. This would ensure the finalised terms of reference take sufficient cognisance of the need for balanced regional development, particularly in relation to connectivity with the West and North-West. Importantly, we agreed that the high speed rail feasibility study would be extended to Derry and Limerick. We took this decision because we are committed to addressing regional imbalance across the Island. This work will be overseen by a high level Steering Group comprising representatives from both Departments, as well as transport authorities from both jurisdictions. We will continue this engagement going forward, through the North South Ministerial Council, in order to discuss ways of improving transport links by both rail and road.

Mr Lyttle asked the Minister for Infrastructure for her assessment of her Department's draft capital budget for 2021/22 in relation to active travel.
(AQO 1510/17-22)

Ms Mallon: The draft Budget for 2021/22 announced on 18 January 2021 provides my Department with capital funding of £693 million, an increase of £135 million from the 2020/21 opening capital budget.

Although my Department's overall draft budget allocation for 2021/22 has just been announced, this is still subject to consultation until 25 February. The final budget for 2021/22 is expected to be confirmed in March.

It is my intention to continue to make progress on active travel and blue / green initiatives in the next financial year. Given the importance of active travel and the multiple health and environmental benefits it brings, I hope the need for significant investment in this area will be widely reflected in responses to the draft budget allocations consultation.

Mr O'Dowd asked the Minister for Infrastructure for an update on the A1 improvement scheme.
(AQO 1511/17-22)

Ms Mallon: A Public Inquiry into the A1 Junctions Phase 2 road improvement scheme was held in March 2020 and the Inspector reported his findings to the Department in October 2020.

Following a thorough examination of the Inspector's comments and recommendations and all other representations made, I believe the scheme should be progressed as quickly as possible. On Thursday 28 January 2021, I announced my decision to proceed with the A1 Junctions Phase 2 road improvement scheme and released the Inspector's Report.

I was delighted to announce this key step in the development of this significant scheme, which will address safety issues along a 25km stretch of the A1 between Hillsborough and Loughbrickland. I am very aware of how important the A1 improvements are for the many people who have expressed their support for the scheme, especially to all those who have lost loved ones. I will do all that I can to expedite this vitally important scheme.

I am committed to doing all I can to deliver this scheme and will work with the Finance Minister and other Executive colleagues to secure the necessary funding as quickly as possible.

Department of Justice

Mr Beattie asked the Minister of Justice to detail (i) the progress made concerning the Troubles Permanent Disablement Scheme; (ii) her assessment of the timeline concerning when the scheme will open to application; and (iii) when finance is expected to be administered on the ground.

(AQW 13018/17-22)

Mrs Long (The Minister of Justice): Work is actively ongoing to ensure that the necessary administrative arrangements are in place by early March to enable the Troubles Permanent Disablement Payment Scheme to open for applications.

That includes development of an IT system to accept on-line applications, procurement of the design of a medical assessment service that will assess the degree of relevant disablement of applicants, engagement with organisations who will provide supporting evidence and recruitment of administrative staff. The Northern Ireland Judicial Appointments Commission is also in the final stages of appointing members to the Victims' Payments Board.

While a number of significant operational challenges remain, my Department is on schedule to ensure that the necessary administrative arrangements will be in place to enable the Scheme to open for applications in March. It will be a decision for the Victims' Payments Board, however, to confirm the date on which the Scheme will open for applications.

The timeframe for payments from the Scheme will also be a matter for the Victims' Payments Board. However, it will depend on the time required to access any evidence to confirm eligibility for the Scheme as well as carrying out any necessary medical assessment.

Ms Bunting asked the Minister of Justice what sanctions exist in circumstances where a person misleads the Coroner (i) inadvertently; and (ii) intentionally.

(AQW 13221/17-22)

Mrs Long: Section 17 (A) of the Coroner's Act (NI) 1959 gives the Coroner a range of powers to compel witnesses to give evidence and impose a fine of up to £1000 on anyone failing to do so.

Section 17 (C) of the Coroner's Act (NI) 1959 makes it an offence to distort or alter evidence or documents, or prevent them from being given to an inquest. An offence of this kind can only be prosecuted with the consent of the Director of Public Prosecutions, and can result in a level 3 fine (currently £1,000) or up to six months imprisonment.

Persons who deliberately give misleading evidence given under oath may alternatively face a charge of perjury, under the Perjury (NI) Order 1979. The maximum penalty for persons convicted of perjury is seven years imprisonment.

If it is suspected that a person misled a Coroner, through inadvertence, the Coroner may wish to recall the witness or take whatever steps are required to clarify the position and establish the true facts.

Under Section 35 of the Justice (Northern Ireland) Act 2002, if during the course of an inquest, it appears that an offence may have been committed the Coroner must report it to the Director of Public Prosecutions as soon as practicable.

Mr M Bradley asked the Minister of Justice, in light of the pandemic, whether there are additional exemptions in place for those being called for jury service, who may have family members in the clinically extremely vulnerable group.

(AQW 13536/17-22)

Mrs Long: Jury Service is a legislative requirement governed by The Juries (Northern Ireland) Order 1996, a civic duty placed on members of the community and an essential part of the justice process.

Persons may be excluded from Jury Service for a variety of reasons including some criminal convictions or employment in the administration of justice. Others are excusable as of right because of their profession, including teachers, nurses and doctors.

There is not an automatic exemption for jurors who may have family members in the clinically extremely vulnerable category and to introduce such an exemption would require a legislative amendment to primary legislation.

However, a Judge may excuse a juror from Jury Service if they are satisfied that there is good reason to do so. Anyone wishing to apply for an excusal should contact the Juries Officer at the relevant courthouse or the Customer Service Centre via the telephone on 0300 200 7812 or email customerservicecentre@courtsni.gov.uk. Applications for excusal should be accompanied by relevant supporting evidence.

Public safety has been a priority for the Northern Ireland Courts and Tribunals Service, the judiciary and other justice partners throughout this pandemic and they have worked hard to ensure court and tribunal proceedings can be conducted safely.

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>.

Mr Carroll asked the Minister of Justice, pursuant to AQW 13006/17-22, whether these figures cover both the Vagrancy Act 1824 and the Vagrancy Act 1847.

(AQW 13584/17-22)

Mrs Long: Information provided in response to AQW 13006/17-22 related solely to prosecutions and convictions under the Vagrancy Act 1824. Figures on the numbers of cases dealt with at court, as well as for the number of cases dealt with by out of court disposal, in the years 2015 – 2019, the most recent year for which information is available, involving a prosecution or a conviction for offences under the Vagrancy Act 1847 have been provided in the table below.

Prosecutions and convictions at courts, and out of court disposals, for offences under the Vagrancy Act 1847, 2015 – 2019

Year	Prosecutions	Convictions	Out of court disposals
2015	52	45	64
2016	49	48	66
2017	52	49	8
2018	51	49	22
2019	67	63	14

Note:

- 1 Figures relate to initial disposals at court. Appeals are not included.
- 2 Figures relate to cases where there was a prosecution or conviction for at least one offence under the Vagrancy Act 1847.
- 3 Figures for the out of court disposals listed are in addition to those case dealt with at courts and include outcomes such as cautions, Youth Conference Programmes and informed warnings.

Department for the Economy

Ms Sugden asked the Minister for the Economy to outline her discussions with banks and other creditors regarding their actions to recover loans, including mortgages, as a response to COVID-19.

(AQW 3846/17-22)

Mrs Dodds (The Minister for the Economy): I can confirm that I have met with banks, but not specifically about their actions to recover loans, including mortgages, as a response to the pandemic.

However, Northern Ireland has replicated legislation made by England & Wales in the Corporate Insolvency and Governance Act 2020 to give companies and mutual societies in Northern Ireland temporary protection against being wound up as a consequence of financial difficulties where these are due to the effects of the coronavirus.

Ms Sugden asked the Minister for the Economy to detail the number and business type of the businesses (i) eligible; and (ii) ineligible for COVID-19-related grants that were unsuccessful in their applications; and the reasons given for not awarding them.

(AQW 9596/17-22)

Mrs Dodds: For the Small Business Support Grant scheme, a total of 23,930 businesses were deemed eligible. Land & Property Services (LPS) issued 12,791 rejection e-mails to applicants to the scheme. An analysis of these figures by business type cannot be provided as this information is not held in the rating database.

A breakdown of the rejections figure by reason cannot be provided, however all rejections fell into one of the following categories:

- Property listed as vacant on rating system.
- Property valued as a domestic property for rates.
- Not in receipt of Small Business Rate Relief.
- NAV over £15,000, therefore not in receipt of Small Business Rate Relief.
- Other rating exemption, meaning they are not in receipt of Small Business Rate Relief.
- Rate account IDs provided were invalid.
- The business had already been paid in relation to another property they occupy.
- Applicant was a landlord.
- Business outside parameters of the scheme (for example wind turbine, primary class exclusion, etc).
- No evidence that a business was operating at the property.
- Business received £25,000 grant.
- Business renting part of the property from the main occupying business with no separate valuation for the part they occupy.
- Business was dissolved/insolvent/dormant.
- Applications relating to properties outside NI.

There were also businesses who made multiple applications for the same property who would have received a payment against one of their applications and rejections in relation to the other applications.

Applicants who were rejected for one of these reasons may have subsequently provided additional evidence that proved their eligibility and they subsequently received payment. LPS has considered 834 appeals from rejected applicants, of which 495 have resulted in a payment. 5 appeals remain to be decided.

For the £25,000 Retail Hospitality, Tourism and Leisure Grant scheme, 2,995 businesses were deemed eligible. A total of 694 applications had been rejected on the grounds of duplication or ineligibility.

A breakdown of these figures by business sector is available in the 'Operation of the scheme by council, constituency and sector' section on the following webpage - <https://www.nibusinessinfo.co.uk/content/coronavirus-£25000-retail-hospitality-tourism-and-leisure-grant>. Based upon applications received, this details applications by decision status (paid/rejected/being processed), and provides a facility to interrogate by District Council area, Parliamentary Constituency, and supported sector.

A breakdown of the figure for rejected applications by reason cannot be provided but applications were rejected for the following reasons:

- Company Dissolved
- Company Does Not Exist
- Company Dormant
- Duplicate Application
- Ineligible Sector
- Insolvency
- Insufficient evidence
- Not business owner
- Not Trading at 15/3/2020
- Not registered ratepayer
- State Aid limit exceeded
- Vacant property

For the NI Microbusiness Hardship Fund, 4,299 applications were eligible and received payment. A total of 661 businesses were found to be ineligible. A breakdown of these figures by business type is provided below.

Business Type	Eligible	Ineligible
Administrative, support service, defence, compulsory social security and Education activities.	399	75
Advanced Engineering & Manufacturing	449	65
Agri-Food	167	40
Agriculture, forestry, fishing, Mining & Quarrying	21	7
Arts, entertainment, recreation and other services	341	69
Construction	1,461	153

Business Type	Eligible	Ineligible
Digital & Creative Technologies	130	14
Electricity, gas, steam, air conditioning, Water Collection, Treatment & Supply	64	9
Financial, Professional & Business Services	418	53
Human health and social work activities	35	7
Leisure & Tourism	81	22
Life & Health Sciences	94	27
Primary Construction / Building	172	18
Transport & storage	185	32
Wholesale and retail trade; repair of motor vehicles and motorcycles	282	70
Total	4,299	661

Details of the rejected applications for the NI Microbusiness Hardship Fund are provided below. Please note this information is provisional and may be subject to revision.

