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Northern Ireland Assembly

Monday 2 November 2020

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

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. Since the Assembly last met, it has emerged that a lead party of government, Sinn Féin, retained COVID business money for more than six months, until it was flushed out by Stephen Nolan. When today, if at all, will the Assembly have an opportunity to ventilate and discuss that issue?

Mr Speaker: There are plenty of opportunities in today's Order Paper for Members to raise whatever questions that they want to raise about that matter.

Committee Membership

Mr Speaker: The first item of business in the Order Paper is a motion on Committee membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Resolved:

That Mr Jonathan Buckley replace Mr Alex Easton as a member of the Committee for Health; and that Mr Alex Easton replace Mr Jonathan Buckley as a member of the Committee for Communities. — [Mr K Buchanan.]

Ministerial Statement

North/South Ministerial Council: Transport Sectoral Meeting

Mr Speaker: I have received notice from the Minister for Infrastructure that she wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members do still have to make sure that their name is on the speaking list if they wish to be called, but they can do so 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 questions. This is not an opportunity for debate per se, and long interventions should not be entered into.

Ms Mallon (The Minister for Infrastructure):

In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the meeting of the North/South Ministerial Council (NSMC) in the transport sector, which was held on Wednesday 7 October.

The meeting was conducted via videoconference owing to current COVID restrictions. Eamon Ryan TD, Minister for Transport, Gordon Lyons MLA, as accompanying Minister, and I attended the meeting. It was a very positive meeting, and a lot of progress was made. A number of issues were discussed, including the implications of Brexit, our response to COVID-19, the latest EU funding position, our shared New Decade, New Approach (NDNA) commitments and our future work programme for the transport sector. During the meeting, I also raised the issue of the withdrawal of the Bus Éireann service between Belfast and Dublin and how we need to work together on all-island transport services.

The Council noted the work being carried out to prepare for the end of the transition period and noted the implications, arising from a North/South perspective, of Brexit. Ministers agreed to continue to cooperate on transport issues in the coming months.

We noted the ongoing liaison and communication on transport services, operations and protocols in the responses to date to the ongoing COVID-19 pandemic. We also agreed that, as Ministers and at official level, we will continue to cooperate and communicate on the impact of the pandemic on transport operations between Northern Ireland and Ireland and also between the island of Ireland and overseas. We also welcomed the continued cooperation between the Department for Infrastructure and the Department of Transport on EU funding-related matters. The Council noted the potential loss of some funding opportunities as a result of Brexit and the implications of that for our shared New Decade, New Approach commitments and for communities here.

The Council also noted the joint position paper and project list prepared by both jurisdictions in the context of the development of the new PEACE PLUS programme 2021-27 and the position of ongoing Connecting Europe Facility (CEF) and INTERREG projects. The Council noted the various commitments outlined in New Decade, New Approach, particularly in the area of infrastructural investment. On the A5 western transport corridor, we noted that both Governments remain committed to the A5 scheme, and, as part of New Decade, New Approach, the Irish Government reaffirmed their £75 million commitment to the project. The Council noted that, following a public inquiry into the scheme in early 2020, the Department for Infrastructure received an interim report from the commissioner on 2 September 2020. My officials are considering the issues raised and recommendations made in the report and are taking legal advice. When I have been apprised of the outcome of the review, I will consider it carefully, taking legal advice into account, before deciding on the next steps for this regionally significant project and the timing of the publication of the report.

On high-speed rail connectivity, Ministers noted that the Department of Transport and the Department for Infrastructure will further develop draft terms of reference for a proposed study of rail speeds. Importantly, we agreed that the high-speed rail feasibility study would be extended to Derry and Limerick. Minister Ryan and I took that decision because we recognise the fact that the north-west has, for

too long, suffered from underinvestment, including in rail. We are both committed to addressing regional imbalance across the island by better connecting our communities and enhancing economic growth. That work and the study itself will be overseen by a high-level steering group, comprising representatives from both Departments and transport authorities from both jurisdictions.

The Council noted the commitments in New Decade, New Approach to the Narrow Water bridge and agreed that both Departments will work together to consider the next steps for progressing the scheme.

Ministers noted that the review to explore potential government support for renewed air services between Belfast and Cork and the City of Derry Airport and Dublin will be progressed by the Department of Transport, working with the Department for the Economy and the UK Department for Transport. The Council also noted the ongoing work on cross-border greenways.

Lastly, we noted that the current transport work programme dates back to 1999. We agreed that it would be useful to review it to ensure that it takes account of many developments, global and local, and of work already done and the lessons learned from that work. An updated work programme is to be considered at our next meeting, which is scheduled to take place in early 2021.

In closing, I welcome the re-establishment of our formal NSMC meetings. For too long, those important structures have not been functioning, and it is vital that we work collaboratively in the face of the all-island challenges of COVID-19, Brexit and climate change to find a way together that protects our citizens, enhances our economy, connects our communities and protects our environment. I look forward to working with my counterpart, Minister Ryan, as we continue to engage positively on how we can work collaboratively to deliver for citizens and communities across our island.

Miss McIlveen (The Chairperson of the Committee for Infrastructure): The Minister has reiterated her commitment to the A5 scheme, and I note that she received the interim report from the public inquiry on 2 September. Will she outline the issues raised and the recommendations made in that report and detail the timescale for the next steps?

Similarly, will she provide a timeline for the development of draft terms of reference for the proposed high-speed rail connectivity study and

give a commitment that the decarbonisation of the transport sector will play a major part in any revised work programme?

Ms Mallon: I thank the Chairperson for her question. The A5 report, which has been submitted to my Department, contains a number of issues that my officials are having to review and seek legal advice on. I have asked them to make recommendations in a detailed submission to me. As soon as they do that, I will give very careful consideration to the publication of the report and the next steps.

My officials, along with officials from the Department of Transport, are working to finalise the details of the high-speed rail feasibility study. We expect that it will take 12 months to complete. As I have said many times in, and outside, the House, I am committed to tackling the climate emergency. Transport is the second-highest contributor to greenhouse gas emissions here, so the decarbonisation of public transport has a very important role to play as we work to tackle the climate crisis.

Mr Boylan: Cuirim fáilte roimh ráiteas an Aire. I thank the Minister for her statement, and I welcome it. I would like her to expand a little on the conversations that she had with Minister Ryan on environmental and green issues.

Ms Mallon: I thank the Member for his question. We spoke about the importance of greenways and the need to work collaboratively on them, and we talked about the need to ensure that we collaborate on the transport network. As I said, I raised the issue of the withdrawal of Bus Éireann services and the importance of ensuring that we have connectivity across our island and a public transport network to reduce people's reliance on cars. We also talked about the importance of collaboration in our response to COVID-19. While it was a transport sectoral meeting, inevitably the issue of the environment and the climate emergency ran through a number of the discussions.

Mrs D Kelly: I thank the Minister for her statement. I am sure that COVID-19 also played a part in the discussions. What agreements on collaborative North/South working has she been able to come to with her counterpart in the South to help to protect our communities and to defeat COVID-19?

Ms Mallon: I thank the Member for her question. The truth is that COVID-19 does not respect boundaries and that we are all at risk of spreading or contracting the virus. We must all

do all that we can to get through the pandemic safely. All aspects of our lives and our services have been affected, and transport is no different. Public transport in the North has been severely impacted by the pandemic: patronage is currently at about 46% of 2019 levels. Translink has been implementing a range of public health measures on its vehicles, including enhanced cleaning, limiting rear-facing seats, a no-change policy for cash and a requirement for passengers to wear face coverings. Recent surveys indicate that compliance with the use of face coverings is about 86%.

Minister Ryan and I agreed at the NSMC meeting that it is vital that we keep the lines of communication open as we both deal with the relevant COVID-19 restrictions. Our officials will continue to cooperate and communicate on the impact of the pandemic on transport operations across the island.

Mrs Barton: I thank the Minister for her statement. Minister, you talked about the Irish Government's reaffirmation of their £75 million commitment to the A5 western transport corridor project: surely, that was meant to be £400 million at one stage.

12.15 pm

Ms Mallon: I thank the Member for her question. The A5 is a commitment in 'New Decade, New Approach', and the Irish Government have reaffirmed their commitment to provide £75 million of funding. I also noted and wholeheartedly welcomed the Taoiseach's announcement that the shared island unit will set up a fund of €500 million to build a shared future and the fact that it has been clearly set out that infrastructure, North and South, will be a key component of that going forward. I am very much committed to working with my ministerial counterpart and with Governments across these islands to ensure that we get the investment that we need in our infrastructure.