Hardship Fund Reject Reason	No of Cases
failed HMRC checks	165
LPS has indicated that your business has been paid for or approved for a LPS grant	115
No Data	73
the PAYE ERN you have entered in your application is incorrect	86
we have been unable to confirm your bank details despite two attempts to contact you	4
we have been unable to confirm your identity despite two attempts to contact you	2
you have indicated in your application that your business does not have between 1 and 9 employees on PAYE on the 29th Feb 2020	82
you have indicated that your business has applied for the £10k LPS grant and that you have been paid or approved for this grant	14
you have indicated that your business has Charitable Status	4
you have indicated that your business is a primary Agricultural producer	5
you have indicated that your business is a Social Enterprise that receives less than 60% of its income from trade in good and/or services	2
you have indicated that your business turnover has not reduced by 40% or more since the 1st March 2020 as a result of the COVID – 19 pandemic or associated Government restrictions	95
your business has Charitable status	1
your business is eligible for the Covid – 19 Childcare support scheme	13
Overall - Summary	661

Mr Muir asked the Minister for the Economy to detail the date when payments under the Coronavirus: £10,000 Small Business Support Grant Scheme were made ineligible with respect to wind turbines.

(AQW 9642/17-22)

Mrs Dodds: The decision that wind turbines were ineligible to receive support from the £10,000 Small Business Support Grant Scheme was made by the Department on 28 May 2020.

Mr McGrath asked the Minister for the Economy what support is available for (i) self-employed caterers; and (ii) market stall and artisan event traders.

(AQW 9700/17-22)

Mrs Dodds: The Executive and the UK Government have introduced a wide range of business support schemes to help ease the extraordinary burden that has been placed on entire communities and our local economy, due to the ongoing global pandemic.

The Self-Employment Income Support Scheme (SEISS) was introduced in April 2020. The latest release showed that around 52,000 self-employed individuals in Northern Ireland had claimed the third SEISS grant up to 31 December 2020, totalling £143m.

While the continuing restrictions have been a necessary response to this public health crisis, they have had a devastating impact on many businesses and individuals. I have listened to the concerns of many stakeholders and representative groups and, in response, have announced a number of new support schemes in recent months.

These have included:

- Covid Restrictions Business Support Scheme, Part A and B;
- Newly Self-Employed Support Scheme;
- Wet Pubs Business Support Scheme;
- Limited Company Director's Support Scheme;
- Large Tourism and Hospitality Business Support Scheme; and
- Bed and Breakfast, Guest House and Guest Accommodation Scheme.

To date, the Department has provided over £370 million of lifeline support to over 30,000 businesses and individuals, and is currently delivering millions of pounds to thousands more. These businesses cover all sectors and occupations throughout Northern Ireland, including a growing number of self-employed, sole traders and company directors.

Mr McGrath asked the Minister for the Economy whether she is considering a financial grant package for market and event independent traders who have lost income as a result of COVID-19.
(AQW 9701/17-22)

Mrs Dodds: To date, the Department for the Economy (DFE) has provided over £370 million of lifeline support to over 30,000 businesses and is currently delivering millions of pounds to thousands more. These businesses cover all sectors and occupations throughout Northern Ireland, including a growing number of self-employed workers and sole traders.

In addition to the £25k and £10k Business Support Schemes for Large, Small and Micro businesses in 2020, the Department has since launched the following schemes:

- Covid Restrictions Business Support Scheme, Part A and B;
- Newly Self-Employed Support Scheme;
- Wet Pubs Business Support Scheme;
- Limited Company Directors Support Scheme;
- Large Tourism and Hospitality Business Support Scheme; and
- Bed and Breakfast, Guest House and Guest Accommodation Scheme.

Each of these require substantial resources. The majority of the current schemes are being administered by InvestNI, who are also working at full capacity to meet the demands of this responsibility. Therefore, it is not feasible for this Department to deliver further support schemes in this financial year.

It will be for the Executive to consider and collectively agree on any new schemes or packages of support, including the timing and method of delivery.

Mr Dickson asked the Minister for the Economy (i) to detail the rationale for applicants to the Covid Restrictions Business Support Scheme to derive more than 50% of their income from businesses required to close or cease trading; and (ii) whether she will consider removing this threshold to support individuals who rely on multiple sources of income.
(AQW 9759/17-22)

Mrs Dodds: The inclusion of the eligibility criteria that income lost as a result from businesses closed or that have ceased trading must be the main source of income (more than 50% of income) mitigates against the risk of significant overpayments to applicants whose lost revenue makes up a small proportion of their overall income.

In order to ensure value for money and the efficient use of public funds, it is essential that support is targeted at those who need it most. On this basis, no changes to the scheme criteria are under consideration.

Ms Sugden asked the Minister for the Economy how many businesses that were (i) eligible; and (ii) ineligible for COVID-19 grants and funding, and failed to receive it, have since closed down.
(AQW 10295/17-22)

Mrs Dodds: The Department for the Economy (DfE) would not hold such information.

However, to date, DfE has provided over £370 million of lifeline support to over 30,000 businesses and individuals, and is currently delivering millions of pounds to thousands more. These businesses cover all sectors and occupations throughout Northern Ireland.

Miss Woods asked the Minister for the Economy what financial support schemes are in place for those businesses in events management that have been unable to trade since March.

(AQW 10800/17-22)

Mrs Dodds: The Executive and the UK Government have introduced a wide range of business support schemes to help ease the extraordinary burden that has been placed on entire communities and our local economy, due to the ongoing global pandemic.

While the continuing restrictions have been a necessary response to this health crisis, they have had a devastating impact on many businesses and individuals. I have listened to the concerns of many stakeholders and representative groups and, in response, have announced a number of new support schemes in recent months.

These have included:

- Covid Restrictions Business Support Scheme, Part A and B;
- Newly Self-Employed Support Scheme;
- Wet Pubs Business Support Scheme;
- Limited Company Director's Support Scheme;
- Large Tourism and Hospitality Business Support Scheme; and
- Bed and Breakfast, Guest House and Guest Accommodation Scheme.

To date, the Department has provided over £370 million of lifeline support to over 30,000 businesses and is currently delivering millions of pounds to thousands more. These businesses cover all sectors and occupations throughout Northern Ireland, including those eligible businesses in the events management industry.

Mr Dickson asked the Minister for the Economy (i) when her Department decided that wind turbines should not receive the £10,000 Coronavirus Small Business Support Grant; (ii) when this decision was notified to (a) Land and Property Services; and (b) the wider public.

(AQW 10951/17-22)

Mrs Dodds: The decision that wind turbines were ineligible to receive support from the Coronavirus £10,000 Small Business Support Grant Scheme was made by the Department on 28 May 2020.

Land and Property Services was notified of the decision on 12 June 2020 and the decision was published within the scheme 'Frequently Asked Questions' guidance document on the NI Business Info website on 19 June 2020.

Ms McLaughlin asked the Minister for the Economy (i) whether she will set up a dedicated phone line and email address for MLAs to forward urgent requests for assistance from constituent businesses which are unable to obtain financial support payments for which they are entitled; and (ii) to detail the rationale for any decision on this issue.

(AQW 11755/17-22)

Mrs Dodds:

- i) A dedicated email address already exists for elected representatives to contact the Department. This has been in place since June 2020.
- ii) A dedicated email address means that as requests are made in writing, a written record can be kept.

Ms Kimmins asked the Minister for the Economy when the financial support scheme for limited company directors will be made available.

(AQW 12565/17-22)

Mrs Dodds: The Limited Company Directors Support Scheme (LCDSS) was agreed by the Executive on 8 January 2021 and opened to applications 6pm Thursday 21 January 2021. The LCDSS will provide financial support to company directors who have personally been adversely impacted by COVID-19. A taxable grant of £3,500 will be paid to the applicant, i.e. the director.

The scheme, including the grant amount, was agreed in the context of the £20 million budget that was pledged by the Executive on the 23 November, and an additional £20 million allocated to the scheme in January 2021.

The scheme is being delivered by Invest NI on behalf of the Department of the Economy and Invest NI are committed to assessing and verifying all applications, and processing payments, to eligible applicants as quickly as possible.

Mr Dickson asked the Minister for the Economy when the next payment will be issued to businesses that previously applied and received grants under the Covid Restrictions Business Support Scheme.

(AQW 12779/17-22)

Mrs Dodds: Following the reopening of the Covid Restrictions Business Support Scheme, the first top up payments for Part A were issued on 27 January to 2,088 applicants to a value of £7,648,800. Invest NI hope to issue payments to the majority of remaining applicants by the end of week commencing 1 February 2021.

Mr McNulty asked the Minister for the Economy to detail (i) the total number of applications for the Covid Restrictions Business Support Scheme: Part A received by her Department up to and including 18 December 2020; (ii) the total number and value of payments made through the Covid Restrictions Business Support Scheme: Part A up to and including 18 December 2020; (iii) the total number and value of applications rejected for the Covid Restrictions Business Support Scheme: Part A by her Department up to and including 18 December 2020; (iv) the total number of new applications for the Covid Restrictions Business Support Scheme: Part A received by her Department between 19 December 2020 and 13 January 2021; (v) the total number and value of payments actually made through the Localised Restrictions Support Scheme by her Department between 19 December 2020 and 13 January 2021; and (vi) the total number and value of applications rejected for the Covid Restrictions Business Support Scheme: Part A by her Department between 19 December 2020 and 13 January 2021.

(AQW 12784/17-22)

Mrs Dodds: The information requested is outlined in the tables below. Please note for the purposes of answering point (v) above, we have assumed that you mean the Covid Restrictions Business Support Scheme, in line with the rest of your queries, and not the Localised Restrictions Support Scheme which is led by the Department of Finance.

Finally, there is no value associated with a rejected application as the applicant did not meet the eligibility criteria to qualify for assistance.

Table 1 – CRBSS Part A Performance 18th December 2020

Measure	Application Status	Number (As at 18th Dec 20)
(i) Total number of applications for the Covid Restrictions Business Support Scheme – Part A	Applications Started	4,829
	Applications Submitted	4,170
(ii) The total number and value of payments made through the Covid Restrictions Business Support Scheme: Part A	Applicants Paid	3,340
	Assistance Paid	£15,924,000
(iii) The total number and value of applications rejected for the Covid Restrictions Business Support Scheme: Part A	Number of Applications Rejected	279

Table 2 – CRBSS Part A Performance 26th January 2021 (Showing Change on Table 1)

Measure	Applications Status	Number (As at 13th Jan 21)	Change on 18th Dec 20
(iv) Total number of applications for the Covid Restrictions Business Support Scheme – Part A	Applications Started	5,158	+329
	Applications Submitted	4,407	+237
(v) The total number and value of payments made through the Covid Restrictions Business Support Scheme: Part A	Applicants Paid	3,667	+327
	Assistance Paid	£17,341,200	+£1,417,200
(vi) The total number and value of applications rejected for the Covid Restrictions Business Support Scheme: Part A	Number of Applications Rejected	418	+139

At 26 January there has been support provided totalling £24.97million through Part A of the scheme and £1.18million via Part B of the scheme.

Mr Buckley asked the Minister for the Economy for an update on her Department's progress on the roll-out of a High Street Voucher Scheme.

(AQW 12786/17-22)

Mrs Dodds: Unfortunately, due to the recent rise in the number of cases of Coronavirus, and the subsequent restrictions which have been deemed necessary by the Executive, it has been decided that it would not be appropriate to implement the

High Street Stimulus Scheme in the current financial year, ending 31 March 2021, given that much of retail and hospitality remains closed and the public health messaging is to remain at home.

Therefore, any implementation in the immediate future would be contrary to the current Coronavirus Health Regulations and the latest information and advice from the Chief Medical Officer and Chief Scientific Adviser.

The Department for the Economy remains supportive of the policy intervention and intends to put forward a bid to the Executive for this scheme in 2021/22.

Ms McLaughlin asked the Minister for the Economy to detail her engagement with her counterparts in the Irish Government on the continuation of Erasmus programmes in Northern Ireland.

(AQW 12820/17-22)

Mrs Dodds: My Department is aware of the Irish Government's plans to support full-time third level students from Northern Ireland to allow them to continue to access the Erasmus+ programme through Irish institutions. The progression of these proposed arrangements is a matter for the Irish Government and my Department has not contributed to their development.

Departmental officials will stay abreast of developments in regard to the proposals in order to assess the potential implications from a Northern Ireland perspective.

Mr O'Dowd asked the Minister for the Economy whether student hardship funds which are unspent within any financial year by a further and higher education institution are returned to her Department.

(AQW 12852/17-22)

Mrs Dodds: 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.