Mr Muir: I thank the Minister for her statement. The Minister will be aware that the transition period will come to an end very soon. The clock is ticking. During the meeting, what assessment was made of the potential impact on transport North and South of not reaching a deal?

Ms Mallon: I thank the Member for his question. He has raised a critical issue. The British Government's decision to leave the European Union will have a profound effect on the way we live our lives and go about our business on the island of Ireland. I have serious

concerns that movement away from the common standards, practices and regulations that our transport operators have become accustomed to will have a detrimental impact in areas such as international haulage access and cross-border public transport, particularly if Northern Ireland-based operators are in the position of trying to align with two separate sets of standards or regulations in order to conduct cross-border business.

My Department continues to work collaboratively across these islands to make the case to protect our interests, but we absolutely need to see an agreement between the British Government and the European Union on a future relationship that allows us to maintain regulatory alignment and the free flow of people and goods across the island. I and my officials will continue to engage with the transport sector here and to press urgently for the clarity and answers that it needs.

Mr Hilditch: I welcome the statement from the Minister this morning. From the discussions on high-speed rail connectivity, it has been indicated that a high-level steering group will be established, comprised of departmental and maybe transport authority officials. I am concerned by the hames that is being made of a similar scheme across the water. Can the Minister guarantee that the steering group will have a very high level of expertise?

Ms Mallon: I thank the Member for his question. It is ambitious to seek a spine of connectivity on our island for high-speed rail. It is visionary and ambitious, and it needs to be worked through at a high strategic level to make sure that we see it right through to delivery and operation. I assure the Member that we have the ambition and the vision and that it will be led at a very high strategic level at the feasibility study stage.

Ms Kimmins: I thank the Minister for her statement. Minister, you have already mentioned Brexit-related issues and your commitment to continuing to work with your counterpart in the South on transport issues, and the Member who spoke previously touched on that as well. Can you advise the House whether there has been any indication that drivers from the North will need a green card to travel South?

Ms Mallon: The Member has raised an important issue. I believe that there should be no disruption for drivers travelling across the island. We continue to engage with a range of stakeholders to make the case and ensure that

we do what we can, given our limited role, to ensure that that disruption does not happen.

Mr K Buchanan: I thank the Minister for her statement. She indicated that the Department would do a feasibility study on the North/South high-speed rail line, and the Narrow Water bridge was mentioned in her statement. Can the Minister give us a high-level budget figure for the rail link? Will she carry out a feasibility study on a bridge to link with our neighbours to the east in Scotland? Will she give that more consideration than she has in the past?

Ms Mallon: I thank the Member for his question. The purpose of the feasibility study will be to identify a range of factors to ensure the delivery of the project, one of which, obviously, is the funding required. I commit to continuing to update the House as that work progresses.

I have always said that I have absolutely no difficulty with connectivity; I see the merit in having connectivity at a physical level and in terms of relationships. I have said on a number of occasions that one of the positive things that I have experienced from the COVID situation is the engagement with my counterparts across these islands and the learning that we have shared. We are committed to continuing that engagement.

I think that the Member refers indirectly to the bridge between Northern Ireland and Scotland. Connectivity across this island is really important. My view is that the £20 billion for one bridge could be better spent on a range of connectivity projects that would deliver much more for our citizens, communities and businesses in Northern Ireland.

Ms Anderson: I thank the Minister for her statement. Minister, as you will be aware, there was a debate in the Chamber about north-west rail connectivity. You talked in the statement about high-speed rail and the loss of European funding. Do you envisage having further conversations with Minister Ryan about the western arc to ensure that Derry, Letterkenny and Sligo are connected? You could hear from the debate in the Chamber that there was cross-party support for that.

Ms Mallon: I thank the Member for her question. She will be aware of my commitment to and ambition for rail across our island. She will be aware that I have ring-fenced funding to ensure that we get phase 3 back on track with the feasibility study. I have made it clear that that work needs to be completed at pace. I am

also working with Minister Ryan to ensure that Derry and the north-west will be included in the high-speed rail feasibility study. That is a commitment in 'New Decade, New Approach', and it was absolutely right that we extended it. I have welcomed the €500 million fund that has been set up for infrastructure projects, and I am happy to have further engagement with Minister Ryan to see what more we can do to enhance our rail offering across the island.

Mr O'Toole: Thanks to the Minister for the statement. It is worth saying that the meeting and what has come from it represent the biggest shift forward in all-island infrastructure in several decades.