For higher education student hardship funds, it is the responsibility of the Higher Education Institutions (HEIs) to ensure that all funding must be spent or accrued for, and that evidence is provided for all expenditure incurred but not yet claimed by the end of the financial year. Any funds not spent or not accrued must be returned. All higher education hardship funding was claimed in 2019/20 and no funding was returned to the Department.

Mr McNulty asked the Minister for the Economy, in relation to Project Stratum, (i) what efforts her Department is taking to ensure the timeline for delivery is not impacted by the COVID-19 pandemic; (ii) to detail the number of properties in rural communities, by district council area, that will not benefit from the project and will still have no access to adequate broadband services; and (iii) what plans she has to address the 3 per cent of properties that will still have no access to broadband services when Project Stratum is complete.

(AQW 12932/17-22)

Mrs Dodds:

- (i) Robust project management processes are in place to ensure that the contractor mitigates, as far as possible, the difficulties caused by the Covid-19 crisis, in order to fulfil its contractual obligations.

My Department receives regular progress updates from the contractor on the project, including on how it is responding to the unprecedented challenges caused by the pandemic.

The project team remains satisfied that the build phase of the project will be completed on time by March 2024. Officials will continue to work with the contractor to ensure that any impact of Covid-19 is minimised.

- (ii) Project Stratum will deliver gigabit-capable broadband infrastructure to more than 76,000 primarily rural premises in the intervention area. However, there are 2,517 premises currently out of scope. A breakdown of these premises, by local council area, is shown below:

- Antrim and Newtownabbey 133
- Ards and North Down 91
- Armagh City, Banbridge and Craigavon 236
- Belfast City 6
- Causeway Coast and Glens 286
- Derry City and Strabane 244
- Fermanagh and Omagh 612
- Lisburn and Castlereagh City 87
- Mid and East Antrim 194
- Mid Ulster 354
- Newry, Mourne and Down. 274

- (iii) The 2,517 premises outlined above will not be left behind. Discussions have already been advanced with the Department for Digital, Culture, Media and Sport, and now with Fibrus on board, we are working to identify the solutions and costs to ensure that these premises benefit from access to Next Generation Access (NGA) broadband.

Mr Stewart asked the Minister for the Economy when the second payment of the Covid Restrictions Business Support Scheme will be issued to qualifying businesses.

(AQW 12936/17-22)

Mrs Dodds: Following the reopening of the Covid Restrictions Business Support Scheme, the first top up payments for Part A were issued on 27 January to 2,088 applicants to a value of £7,648,800. Invest NI hope to issue payments to the majority of remaining applicants by the end of week commencing 1 February 2021.

Dr Archibald asked the Minister for the Economy whether women due to return from maternity leave since the restrictions were introduced will be able to access the Coronavirus Restrictions Business Support Scheme with appropriate supporting evidence, other than the bank statement and receipts for the month prior to the restrictions being introduced, as is detailed in the scheme guidance.

(AQW 12967/17-22)

Mrs Dodds: I would refer the Member to the reply I gave to AQW 13074/17-22.

Mr McCrossan asked the Minister for the Economy for an update on the Gas to the West project in West Tyrone.

(AQW 13022/17-22)

Mrs Dodds: The first construction phase of the Gas to the West project involved provision of a pipeline to connect Strabane to the Northern Ireland gas network. This pipeline was completed in December 2016 and the first customer in the Strabane area was connected to natural gas in January 2017.

The second phase of construction to connect Dungannon, Coalisland, Cookstown, Magherafelt, Omagh, Enniskillen and Derrylin to natural gas began in 2017 and the main pipelines to each of these towns was completed in 2019. The pipeline connecting Omagh was completed in December 2019 and the first customers in the town connected to natural gas in the same month.

By end of December 2020, over 1,300 businesses and households in the Gas to the West licence area had connected to gas, including some 900 in the Strabane and Omagh areas, with most customers switching from oil usage.

Local gas distribution company, SGN Natural Gas, is continuing to build out local gas distribution networks in towns in the West to extend the availability of natural gas.

Ms Kimmins asked the Minister for the Economy what emergency funds are in place for universities and students which could be made accessible to support students at this time.

(AQW 13070/17-22)

Mrs Dodds: My Department has provided support for students facing genuine financial hardship for many years through our Support Funds. These funds are distributed by the Universities on behalf of my Department and any students facing genuine financial hardship should contact the Student Services team at their University for details on how to apply.

In addition to the Departmental Support Funds:

Queen's University Belfast has a university Hardship Fund available to support students in financial hardship whilst studying and particularly financial hardship as a result of COVID-19. In addition to the recurrent amount available from within the University's funds of approximately £55k per annum, the University

has approved the allocation of monies deducted from staff pay as a result of industrial action during February and March 2020, on a one off basis, to its Hardship Fund to help address student financial hardship arising as a result of the Covid 19 pandemic.

Ulster University has Student Wellbeing support available and delivered remotely to all students, this includes mental health and wellbeing support, disability support and student money advice. In response to Covid, UU have set up a technology fund to purchase 1000 laptops for students who met widening access criteria and needed equipment to engage with online learning.

St Mary's College Belfast has a trust fund loan of up to £250 available to students experiencing financial difficulty.

Stranmillis University College has a College Trust Fund that works on a similar basis to the Support Funds, as well as a number of discretionary and mandatory bursaries available to assist with financial hardship and halls. In exceptional circumstances the College may consider providing an emergency loan.

The Open University has a COVID-19 Student Assistance Fund to assist students who are in financial hardship as a direct result of the pandemic. The fund is available to support with both study and non-study related costs such as food, utilities and bills that cannot be deferred.

I am continuing to explore, as an urgent priority, what further options are available to me for providing support to students at this time.

Ms Kimmins asked the Minister for the Economy what bids she has made in the January monitoring round to support students who are experiencing significant financial challenges as a result of the COVID-19 pandemic.

(AQW 13073/17-22)

Mrs Dodds: I am acutely aware of the financial issues facing students as a result of the Coronavirus pandemic and I am working to address these issues as a priority. I am exploring all options available to me, including bidding for additional financial support for students from the NI Executive. In the immediate term, the Universities hardship funds remain open and ready to accept applications, and once again I would urge any students who are facing genuine financial hardship to contact their University for assistance as soon as possible.

Ms McLaughlin asked the Minister for the Economy whether businesses owned by a parent returning from maternity or paternity leave can be eligible for assistance from the Covid Restrictions Business Support Scheme; and, if so, what evidence the owner needs to provide in support of their claim.

(AQW 13074/17-22)

Mrs Dodds: Applications from returning parents to the Covid Restrictions Business Support Scheme may be eligible for support provided other eligibility criteria are met.

Such applicants should provide the same proof of active trading that other applicants are required to submit, however this should cover the period prior to leave rather than the period prior to restrictions. This should consist of a bank statement from an account used for trading purposes and for the grant payment, and invoices and receipts. Further details of evidence of trading is available at <https://www.nibusinessinfo.co.uk/content/covid-restrictions-business-support-scheme-part>.

Ms McLaughlin asked the Minister for the Economy (i) for her assessment of whether students from EU countries will be able to study in Northern Ireland under the Erasmus programme as a result of the Irish Government's support for Erasmus in Northern Ireland; and (ii) whether she is committed to the principle of easy access to the Erasmus programme for students from EU member states.

(AQW 13077/17-22)

Mrs Dodds:

- (i) My Department has not contributed to the development of the Irish Government's proposed arrangements. The progression of the arrangements is a matter for the Irish Government, however my Departmental officials will stay abreast of developments in order to assess any potential implications from a Northern Ireland perspective.

Mr Dickson asked the Minister for the Economy to detail the number of people working on processing applications for the Covid Restrictions Business Support.

(AQW 13104/17-22)

Mrs Dodds: Balancing the development and implementation of the Covid Restrictions Business Support Scheme (CRBSS), alongside five other business support schemes currently being developed and delivered by my Department, in parallel, within tight timescales, alongside the need to adapt these on an ongoing basis to meet ongoing amendments to the Covid restrictions and Health Protection Regulations, requires extensive input at both a policy and operational level.

The allocation of sufficient staffing resource to meet the pressure of developing and delivering these schemes remains a priority for my Department and Invest NI who administer a number of the schemes. However members should be aware that officials across my Department are operating under extreme pressure to balance the day to day activity of the Department alongside priority work areas including the Covid-19 pandemic response, EU Exit and putting place plans for economic recovery and our vision for the future.

Officials working on the CRBSS and other Grant Schemes are also having to respond to the extensive volume of correspondence received by my Department which includes machinery of government requests, putting further pressure on delivery teams and impacting on the time spent on scheme delivery.

Mr Dickson asked the Minister for the Economy for her assessment of whether the Covid Restrictions Business Support Scheme processing team is adequately staffed and resourced.

(AQW 13105/17-22)

Mrs Dodds: Balancing the development and implementation of the Covid Restrictions Business Support Scheme (CRBSS), alongside five other business support schemes currently being developed and delivered by my Department, in parallel, within tight timescales, alongside the need to adapt these on an ongoing basis to meet ongoing amendments to the Covid restrictions and Health Protection Regulations, requires extensive input at both a policy and operational level.

The allocation of sufficient staffing resource to meet the pressure of developing and delivering these schemes remains a priority for my Department and Invest NI who administer a number of the schemes. However members should be aware that officials across my Department are operating under extreme pressure to balance the day to day activity of the Department alongside priority work areas including the Covid-19 pandemic response, EU Exit and putting place plans for economic recovery and our vision for the future.

Officials working on the CRBSS and other Grant Schemes are also having to respond to the extensive volume of correspondence received by my Department which includes machinery of government requests, putting further pressure on delivery teams and impacting on the time spent on scheme delivery.

Mr Beattie asked the Minister for the Economy what consideration her Department has given to university tuition fee discounts for the current academic year, given students have not been able to avail of all services paid for in their fees.
(AQW 13113/17-22)

Mrs Dodds: The Department for the Economy is responsible for determining the annual maximum tuition fee level that can be charged by higher education institutions in Northern Ireland. However, it is a decision for the higher education institutions to determine what they wish to charge Northern Ireland and EU domiciled students, up to that maximum level. This includes any decision regarding whether a student should receive a refund or reduction of this fee. The Department has no remit in determining whether students should receive a refund or reduction of their tuition fee as a result of disruption caused by the Covid-19 pandemic.

However, I will be writing to Northern Ireland's universities, on behalf of students, asking them to review their compliance with consumer law and provide assurance that, in implementing their response to the Covid-19 pandemic, they have given due regard to relevant consumer protection law.

Institutions must be clear with new and returning students about how teaching and assessment will be delivered and the circumstances in which changes might be necessary. I will therefore be asking the higher education institutions to:

- confirm that they have been, and will continue to be, sufficiently clear with new and continuing students about how teaching and assessment is delivered, the circumstances in which changes might be made, and what those changes might entail;
- confirm that, in their assessment, students received, during the autumn term, the teaching and assessment they were promised and might reasonably have expected to receive based on the information provided; and
- confirm whether their current plans for the spring and summer terms will ensure that students receive the teaching and assessment they were promised and might reasonably expect to receive based on the information provided.

If new or returning students were not provided with sufficiently clear information about how teaching and assessment would be delivered in 2020-21, or that teaching and assessment were not delivered as promised, I will expect the institutions to actively consider their obligations under consumer law for tuition fee refunds or other forms of redress.

Mr Easton asked the Minister for the Economy when payments will be issued for the Newly Self-Employed Support Scheme.
(AQW 13171/17-22)

Mrs Dodds: The first payments under the scheme were issued 18 January 2021 and to date over £700k in support has been provided with another circa £700k of payments hoped to be issued by 29 January.

Payments had been unable to issue before this date as the level of evidence submitted to support applications was extremely poor. One reason for this is that many applicants had not yet submitted their tax return for 2019/20.

To address this the Minister announced an extension of the closing date to 5 February 2021. Invest NI have been engaging extensively with applicants where further evidence is required and remain committed to assessing and verifying all outstanding applications, and processing payments, to eligible applicants as quickly as possible.

Ms McLaughlin asked the Minister for the Economy whether returners to education and students undertaking entry level programmes at further education colleges have access to the same level of support in terms of internet access and laptop provision as full time further education students, including level 3 and 4 students.
(AQW 13254/17-22)

Mrs Dodds: All students enrolled at Further Education (FE) colleges are treated equally irrespective of their student status, whether returner, entry level or any other level of study, part-time or full-time. All students have access to college support in relation to internet access and computer/laptop provision such as that available through the college library, and associated support provided by staff in Information Technology (IT) services.

In addition, due to the challenges presented by COVID-19, colleges put in place additional measures to try to further meet the needs of all students. These measures include, but are not limited to: supplying personal computers and laptops to students in need; providing Wi-Fi dongles for students without access

to Wi-Fi; keeping campus study centres and IT facilities open in line with Public Health Agency guidance for those students, including special needs, for whom access at home is not possible; and providing Access to Technology support for any connectivity or other issues for all students, including special needs and their families or support staff.

Mr Dickson asked the Minister for the Economy for her assessment of the UK Department for Education's policy paper entitled Skills for Jobs: Lifelong Learning for Opportunity and Growth, including (i) what implications this may have on Northern Ireland; and (ii) whether she is considering similar reforms to the post-16 further education and technical training system.
(AQW 13275/17-22)

Mrs Dodds: I am aware of the White Paper very recently published by UK Department for Education.

There is a great degree of complementarity between this White Paper and the emerging thinking for the new Skills Strategy for Northern Ireland, a draft of which will soon be published for consultation. In particular, a core objective identified in the new NI Strategy is creating a culture of lifelong learning.

I can agree with the key premise that investing in skills supports economic recovery and improves an individual's life and employment chances. In response to COVID-19 I put a number of skills interventions in place allowing free access to a number of on-line courses for those who had been impacted.

I note references in the White Paper to a £2.5bn National Skills Fund. Investment in skills must be a cornerstone of the Executive's Programme for Government and plans to stimulate economic growth – and I am giving consideration with my Executive colleagues to the creation of a dedicated, new fund to support skills growth and thereby accelerate economic recovery.

Mr Dickson asked the Minister for the Economy, following her announcement that essential skills and vocational examinations, including BTecs, are to be cancelled for this year, when she expects detail on specific alternative arrangements to be provided to students.

(AQW 13277/17-22)

Mrs Dodds: I am acutely aware that timeliness is a critical consideration for learners and learning centres. For those vocational qualifications that are awarded across England, Wales and Northern Ireland, I have instructed CCEA Regulation to work with the other regulators to ensure that clarity on the alternative arrangements is provided by awarding organisations to learning centres as early as possible in March 2021. In relation to Essential Skills and other Northern Ireland only qualifications, I have instructed CCEA Regulation to ensure that the alternative arrangements are available by the end of February 2021.

Mrs Cameron asked the Minister for the Economy whether her Department is considering any further grant schemes for those who were ineligible for the Newly Self-Employed Support Scheme due to the operating time-period criteria.

(AQW 13313/17-22)

Mrs Dodds: The allocation of future support funding or the utilisation of any underspend from this scheme including potential changes to the eligibility criteria for the scheme will be a decision for the Executive to make collectively.

I, along with my Executive colleagues, am considering all options to provide support to as wide a range of businesses as possible during this pandemic.

Mr Allister asked the Minister for the Economy to detail the level of underspend in 2019/20 relating to funds allocated for Renewable Heat Incentive payments.

(AQW 13318/17-22)

Mrs Dodds: In the financial year 2019-20, expenditure relating to the Renewable Heat Incentive scheme totalled £6.7million. Available Annually Managed Expenditure (AME) budget to meet these costs was £28.9million. AME that was not drawn down in this financial year therefore amounted to £22.2million.

Mr Allister asked the Minister for the Economy to detail the latest estimate of the extent of the return to Treasury of funds anticipated for use in the Renewable Heat Incentive scheme.

(AQW 13321/17-22)

Mrs Dodds: As at 31 March 2020 AME allocations relating to the Renewable Heat Incentive (RHI) Scheme not drawn down from HM Treasury amounted to £33.5m. Unutilised AME for the financial year ending March 2021 is expected to be in the region of £26m. Future forecasts are dependent on the work to refine options for the future of the non-domestic RHI scheme and budget allocations set through subsequent Spending Reviews.

Mr Muir asked the Minister for the Economy when the last review concerning the effectiveness of InvestNI was conducted.

(AQW 13358/17-22)

Mrs Dodds: Invest NI was subject to an Independent Review of Economic Policy (IREP) in 2008/2009, the review focussed on the effectiveness of Invest NI's policies and programmes to deliver the overarching productivity goal in the PfG. A final report was published in September 2009.

A further review of Invest NI's performance, from its inception in April 2002 to March 2011, was carried out by Northern Ireland Audit Office. A final report was published in March 2012.

Ms McLaughlin asked the Minister for the Economy (i) for an update on her Department's commitment to rolling-out smart meters; (ii) whether her Department achieved or abandoned its target of 80 per cent penetration of smart meters by 2020; and (iii) if it did not meet its target, the reasons for this.

(AQW 13364/17-22)

Mrs Dodds: The Department does not currently have a commitment in relation to smart meters. The EU Third Internal Energy Package (2009) required member states to provide smart meters to 80% of electricity consumers by 2020, subject to a positive cost benefit analysis. The Department's 2016 cost benefit analysis of smart meters did not support implementation at that time. The Department's policy regarding smart meters will be considered as part of the development of the new Energy Strategy.

Ms McLaughlin asked the Minister for the Economy to detail (i) her Department's policy regarding the treatment of vested interests as part of the energy strategy consultation; (ii) what steps her Department has taken to ensure it takes an objective view of risks and opportunities in developing energy policy; and (iii) how her Department can ensure it avoids policy capture by vested interests advocating the case for specific parts of the energy market.

(AQW 13365/17-22)

Mrs Dodds:

- (i) All relevant guidance on the proper organisation of public consultations has been provided to all officials within my Department. I can assure the Member that this guidance will be followed.
- (ii) The Energy Strategy is being developed using best practice project management techniques with oversight from the Energy Strategy Project Board. Membership of the Project Board includes senior DfE Officials, the NI Utility Regulator and the Chief Executive of the Consumer Council. A Risk Register has been maintained for the project since its inception in 2019 and is reviewed at each Project Board meeting along with appropriate mitigations. The Department is aware of the wide range of vested interests in the energy sector and has a specific risk in relation to managing such interests on the project Risk Register along with mitigations in the form of structured engagement with stakeholders.

In developing the Energy Strategy, the Department has taken an open, transparent, collaborative and evidence-based approach to ensure an objective view across all energy policy areas. This approach includes an open Call for Evidence, which received over 161 responses mostly from outside the energy industry, and a forthcoming Options Consultation to provide another opportunity for all stakeholders to shape the future direction of energy policy. It also includes the development of an energy systems model and funding for research to strengthen the evidence base.

- (iii) In the working groups that have been set up to assist with developing policy options for the Energy Strategy, the terms of reference clearly set out that the role of statutory bodies, or any non-governmental or industry representatives is strictly to provide evidence, data, and advice. These groups include a range of different views and DfE officials lead on drafting written papers and producing all scenario modelling.

The team working to develop the NI Energy Strategy is always keen to hear views and receive evidence from stakeholders and, when the policy options consultation is published in March, I will ensure that all Assembly members are sent a personal notification linking to the publication. I would strongly encourage you to consider and respond.

Mr O'Toole asked the Minister for the Economy what assessment has been made of the potential inward investment to be derived from Northern Ireland's dual EU-UK market access as a result of Brexit.

(AQW 13369/17-22)

Mrs Dodds: The Department undertook research to understand this potential. This work has been published and can be accessed at:

<https://www.economy-ni.gov.uk/publications/impact-eu-exit-attractiveness-fdi-uk-and-ni-and-associated-job-creation-effects>

<https://www.economy-ni.gov.uk/publications/impact-brexite-uncertainty-greenfield-fdi-related-new-jobs-northern-ireland>

While seeking to manage the implications of the protocol for Northern Ireland, officials in my Department work closely and intensively with their colleagues in

Invest NI to ensure Northern Ireland continues to be regarded on the global stage as a very attractive investment location.

Mr O'Dowd asked the Minister for the Economy to detail (i) when she expects a decision to be made by the Pearson Group regarding reasonable adjustments to Level 5 HND courses; (ii) how she intends to prevent the Pearson Group from assessing students on work experience modules; and (iii) how she will ensure that the Pearson Group does not leave BTEC level 5 students disadvantaged in terms of assessment.

(AQW 13405/17-22)

Mrs Dodds: Level 5 qualifications are included in the recent OFQUAL consultation on the alternative awarding arrangements for vocational qualifications this year. The consultation closed on 29 January 2021. As Pearson's qualifications are offered across the UK, decisions regarding reasonable adjustments will be taken following analysis of the consultation responses – this is expected to be published in March. Similar qualifications offered by other awarding organisations will also be included in the analysis to ensure consistency of approach that will maintain standards and validity of qualifications at this level and across industry sectors.

Work experience modules and any adaptations for assessment for these modules will also be considered as part of the consultation analysis and decision making process. There are a range of qualifications that demonstrate occupational competency, such as licence to practice, and I have requested that suitable assessment adaptations are put in place, in a

similar manner to last year. Where this is not possible, assessments may need to be delayed given public health and safety considerations. Some Level 5 qualifications may fall into this category.

Following analysis of the responses to the consultation, CCEA Regulation and the other national regulators will work together to ensure consistency of approach, equality and maintenance of standards is applied to all qualifications at Level 5 across all awarding organisations and industry sectors to ensure students are not disadvantaged.

Mr McCrossan asked the Minister for the Economy whether her Department has any role in regulating the service mobile phone companies provide.

(AQW 13413/17-22)

Mrs Dodds: My Department has no role in regulating the service mobile phone companies provide. This responsibility lies with the communications regulator, Ofcom.

Mr Dickson asked the Minister for the Economy, pursuant to AQW 12694/17-22, whether her Department is currently developing a support package for the industry to submit for Executive approval.

(AQW 13494/17-22)

Mrs Dodds: Pursuant to AQW 12694/17-22, any decisions on further specific support measures for the NI Travel sector must be agreed by the Executive collectively.

The Association of Northern Ireland Travel Agents most recently met with the Minister of Finance, along with the First Minister and deputy First Minister.

Further to this engagement, I await proposals coming to the Executive for approval. I am on record as stating that I would support a targeted financial package for this industry, and will do so if an Executive paper is submitted.

Mr Muir asked the Minister for the Economy whether she intends to bring forward a grant scheme to assist large leisure and entertainment businesses previously excluded from other grant schemes following launch of other similar schemes such as the Large Tourism and Hospitality Business Support Scheme.

(AQW 13562/17-22)

Mrs Dodds: The Large Tourism and Hospitality Business Support Scheme was announced on 21 January 2021. The scheme will provide support to large businesses within the tourism and hospitality sector to help them meet the fixed costs and overheads that they need keep their business going and to protect jobs.

The support scheme, agreed by the Executive, has been designed within a limited budget to support large businesses within these sectors only.

I understand that businesses in the leisure and entertainment industry had access to support provided by the Department for Communities through its Culture, Languages, Arts and Heritage Programme 2020/2021 and including schemes such as the Stability and Renewal Programme and the National Lottery Heritage Recovery Fund. These schemes were open to businesses such as cinemas, theatres, amusement and recreation organisations and visitor attraction centres.

In considering further interventions, it will be for the Executive to determine future funding to support economic recovery moving forward. I am also working closely with others, both within Government and with key stakeholders from various industries, on an economic recovery plan.

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 5 February 2021

Revised Written Answer

The Executive Office

In this Bound Volume, page WA 77, replace the answer given for AQW 12080/17-22 with:

Mr Durkan asked the First Minister and deputy First Minister what arrangements are in place for (i) the emptying of bins; and (ii) the cleaning and monitoring of the public toilets on the Ebrington site.
(AQW 12080/17-22)

Mrs Arlene Foster and Mrs Michelle O'Neill: Waste bins on Ebrington are emptied on a daily basis, seven days a week with collections increased during busy periods. The Public Toilets are cleaned twice daily. Both services are completed under contract.

There has been considerable additional footfall on Ebrington in the past year which, whilst welcomed, has increased the volume of waste and use of on-site toilet facilities.

In recognition of this, additional recycling bins are being provided and the toilet facilities cleaned more regularly during busy periods. The cleanliness of the site is constantly monitored by officials to ensure any enhanced arrangements are made should they be required.

Journal of Proceedings

Minutes of Proceedings

Northern Ireland Assembly

Monday 18 January 2021

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Speaker's Business

2.1 Assembly Business

The Speaker made some remarks referencing a letter he had issued to all MLAs providing an update on discussions on the management of Assembly business during the current COVID-19 restrictions.

2.2 Resignations/Nominations

The Speaker informed Members that he had received notification from the First Minister and the deputy First Minister that Ms Carál Ní Chuilín had resigned the office of Minister for Communities, effective from 15 December 2020. The Speaker also informed Members that he had received notification from the nominating officer for Sinn Féin that Ms Deirdre Hargey had been nominated as Minister for Communities. Ms Hargey accepted the nomination and affirmed the pledge of office in the presence of the Speaker and the Clerk/Chief Executive on Wednesday 16 December 2020.

3. Matter of the Day

3.1 Belfast Multicultural Association

Mr Gerry Carroll, under Standing Order 24, made a statement on the destruction of the Belfast Multicultural Association building. Other Members were also called to speak on the matter.

The Principal Deputy Speaker took the Chair.

4. Public Petition

4.1 Remove Fines for Protesters Following Social Distancing

Mr Gerry Carroll was granted leave, in accordance with Standing Order 22, to present a Public Petition to Remove Fines for Protesters Following Social Distancing.

5. Assembly Business

5.1 Motion: Committee Membership

Proposed:

That Ms Carál Ní Chuilín replace Mr John O'Dowd as a member of the Committee on Procedures.

*Mr John O'Dowd
Ms Sinéad Ennis*

The Question being put, the motion was **carried**.

6. Executive Committee Business

6.1 Statement: North/South Ministerial Council Plenary and Institutional Meetings

The deputy First Minister, Mrs Michelle O'Neill, made a statement regarding the recent North/South Ministerial Council Plenary and Institutional Meetings, following which she replied to questions.

The Principal Deputy Speaker took the Chair.

6.2 First Stage: The Protection from Stalking Bill (NIA Bill 14/17-22)

The Minister of Justice, Mrs Naomi Long, introduced a Bill to provide protection from stalking, and from threatening or abusive behaviour, and for related purposes.

The Protection from Stalking Bill (NIA Bill 14/17-22) passed First Stage and was ordered to be printed.

6.3 Final Stage: Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22)

The Minister of Justice, Mrs Naomi Long, moved that the Final Stage of the Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) do now pass.

Debate ensued.

The debate stood suspended for Question Time.

The Deputy Speaker, Mr Beggs, took the Chair.

7. Question Time

7.1 Justice

Questions were put to, and answered by, the Minister of Justice, Mrs Naomi Long.

The Deputy Speaker, Mr McGlone, took the Chair.

7.2 Agriculture, Environment and Rural Affairs

Questions were put to, and answered by, the Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots.

The Speaker took the Chair.

8. Question for Urgent Oral Answer

8.1 Supply Chain between Great Britain and Northern Ireland

The Minister for the Economy, Mrs Diane Dodds, responded to a Question for Urgent Oral Answer tabled by Mr John Stewart.

The Deputy Speaker, Mr McGlone, took the Chair.

9. Executive Committee Business (cont'd)

9.1 Final Stage: Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) (cont'd)

Debate resumed.

The Domestic Abuse and Civil Proceedings Bill (NIA Bill 03/17-22) passed Final Stage with cross-community support.

The Speaker took the Chair.

10. Assembly Business (cont'd)

Motion: Extension of Sitting on Monday 18 January 2021 under Standing Order 10(3A)

Proposed:

That, in accordance with Standing Order 10(3A), the sitting on Monday 18 January 2021 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**.

11. Executive Committee Business (cont'd)

11.1 Statement: Public Expenditure: Draft Budget 2021-22

The Minister of Finance, Mr Conor Murphy, made a statement regarding Public Expenditure: Draft Budget 2021-22, following which he replied to questions.

12. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 6.46pm.

Mr Alex Maskey

The Speaker

18 January 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 1 January 2021 to 18 January 2021

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

Protection from Stalking Bill (NIA Bill 14/17-22)

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Royal Ulster Constabulary George Cross Foundation Annual Report and Accounts for the year ended 31 March 2019 (Royal Ulster Constabulary George Cross Foundation)

Report of Proceedings of the Agricultural Wages Board for the Two Years ended 31 December 2019 (Department of Agriculture, Environment and Rural Affairs)

5. Assembly Reports

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Eighteenth Report of Session 2020 – 2021 (NIA 70/17-22) (Examiner of Statutory Rules)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Nineteenth Report of Session 2020 – 2021 (NIA 71/17-22) (Examiner of Statutory Rules)

6. Statutory Rules

SR 2021/3 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/4 The Health Protection (Coronavirus, International Travel) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/5 The Health Protection (Coronavirus, International Travel) (Amendment No.2) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2021/6 The Health Protection (Coronavirus, International Travel) (Amendment No. 3) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/8 The Mental Health (1986 Order) (Amendment) Order (Northern Ireland) 2021 (Department of Health)

SR 2021/9 The Health Protection (Coronavirus, International Travel) (Amendment No. 4) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/10 The Health Protection (Coronavirus, International Travel, PreDeparture Testing and Operator Liability) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

For information only

SR 2020/357 The Social Security (Norway) Order (Northern Ireland) 2020 (Department for Communities)

Explanatory Memorandum for SR 2020/325 The Health Protection (Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland) (No.2) (Amendment) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/344 The Health Protection (Coronavirus, International Travel) (Amendment No. 26) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/343 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/346 The Health Protection (Coronavirus, Restrictions) (No.2) (Amendment No. 22) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/352 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/356 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2021/7 The Coronavirus Act 2020 (Revival) Order (Northern Ireland) 2021 (Department of Health)

7. Written Ministerial Statements

COVID-19 Update (Minister of Health)

8. Consultation Documents

9. Departmental Publications

Coronavirus Act 2020 Educational Continuity Direction (No.1) Notice 2021 (Department of Education)

The Coronavirus Act 2020 Education Continuity Direction Cancellation (No.1) Notice 2021 (Department of Education)

The Coronavirus Act 2020 Educational Continuity Direction (No.2) Notice (Northern Ireland) 2021 (Department of Education)

10. Agency Publications

UK Sport Annual Report and Accounts 2019-20 (UK Sport)

11. Westminster Publications

12. Miscellaneous Publications

Proxy Voting Notices – Monday 18 January 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 18 January 2021:

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	Philip McGuigan
Jonathan Buckley	Maolíosa McHugh
Pat Catney	Sinead McLaughlin
Alan Chambers	Justin McNulty
Stewart Dickson	Andrew Muir
Linda Dillon	Karen Mullan
Diane Dodds	Conor Murphy
Jemma Dolan	Mike Nesbitt
Gordon Dunne	Robin Newton
Mark Durkan	Carál Ní Chuilín
Alex Easton	Michelle O'Neill
Sinéad Ennis	Matthew O'Toole
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

Tuesday 19 January 2021

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Public Petition

2.1 A 40 Miles Per Hour Speed Zone on the A48 for the Cotton Community

Mr Alex Easton was granted leave, in accordance with Standing Order 22, to present a Public Petition relating to a 40 Miles Per Hour Speed Zone on the A48 for the Cotton Community.

3. Executive Committee Business

3.1 Statement: North/South Ministerial Council Agricultural Sectoral Meeting

The Minister of Agriculture, Environment and Rural Affairs, Mr Edwin Poots, made a statement regarding the recent North/South Ministerial Council Agricultural Sectoral Meeting, following which he replied to questions.

The Deputy Speaker, Mr Beggs, took the Chair.

3.2 Further Consideration Stage: The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

The Minister for Infrastructure, Ms Nichola Mallon, moved the Further Consideration Stage of the Harbours (Grants and Loans Limit) Bill.

No amendments were tabled to the Bill.

NIA Bill 12/17-22 stood referred to the Speaker for consideration in accordance with Section 10 of the Northern Ireland Act 1998.

4. Private Members' Business

4.1 Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)

Mr Jim Allister, sponsor of the Bill, moved the Further Consideration Stage of the Functioning of Government (Miscellaneous Provisions) Bill.

Fifty-six amendments were tabled to the Bill and selected for debate.

Debate ensued.

The sitting was suspended at 12.58pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker in the Chair.

5. Question Time

5.1 Communities

Questions were put to, and answered by, the Minister for Communities, Ms Deirdre Hargey.

6. Private Members' Business (cont'd)

6.1 Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) (cont'd)

Debate resumed.

The 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 **made** without division.

After debate, Amendment 5 to Clause 1 was **made** without division.

After debate, Amendment 6 to Clause 1 was **made** without division.

After debate, Amendment 7 to Clause 1 was **made** without division.

After debate, Amendment 8 to Clause 1 was **made** without division.

After debate, Amendment 9 to Clause 1 was **made** without division.

After debate, Amendment 10 to Clause 1 was **made** without division.

After debate, Amendment 11 to Clause 1 was **made** without division.

After debate, Amendment 12 to Clause 1 was **made** without division.

After debate, Amendment 13 to Clause 1 was **made** without division.

After debate, Amendment 14 to Clause 2 was **made** without division.

After debate, Amendment 15 to Clause 3 was **made** without division.

After debate, Amendment 16 to Clause 4 was **made** without division.

After debate, Amendment 17 to Clause 4 was **made** without division.

The Speaker took the Chair.

The sitting was suspended at 5.36pm.

The sitting resumed at 5.49pm.

After debate, Amendment 18 to Clause 5 was **made** without division.

After debate, Amendment 19 to Clause 5 was **made** without division.

After debate, Amendment 20 to Clause 5 was **made** without division.

After debate, Amendment 21 was not moved.

After debate, Amendment 22 to Clause 6 was **made** without division.

After debate, Amendment 23 to Clause 7 was **made** on division (Division 1).

As Amendment 23 was made, Amendment 24 was not called.

After debate, Amendment 25 to Clause 8 was **made** without division.

After debate, Amendment 26 to Clause 8 was **made** without division.

After debate, Amendment 27 to Clause 8 was **made** without division.

After debate, Amendment 28 to Clause 8 was **made** on division (Division 2).

After debate, Amendment 29 was not moved.

After debate, Amendment 30 to Clause 8 was **made** without division.

After debate, Amendment 31 was not moved.

After debate, Amendment 32 to Clause 8 was **made** without division.

After debate, Amendment 33 to Clause 8 was **made** without division.

After debate, Amendment 34 inserting new clause 'Use of official systems' was **negatived** on division (Division 3).

After debate, Amendment 35 to Clause 9 was **made** without division.

After debate, Amendment 36 to Clause 10 was **made** without division.

As Amendment 36 was made, Amendment 37 was not called.

After debate, Amendment 38 to Clause 10 was **made** without division.

After debate, Amendment 39 to Clause 10 was **made** without division.

After debate, Amendment 40 to Clause 10 was **made** without division.

As Amendment 36 was made, Amendment 41 was not called.

After debate, Amendment 42 to Clause 10 was **made** without division.

After debate, Amendment 43 to Clause 11 was **made** without division.

After debate, Amendment 44 to Clause 13 was **made** without division.

After debate, Amendment 45 to Clause 13 was **made** on division (Division 4).

After debate, Amendment 46 to Clause 13 was **made** without division.

After debate, Amendment 47 to Clause 13 was **made** without division.

After debate, Amendment 48 to Clause 14 was **made** without division.

After debate, Amendment 49 to Clause 14 was **made** without division.

As Amendments 15 and 49 were made, Amendment 50 was not called.

After debate, Amendment 51 was not moved.

After debate, Amendment 52 to Clause 15 was **made** without division.

After debate, Amendment 53 to Clause 15 was **made** without division.

As Amendment 35 was made, Amendment 54 was not called.

After debate, Amendment 55 to Clause 15 was **made** without division.

Long Title

After debate, Amendment 56 to the Long Title was **made** without division.

NIA Bill 01/17-22 stood referred to the Speaker in accordance with Section 10 of the Northern Ireland Act 1998.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 7.03pm.

Mr Alex Maskey

The Speaker

19 January 2021

Northern Ireland Assembly

19 January 2021

Division 1

Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 23

Proposed:

Leave out Clause 7 and insert -

‘Presence of civil servants

7.— (1) A Minister, or special adviser, who holds a meeting with a third party about official business must take such steps as are reasonable to ensure that the meeting is attended by at least one person serving in the Northern Ireland Civil Service who is not a special adviser.

(2) Subsection (1) does not apply if the meeting is for liaison with the Minister's political party.

(3) In this section “third party” means a person who is not acting in the person's capacity as —

- (a) a Minister or a Minister of the Crown or a member of the Scottish or Welsh Government or a junior Scottish Minister,
- (b) a Minister of the Government of Ireland,
- (c) a member of —
 - (i) the Assembly,
 - (ii) the House of Commons,
 - (iii) the House of Lords,
 - (iv) the Scottish Parliament,
 - (v) Senedd Cymru,
 - (vi) Dáil Éireann, or
 - (vii) Seanad Éireann,
- (d) a member of the Assembly's staff,
- (e) a person serving in any part of the civil service of the State,
- (f) the Attorney General, or
- (g) a member of the Attorney General's staff.

(4) The duty under subsection (1) applies only so far as it is exercisable in or as regards Northern Ireland.’

Minister of Finance

The Question was put and the Assembly divided.

Ayes: 47

Noes: 36

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, 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 McGlone, 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, Miss Woods.

Tellers for the Ayes: Ms Ennis, Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, 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, 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 Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Allister, Mr Wells.

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 Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Dr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, 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 McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Ms Bailey voted for Ms Woods.

Northern Ireland Assembly

19 January 2021

Division 2

Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 28

Proposed:

Clause 8, Page 3, Line 40

Leave out from second 'or' to end of line 41

Minister of Finance

The Question was put and the Assembly divided.

Ayes: 71

Noes: 13

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, 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, Ms Bunting, Mrs Cameron, Mr Catney, 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 Newton, Ms Ni Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Storey, Mr Weir.

Tellers for the Ayes: Ms Ennis, Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, Ms Bailey, Mrs Barton, Mr Beattie, Mr Butler, Mr Carroll, Mr Chambers, Mr Nesbitt, Mr Stewart, Mr Swann, Mr Wells.

Tellers for the Noes: Mr Allister, Mr Wells.

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 Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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.

Dr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, 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 McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Northern Ireland Assembly

19 January 2021

Division 3

Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 34

Proposed:

New Clause 38

After clause 8 insert -

‘Use of official systems

8A.—(1) A Minister or special adviser when communicating on official business by electronic means should 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 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 of consequence relating to departmental matters.’

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 40

Noes: 45

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 Stewart, Mr Storey, 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 McGlone, 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 Ennis, 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 Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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.

Dr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, 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 McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Ms Bailey voted for Ms Woods.

Northern Ireland Assembly

19 January 2021

Division 4

Further Consideration Stage: The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) – Amendment 45

Proposed:

Clause 13, Page 5, Line 18

Leave out 'in advance of it being submitted' and insert 'no longer than 7 days following submission'

Mr Jim Allister

The Question was put and the Assembly divided.

Ayes: 47

Noes: 38

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, 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 McGlone, 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, Miss Woods.

Tellers for the Ayes: Ms Ennis, Mr McGuigan.

NOES

Dr Aiken, Mr Allen, Mr Allister, 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 Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Frew, Mr Middleton.

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 Mr Lyttle.

Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Mr Buckley, Mrs Cameron, 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.

Dr Aiken voted for Mr Allen, Mrs Barton, Mr Beattie, Mr Butler, 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 McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.

Ms Bailey voted for Ms Woods.

Northern Ireland Assembly

Papers Presented to the Assembly on 19 January 2021

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 2021/278 The Health Protection (Coronavirus, International Travel) (Amendment No. 23) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/326 The Health Protection (Coronavirus, International Travel) (Amendment No. 25) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2021/4 The Health Protection (Coronavirus, International Travel) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

Explanatory Memorandum for SR 2021/6 The Health Protection (Coronavirus, International Travel) (Amendment No. 3) Regulations (Northern Ireland) 2021 (Department of Health)

Explanatory Memorandum for SR 2021/9 The Health Protection (Coronavirus, International Travel) (Amendment No. 4) Regulations (Northern Ireland) 2021 (Department of Health)

7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
 - The Coronavirus Act 2020 Temporary Modification of Education Duties Cancellation (No.19) Notice 2021 (Department of Education)
 - The Coronavirus Act 2020 Temporary Modification of Education Duties (No.20) Notice (Northern Ireland) 2021 (Department of Education)
 - The Coronavirus Act 2020 Temporary Modification of Education Duties (No.21) Notice (Northern Ireland) 2021 (Department of Education)
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 19 January 2021

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 Civil Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20	15/10/20	17/11/20	15/12/20	18/01/21	
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	15/05/21					
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20	11/06/21					
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20	/	/	14/12/20	19/01/21		
Protection from Stalking Bill (NIA Bill 14/17-22)	18/01/20							

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	19/01/21		
Assembly Members (Remuneration Board) Bill (NIA Bill 13/17-22)	14/12/20							

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 19 January 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 19 January 2021:

Andy Allen	Declan Kearney
Martina Anderson	Dolores Kelly
Caoimhe Archibald	Gerry Kelly
Kellie Armstrong	Liz Kimmins
Rosemary Barton	Naomi Long
Doug Beattie	Gordon Lyons
Roy Beggs	Séan Lynch
John Blair	Chris Lyttle
Cathal Boylan	Nichola Mallon
Paula Bradley	Declan McAleer
Sinead Bradley	Fra McCann
Paula Bradshaw	Daniel McCrossan
Nicola Brogan	Patsy McGlone
Thomas Buchanan	Colin McGrath
Jonathan Buckley	Philip McGuigan
Robbie Butler	Maolíosa McHugh
Pam Cameron	Sinead McLaughlin
Pat Catney	Justin McNulty
Alan Chambers	Karen Mullan
Stewart Dickson	Conor Murphy
Linda Dillon	Mike Nesbitt
Diane Dodds	Robin Newton
Jemma Dolan	Carál Ní Chuilín
Gordon Dunne	Michelle O'Neill
Mark Durkan	Edwin Poots
Alex Easton	George Robinson
Sinéad Ennis	Emma Rogan
Arlene Foster	Pat Sheehan
Órlaithí Flynn	Emma Sheerin
Colm Gildernew	Christopher Stalford
Paul Givan	John Stewart
Deirdre Hargey	Mervyn Storey
Harry Harvey	Robin Swann
David Hilditch	Peter Weir
Cara Hunter	Rachel Woods
William Irwin	

Northern Ireland Assembly

Monday 25 January 2021

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Speaker's Business

2.1 Committee on Procedures

The Speaker informed Members that on Wednesday 20 January 2021, he had received notification of the resignation of Ms Linda Dillon as Chairperson of the Committee on Procedures with immediate effect, that he had also received notification that Ms Carál Ní Chuilín had been nominated to fill the vacancy of Chairperson of the Committee on Procedures with effect from the same date, and that he was satisfied that the requirements of Standing Orders had been met.

3. Executive Committee Business

3.1 Statement: Review of Support Services for Serving and Retired Prison Staff

The Minister of Justice, Mrs Naomi Long, made a statement regarding the Review of Support Services for Serving and Retired Prison Staff, following which she replied to questions.

The Deputy Speaker, Mr Beggs, took the Chair.

3.2 Statement: 2020-21 January Monitoring Round and Covid Funding Position

The Minister of Finance, Mr Conor Murphy, made a statement regarding the 2020-21 January Monitoring Round and Covid Funding Position, following which he replied to questions.

The Speaker took the Chair.

3.3 Final Stage: Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)

The Minister for Infrastructure, Ms Nichola Mallon, moved that the Final Stage of the Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22) do now pass.

Debate ensued.

The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22) passed Final Stage.

The sitting was suspended at 1.50pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

4. Question Time

4.1 The Executive Office

Questions were put to, and answered by, the deputy First Minister, Mrs Michelle O'Neill. The junior Minister, Mr Declan Kearney, also answered a number of questions.

4.2 Economy

Questions were put to, and answered by, the Minister for the Economy, Mrs Diane Dodds.

5. Assembly Business

5.1 Motion: Extension of Sitting on Monday 25 January 2021 under Standing Order 10(3A)

Proposed:

That, in accordance with Standing Order 10(3A), the sitting on Monday 25 January 2021 be extended to no later than 8:00pm.

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**.

6. Question for Urgent Oral Answer

6.1 Private Healthcare

The Minister of Health, Mr Robin Swann, responded to a Question for Urgent Oral Answer tabled by Mr Pat Sheehan.

The Deputy Speaker, Mr McGlone, took the Chair.

7. Executive Committee Business (cont'd)

7.1 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020

Proposed:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020 be approved.

The Executive Office

A single debate ensued on all seven motions.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 19) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 20) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 21) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 22) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 23) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 24) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 25) Regulations (Northern Ireland) 2020 was **carried**.

8. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 7.09pm.

Mr Alex Maskey

The Speaker

25 January 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 20 January 2021 to 25 January 2021

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

The Safeguarding Board for Northern Ireland Annual Report 2019-2020 (Department of Health)

2019/20 Welfare Supplementary Payments Annual Report (Department for Communities)

5. Assembly Reports

Report on the Committee's Inquiry into the impact of COVID-19 on Care Homes (NIA 59/17-22) (Committee for Health)

Report of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Twentieth Report of Session 2020 – 2021 (NIA 72/17-22) (Examiner of Statutory Rules)

6. Statutory Rules

SR 2021/11 The Alexandra Square, Lurgan (Abandonment) Order (Northern Ireland) 2021 (Department for Infrastructure)

SR 2021/13 The Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations (Northern Ireland) 2021 (Department of Health)

For information only

Explanatory Memorandum for SR 2020/254 The Health Protection (Coronavirus, International Travel) (Amendment No. 21) Regulations (Northern Ireland) 2020 (Department of Health)

Explanatory Memorandum for SR 2020/275 The Health Protection (Coronavirus, International Travel) (Amendment No. 22) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2021/12 The Prohibition of Waiting (Schools) Order (Northern Ireland) 2021 (Department of Education)

7. Written Ministerial Statements

January Monitoring (Minister of Finance)

8. Consultation Documents

Public Consultation on the Northern Ireland Environment Agency's Regulatory Charging Policy for 2021–2023 (Department of Agriculture, Environment and Rural Affairs)

Equality Impact Assessment for the Draft Mental Health Strategy 2021-2031 Consultation (Department of Health)

2021-2022 Draft Budget (Department of Finance)

Programme for Government Draft Outcomes Framework Consultation (The Executive Office)

9. Departmental Publications

The Children and Young People's Strategy 2020-2030 (Department of Education)

10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Proxy Voting Notices – Monday 25 January 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 25 January 2021:

Andy Allen	Declan Kearney
Martina Anderson	Dolores Kelly
Caoimhe Archibald	Gerry Kelly
Kellie Armstrong	Liz Kimmins
Clare Bailey	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
Keith Buchanan	Philip McGuigan
Thomas Buchanan	Maoliosa McHugh
Jonathan Buckley	Sinead McLaughlin
Pam Cameron	Justin McNulty
Pat Catney	Andrew Muir
Alan Chambers	Karen Mullan
Stewart Dickson	Conor Murphy
Linda Dillon	Mike Nesbitt
Diane Dodds	Robin Newton
Jemma Dolan	Carál Ní Chuilín
Gordon Dunne	John O'Dowd
Mark Durkan	Michelle O'Neill
Alex Easton	Edwin Poots
Arlene Foster	George Robinson
Órlaithí Flynn	Emma Rogan
Colm Gildernew	Pat Sheehan
Paul Givan	Emma Sheerin
Deirdre Hargey	Christopher Stalford
Harry Harvey	John Stewart
David Hilditch	Mervyn Storey
Cara Hunter	Robin Swann
William Irwin	Peter Weir

Northern Ireland Assembly

Tuesday 26 January 2021

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Committee Business

2.1 Motion: Amend Standing Order 110

Proposed:

Leave out Standing Order 110(1) and insert:-

(1) Unless the Assembly previously resolves, Standing Orders 110-116 ('the temporary provisions') apply in the period from 31st March 2020 – 3rd July 2021.

Chairperson, Committee on Procedures

Debate ensued.

The Question being put, the motion was **carried**, with cross-community support.

The Deputy Speaker, Mr Beggs, took the Chair.

2.2 Motion: The Adverse Impact of the Pandemic on Access to Special Educational Needs Support for Vulnerable Children

Proposed:

That this Assembly takes note of the numerous stakeholder reports relating to the adverse impact of the pandemic on access to Special Educational Needs support for vulnerable children; calls on the Minister of Education to bring forward appropriate measures in order to ensure a minimum level of consistent access to Special Educational Needs supports for all vulnerable children; and further calls on the Minister to work with the Executive to provide the associated resources required to cover these services for all future pandemic-related disruptions to education.

Chairperson, Committee for Education

Debate ensued.

The Question being put, the motion was **carried**.

The sitting was suspended at 12.30pm.

The sitting resumed at 2.00pm, with the Deputy Speaker, Mr McGlone, in the Chair.

3. Question Time

3.1 Education

Questions were put to, and answered by, the Minister of Education, Mr Peter Weir.

The Speaker took the Chair.

4. Executive Committee Business (cont'd)

4.1 **Statement: Historical Mother and Baby Homes and Magdalene Laundries**

The First Minister, the Rt Hon Arlene Foster, made a statement regarding Historical Mother and Baby Homes and Magdalene Laundries, following which she replied to questions.

5. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 3.46pm.

Mr Alex Maskey

The Speaker

26 January 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 26 January 2021

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 of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Twenty-first Report of Session 2020 – 2021 (NIA 73/17-22) (Legal Services)
6. Statutory Rules
For information only
Explanatory Memorandum for SR 2021/5 The Health Protection (Coronavirus, International Travel) (Amendment No.2) 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 26 January 2021

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 Civil Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20	15/10/20	17/11/20	15/12/20	18/01/21	
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	15/05/21					
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20	11/06/21					
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20	/	/	14/12/20	19/01/21	25/01/21	
Protection from Stalking Bill (NIA Bill 14/17-22)	18/01/20							

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	19/01/21		
Assembly Members (Remuneration Board) Bill (NIA Bill 13/17-22)	14/12/20							

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 26 January 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 26 January 2021:

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
Thomas Buchanan	Philip McGuigan
Jonathan Buckley	Maoliosa McHugh
Pam Cameron	Sinead McLaughlin
Pat Catney	Justin McNulty
Alan Chambers	Andrew Muir
Stewart Dickson	Karen Mullan
Linda Dillon	Conor Murphy
Diane Dodds	Mike Nesbitt
Jemma Dolan	Robin Newton
Gordon Dunne	Carál Ní Chuilín
Mark Durkan	Michelle O'Neill
Alex Easton	Edwin Poots
Sinéad Ennis	George Robinson
Arlene Foster	Emma Rogan
Órlaithí Flynn	Pat Sheehan
Colm Gildernew	Emma Sheerin
Paul Givan	Christopher Stalford
Deirdre Hargey	John Stewart
Harry Harvey	Mervyn Storey
David Hilditch	Robin Swann
Cara Hunter	Peter Weir
William Irwin	Rachel Woods
Declan Kearney	

Northern Ireland Assembly

Monday 1 February 2021

The Assembly met at noon, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Matter of the Day

2.1 EU Proposal to Invoke Article 16

Mr Jim Allister, under Standing Order 24, made a statement on the EU proposal to invoke Article 16. Other Members were also called to speak on the matter.

3. Public Petition

3.1 Save Barnish Primary School

Mr Philip McGuigan was granted leave, in accordance with Standing Order 22, to present a Public Petition to Save Barnish Primary School.

4. Assembly Business

4.1 Motion: Committee Membership

Proposed:

- 4.1 **That Ms Linda Dillon be appointed as a member of the Committee on Procedures; that Ms Karen Mullan replace Ms Carál Ní Chuilín as a member of the Committee for Communities; and that Ms Carál Ní Chuilín replace Mr Pat Sheehan as a member of the Committee for Health.**

*Mr John O'Dowd
Ms Sinéad Ennis*

The Question being put, the motion was **carried**.

5. Committee Business

5.1 Motion: Report of the Committee for Health on its Inquiry into the Impact of COVID-19 in Care Homes

Proposed:

That this Assembly approves the Report of the Committee for Health on its Inquiry into the impact of COVID-19 in care homes [NIA 59/17-22]; and calls on the Minister of Health to implement the recommendations contained in the Report as part of the ongoing response to protect care home residents during future surges of the pandemic.

Chairperson, Committee for Health

Debate ensued.

The Deputy Speaker, Mr Beggs, took the Chair.

The sitting was suspended at 1.48pm.

The sitting resumed at 2.00pm, with the Speaker in the Chair.

6. Question Time

6.1 Finance

Questions were put to, and answered by, the Minister of Finance, Mr Conor Murphy.

6.2 Health

Questions were put to, and answered by, the Minister of Health, Mr Robin Swann.

7. Committee Business (cont'd)

7.1 Motion: Report of the Committee for Health on its Inquiry into the Impact of COVID-19 in Care Homes (cont'd)

Debate resumed.

The Deputy Speaker, Mr McGlone, took the Chair.

The Question being put, the motion was **carried**.

7.2 Motion: Amend Standing Order 110

Proposed:

After Standing Order 110 insert:

110A: Hybrid Proceedings

(1) Hybrid proceedings are proceedings of the Assembly in which one or more members of the Assembly are present remotely by a video-link hosted on such platform as may be provided by the Assembly Commission.

(2) The Speaker may make provision for hybrid proceedings of the Assembly.

(3) The provision which may be **made** under paragraph (2) includes—

- a. provision for remote participation in debates and in the passage of legislation;
- b. provision for remote questions to Ministers and the Assembly Commission;
- c. provision for remote statements by Ministers;
- d. provision for matters under standing orders 22 and 24;

e. provision for the purposes of preserving order and preventing conduct which could constitute a contempt of court.

(4) Subject to paragraph (5), references in standing orders to "proceedings", "meetings", "sittings", "speaking", "rising to speak", "the chamber", "present in the chamber", and like terms, shall be construed so as to give effect to any provision made by the Speaker under paragraph (2).

(5) Members participating remotely—

- a. are not present for the purposes of standing order 9 (quorum); and
- b. may not vote remotely, but may vote by proxy (see standing order 112).

(6) In this standing order, "proceedings" do not include committee proceedings.

(7) Save as provided by or under this standing order, hybrid proceedings shall be governed by the practice and standing orders of the Assembly.

Chairperson, Committee on Procedures

Debate ensued.

The Question being put, the motion was **carried** with cross-community support.

8. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 4.43pm.

Mr Alex Maskey

The Speaker

1 February 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 27 January 2021 to 1 February 2021

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
UK Anti-Doping Annual Report and Accounts for the year ended 31 March 2020 (UK Anti-Doping Limited)
5. Assembly Reports
6. Statutory Rules
SR 2021/14 The Housing Benefit and Universal Credit Housing Costs (Executive Determinations) (Modification) Regulations (Northern Ireland) 2021 (Department for Communities)

SR 2021/15 The Social Fund Funeral Expenses Payment (Amendment) Regulations (Northern Ireland) 2021 (Department for Communities)

SR 2021/17 The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Advice) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

For information only
Explanatory Memorandum for SR 2021/3 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2020 (Department of Health)

SR 2021/16 The Crown Court (Amendment) Rules (Northern Ireland) 2021 (Department of Justice)
7. Written Ministerial Statements
A1 Junctions Phase 2 Road Improvement Scheme (Minister for Infrastructure)
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Proxy Voting Notices – Monday 1 February 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 1 February 2021:

Andy Allen	Declan Kearney
Martina Anderson	Dolores Kelly
Caoimhe Archibald	Gerry Kelly
Kellie Armstrong	Liz Kimmins
Rosemary Barton	Naomi Long
Roy Beggs	Gordon Lyons
John Blair	Séan Lynch
Cathal Boylan	Chris Lyttle
Paula Bradley	Nichola Mallon
Sinead Bradley	Declan McAleer
Paula Bradshaw	Fra McCann
Nicola Brogan	Daniel McCrossan
Thomas Buchanan	Patsy McGlone
Jonathan Buckley	Colin McGrath
Pam Cameron	Philip McGuigan
Pat Catney	Maolíosa McHugh
Alan Chambers	Sinead McLaughlin
Stewart Dickson	Justin McNulty
Linda Dillon	Karen Mullan
Diane Dodds	Conor Murphy
Jemma Dolan	Mike Nesbitt
Gordon Dunne	Robin Newton
Mark Durkan	Carál Ní Chuilín
Alex Easton	Michelle O'Neill
Sinéad Ennis	Edwin Poots
Arlene Foster	George Robinson
Órlaithí Flynn	Emma Rogan
Colm Gildernew	Pat Sheehan
Paul Givan	Emma Sheerin
Deirdre Hargey	Christopher Stalford
Harry Harvey	John Stewart
David Hilditch	Mervyn Storey
Cara Hunter	Robin Swann
William Irwin	Peter Weir

Northern Ireland Assembly

Tuesday 2 February 2021

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Speaker's Business

2.1 Resignations and Ministerial Nominations

The Speaker informed Members that he had received notification from the First Minister and deputy First Minister that Mr Edwin Poots had resigned the office of Minister of Agriculture, Environment and Rural Affairs, and that Mr Gordon Lyons resigned the office of junior Minister, effective from midnight on 1 February 2021. The Speaker also informed Members that he had received notification from the nominating officer for the Democratic Unionist Party that Mr Gordon Lyons had been nominated as Minister of Agriculture, Environment and Rural Affairs. Mr Lyons accepted the nomination and affirmed the pledge of office in the presence of the Speaker and the Clerk/Chief Executive on Tuesday 2 February 2021.

2.2 Appointments

The Speaker informed Members that he had received notification from the First Minister and deputy First Minister that Mr Gary Middleton had been appointed to the office of junior Minister. Mr Middleton accepted the nomination and affirmed the pledge of office in the presence of the Speaker and the Clerk/Chief Executive on Tuesday 2 February 2021.

2.3 Committee for Education

The Speaker informed Members that he had received notification of the resignation of Ms Karen Mullan as Deputy Chairperson of the Committee for Education with immediate effect, and that he had also received notification that Mr Pat Sheehan had been nominated to fill the vacancy of Deputy Chairperson of the Committee for Education with immediate effect, and that he was satisfied that the requirements of Standing Orders had been met.

3. Matter of the Day

3.1 Condemnation of Threats to Workers at Border Control Posts

Mr Stewart Dickson, under Standing Order 24, made a statement on the Condemnation of Threats to Workers at Border Control Posts. Other Members were also called to speak on the matter.

4. Public Petition

4.1 Ballycastle to Ballymoney Greenway

Mr Philip McGuigan was granted leave, in accordance with Standing Order 22, to present a Public Petition on a Ballycastle to Ballymoney Greenway.

The Deputy Speaker, Mr McGlone, took the chair.

5. Executive Committee Business

5.1 **Statement: Alternative Awarding Arrangements for CCEA Qualifications in Summer 2021**

The Minister of Education, Mr Peter Weir, made a statement regarding the Alternative Awarding Arrangements for CCEA Qualifications in Summer 2021, following which he replied to questions.

5.2 **Motion: The Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020**

Proposed:

That the Road Traffic Offenders (Northern Ireland) (Amendment) Order 2020 be affirmed.

Minister for Infrastructure

Debate ensued.

The Question being put, the motion was **carried**.

The Speaker took the chair.

6. Private Members' Business

6.1 **Final Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22)**

Mr Jim Allister moved that the Final Stage of the Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) do now pass.

Debate ensued.

The sitting was suspended at 12.59pm.

The sitting resumed at 2.00pm, with the Principal Deputy Speaker in the Chair.

7. Question Time

7.1 **Infrastructure**

Questions were put to, and answered by, the Minister for Infrastructure, Ms Nichola Mallon.

The Speaker took the chair.

8. Question for Urgent Oral Answer

8.1 **Checks at Ports**

The Minister of Agriculture, Environment and Rural Affairs, Mr Gordon Lyons, responded to a Question for Urgent Oral Answer tabled by Mr Declan McAleer.

9. Private Members' Business (cont'd)

9.1 **Final Stage: Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) (cont'd)**

Debate resumed

The Deputy Speaker, Mr Beggs, took the chair.

The Functioning of Government (Miscellaneous Provisions) Bill (NIA Bill 01/17-22) passed Final Stage.

10. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 5.20pm.

Mr Alex Maskey

The Speaker

2 February 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 2 February 2021

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 of the Examiner of Statutory Rules to the Assembly and the Appropriate Committees Twenty-second Report of Session 2020 – 2021 (NIA 74/17-22) (Legal Services)

6. Statutory Rules

For information only

Explanatory Memorandum for SR 2021/13 The Health Protection (Coronavirus, International Travel) (Amendment No. 5) Regulations (Northern Ireland) 2021 (Department of Health)

7. Written Ministerial Statements

2020-21 Public Expenditure Allocations (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.

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 2 February 2021

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 Civil Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20	15/10/20	17/11/20	15/12/20	18/01/21	
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	15/05/21					
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20	11/06/21					
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20	/	/	14/12/20	19/01/21	25/01/21	
Protection from Stalking Bill (NIA Bill 14/17-22)	18/01/20							

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	19/01/21	02/02/20	
Assembly Members (Remuneration Board) Bill (NIA Bill 13/17-22)	14/12/20							

/ Bills progressing by accelerated passage

Proxy Voting Notices – Tuesday 2 February 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Tuesday 2 February 2021:

Andy Allen	Declan Kearney
Martina Anderson	Dolores Kelly
Caoimhe Archibald	Gerry Kelly
Kellie Armstrong	Liz Kimmins
Rosemary Barton	Naomi Long
Doug Beattie	*Trevor Lunn
Roy Beggs	Gordon Lyons
John Blair	Séan Lynch
Cathal Boylan	Chris Lyttle
Paula Bradley	Nichola Mallon
Sinead Bradley	Declan McAleer
Paula Bradshaw	Fra McCann
Nicola Brogan	Daniel McCrossan
Thomas Buchanan	Patsy McGlone
Jonathan Buckley	Colin McGrath
Robbie Butler	Philip McGuigan
Pam Cameron	Maolíosa McHugh
Pat Catney	Sinead McLaughlin
Alan Chambers	Justin McNulty
Stewart Dickson	Karen Mullan
Linda Dillon	Conor Murphy
Diane Dodds	Mike Nesbitt
Jemma Dolan	Robin Newton
Gordon Dunne	Carál Ní Chuilín
Mark Durkan	Michelle O'Neill
Alex Easton	Edwin Poots
Sinéad Ennis	George Robinson
Arlene Foster	Emma Rogan
Órlaithí Flynn	Pat Sheehan
Colm Gildernew	Emma Sheerin
Paul Givan	Christopher Stalford
Deirdre Hargey	John Stewart
Harry Harvey	Mervyn Storey
David Hilditch	Robin Swann
Cara Hunter	Peter Weir
William Irwin	Rachel Woods

*Trevor Lunn stipulated that he wished to avail of proxy voting arrangements for votes on Final Stage: Functioning of Government (Miscellaneous Provisions) Bill on 2 February 2021.

Northern Ireland Assembly

Monday 8 February 2021

The Assembly met at 10.30am, the Speaker in the Chair.

1. Prayers

Members observed two minutes' silence.

2. Matter of the Day

2.1 PSNI Intrusion into Wreath Laying Ceremony by Family Members

Mr Gerry Kelly, under Standing Order 24, made a statement on PSNI Intrusion into Wreath Laying Ceremony by Family Members. Other Members were also called to speak on the matter.

3. Public Petition

3.1 Broadband in the Sperrins

Mr Declan McAleer was granted leave, in accordance with Standing Order 22, to present a Public Petition on Broadband in the Sperrins.

3.2 Covid Support Payment for Students

Ms Sinead McLaughlin was granted leave, in accordance with Standing Order 22, to present a Public Petition on Covid Support Payment for Students.

4. Assembly Business

4.1 Motion: Committee Membership

Proposed:

That Ms Pam Cameron replace Mr Gary Middleton as a member of the Business Committee; and that Mr Paul Givan replace Mr Gary Middleton as a member of the Committee for the Economy.

*Mr Keith Buchanan
Mr Robin Newton*

The Question being put, the motion was **carried**.

5. Executive Committee Business

5.1 Second Stage: Protection from Stalking Bill (NIA Bill 14/17-22)

The Minister of Justice, Mrs Naomi Long, moved the Second Stage of the Protection from Stalking Bill (NIA Bill 14/17-22).

Debate ensued.

The Deputy Speaker, Mr Beggs, took the Chair.

The Protection from Stalking Bill (NIA Bill 14/17-22) passed Second Stage.

The Principal Deputy Speaker took the Chair.

5.2 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021**Proposed:**

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Minister of Health

Debate ensued.

The debate stood suspended for Question Time.

The Speaker took the Chair.

6. Question Time**6.1 The Executive Office**

Questions were put to, and answered by, the First Minister, the Rt Hon Arlene Foster.

6.2 Justice

Questions were put to, and answered by, the Minister of Justice, Mrs Naomi Long.

The Principal Deputy Speaker took the chair.

6.3 Agriculture, Environment and Rural Affairs

Questions were put to, and answered by, the Minister of Agriculture, Environment and Rural Affairs, Mr Gordon Lyons.

The Deputy Speaker, Mr McGlone, took the chair.

7. Executive Committee Business (cont'd)**7.1 Motion: The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 (cont'd)**

Debate resumed.

The Question being put, the motion was **carried**.

7.2 Motion: The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020**Proposed:**

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 be approved.

Minister for the Economy

Motion: The Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020**Proposed:**

That the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020 be approved.

Minister for the Economy

Motion: The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020

Proposed:

That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 be approved.

Minister for the Economy

A single debate ensued on all three motions.

The Question being put, the motion on the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Amendment of Relevant Period for Meetings of Registered Societies and Credit Unions No. 2) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Corporate Insolvency and Governance Act 2020 (Amendment of Certain Relevant Periods) (No. 2) Regulations (Northern Ireland) 2020 was **carried**.

The Question being put, the motion on the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2020 was **carried**.

8. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 5.36pm.

Mr Alex Maskey

The Speaker

8 February 2021

Northern Ireland Assembly

Papers Presented to the Assembly on 3 February 2021 to 8 February 2021

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

Gangmasters and Labour Abuse Authority Annual Report and Accounts for year ended 31 March 2020 (Department of Agriculture, Environment and Rural Affairs)

The Annual Report of the Lay Observer for Northern Ireland 2019/2020 (Department of Finance)

Invest NI Retention and Disposal Schedule (Public Record Office of Northern Ireland)

Attorney General for Northern Ireland Annual Report for 2016/2017 (The Executive Office)

Attorney General for Northern Ireland Annual Report for 2017/2018 (The Executive Office)

Attorney General for Northern Ireland Annual Report for 2018/2019 (The Executive Office)

Attorney General for Northern Ireland Annual Report for 2019/2020 (The Executive Office)

5. Assembly Reports

Impact Review of Special Educational Needs (NIA 75/17-22) (Public Accounts Committee)

6. Statutory Rules

SR 2021/00 Draft SR - The Direct Payments to Farmers (Amendment) Regulations (Northern Ireland) 2021 (Department of Agriculture, Environment and Rural Affairs)

SR 2021/18 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 2) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/21 The Rates (Coronavirus: Making of District Rates) Regulations (Northern Ireland) 2021 (Department of Finance)

SR 2021/24 The Rates (Coronavirus) (Emergency Relief) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 (Department of Finance)

SR 2021/25 The Superannuation (Commissioner for Survivors of Institutional Childhood Abuse) Order (Northern Ireland) 2021 (Department of Finance)

SR 2021/26 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/27 SR 2021/27 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2021 (Department of Health)

For information only

Explanatory Memorandum for SR 2021/17 The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Advice) (Amendment) Regulations (Northern Ireland) 2021 (Department of Health)

Explanatory Memorandum for SR 2021/18 The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 2) Regulations (Northern Ireland) 2021 (Department of Health)

SR 2021/19 The Parking Places (Disabled Persons' Vehicles) (Amendment) Order 2021 (Department for Infrastructure)

SR 2021/20 The Loading Bays on Roads (Amendment) Order 2021 (Department for Infrastructure)

SR 2021/22 The Parking Places (Disabled Persons' Vehicles) (Amendment No. 2) Order (Northern Ireland) 2021 (Department for Infrastructure)

SR 2021/23 The Parking Places (Disabled Persons' Vehicles) (Amendment No. 3) Order (Northern Ireland) 2021 (Department for Infrastructure)

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 8 February 2021

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 Civil Proceedings Bill (NIA Bill 03/17-22)	31/03/20	28/04/20	15/10/20	15/10/20	17/11/20	15/12/20	18/01/21	
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	15/05/21					
The Criminal Justice (Committal Reform) Bill (NIA Bill 11/17-22)	03/11/20	16/11/20	11/06/21					
The Harbours (Grants and Loans Limit) Bill (NIA Bill 12/17-22)	23/11/20	01/12/20	/	/	14/12/20	19/01/21	25/01/21	
Protection from Stalking Bill (NIA Bill 14/17-22)	18/01/20	08/02/21						

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	19/01/21	02/02/20	
Assembly Members (Remuneration Board) Bill (NIA Bill 13/17-22)	14/12/20							

/ Bills progressing by accelerated passage

Proxy Voting Notices – Monday 8 February 2021

The following Members notified the Speaker, under Standing Order 112, that they wished to avail of proxy voting arrangements for the sitting on Monday 8 February 2021:

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	Chris Lyttle
Cathal Boylan	Nichola Mallon
Paula Bradley	Declan McAleer
Sinead Bradley	Fra McCann
Paula Bradshaw	Daniel McCrossan
Nicola Brogan	Patsy McGlone
Thomas Buchanan	Colin McGrath
Jonathan Buckley	Philip McGuigan
Pam Cameron	Maolíosa McHugh
Pat Catney	Sinead McLaughlin
Alan Chambers	Justin McNulty
Stewart Dickson	Gary Middleton
Linda Dillon	Karen Mullan
Diane Dodds	Conor Murphy
Jemma Dolan	Mike Nesbitt
Gordon Dunne	Robin Newton
Mark Durkan	Carál Ní Chuilín
Alex Easton	Michelle O'Neill
Sinéad Ennis	Edwin Poots
Arlene Foster	George Robinson
Órlaithí Flynn	Emma Rogan
Colm Gildernew	Pat Sheehan
Paul Givan	Emma Sheerin
Deirdre Hargey	Christopher Stalford
Harry Harvey	John Stewart
David Hilditch	Mervyn Storey
Cara Hunter	Robin Swann
William Irwin	Peter Weir
Declan Kearney	