I will ask about Brexit. She has touched on it before, but one of the specific concerns is around the professional qualifications of train drivers, bus drivers and the like in relation to cross-border transport. If no deal looks likely in the weeks to come, will there be a reconvened NSMC or further discussions and engagement with her Southern counterpart to prepare for those unfortunate circumstances?

Ms Mallon: I thank the Member for his question. I am sensitive to the fact that discussions between the negotiating teams are ongoing and that the outcome will be determined by the British Government and the European Union. My Department continues to work closely with Department for Transport (DfT) counterparts in London to ensure that Northern Ireland issues regarding cross-border services are kept to the fore during UK-EU withdrawal negotiations. Any outcome that places a limit on the number of hauliers, for example, allowed to travel South to transport and receive goods, such as the need for a European Conference of Ministers of Transport (ECMT) permit, will have the potential for serious supply chain disruption and detrimental economic impacts on the North. In addition, should bus operators not be in a position to offer regular or special regular services to the South or to provide cabotage services, that will have a negative impact on consumer choice and free movement between North and South.

With regard to cross-border rail, I am hopeful that the arrangements that have been put in place will mean little or no disruption for passengers and that longer-term solutions to our mutual benefit can be put in place. I agree with the Member: the purposes of the NSMC structures are set out in the Good Friday Agreement, and that would be a useful and beneficial avenue through which to explore some of the issues to ensure that we are absolutely prepared or prepared as best we can

be, while being mindful that we are not a member state involved in the negotiations.

Mr Stewart: I thank the Minister for her statement. One of the key transport commitments in 'New Decade, New Approach' was the York Street interchange. There is no doubt that that will have a positive impact on commuters and freight not just in Northern Ireland but cross-border. Was there any discussion around that, such as assistance with that project or an indicative time frame for when we might see that project delivered?

Ms Mallon: I thank the Member for his question. He will be aware that the York Street interchange is a commitment. I took the decision to have a short, sharp external review to ensure that the project could progress in the right way in terms of being future-proofed. That work is ongoing, and the report is being carried out. I hope to be in receipt of the report on the review by the end of November. I am then keen to do what I can to move the project forward, subject, as always when it comes to infrastructure projects, to the funding being made available.

Mr T Buchanan: Minister, I note a number of important projects in your statement but none more so than the A5, which has been rumbling on for more years than I wish to remember. You will know of the importance of the A5 project for commuters in the west. Can you indicate when the project will commence on the ground? Have you any idea of what the cost will now be? Do you know whether the scheme will be delivered as a total project or in phases?

Ms Mallon: I thank the Member for his question. He is right to highlight the importance of the A5. It is a commitment in 'New Decade, New Approach', and it is a strategic project in tackling regional imbalance and connecting communities in the area that the Member represents. It is also a hugely important project for road safety.

As I said, my officials have been given a copy of the report. They are considering the issues that have been raised, and we are seeking legal advice. As soon as I receive that submission, I will make a decision on the next steps, including the timing of the publication of the report.

I assure the Member that I understand the frustration that the project has been a long time coming. It will be progressed as soon as we can complete all the required statutory processes. Obviously, it will be subject to funding, but I

have given a commitment to it. It will be progressed as quickly as we can do it in line with the satisfactory completion of all the statutory processes.

Mr O'Dowd: I note that the Minister's statement refers to the fact that she raised the issue of the withdrawal of the Bus Éireann Dublin to Belfast route: can we expect a statement in the near future saying that that route will be restored? Does the Minister agree that that also puts greater emphasis on the need for the new high-speed link between Belfast and Dublin to be used to boost the economies not only of Belfast and Dublin but of the towns along that route, such as Lurgan, Portadown and Craigavon?

Ms Mallon: I thank the Member for his question. I am committed to securing island-wide services between Belfast and Dublin and, indeed, across the island. I raised the matter with Minister Ryan at the NSMC transport meeting. My Department will continue to work to provide services for our communities, North and South, and will work with Translink to minimise the disruption to passengers along the route. You will know that the Bus Éireann route is a commercial one, and Bus Éireann took the decision that it did. I am committed to ensuring that we do not reduce our services, so I am examining, subject to funding, what Translink can do there because we currently provide half of the services.

I agree with you: our cities are our economic driver, but we must realise that that should not be at the expense of our towns and cities along the way. I have given a commitment to tackling regional imbalance, and I am keen that we continue to do what we can to ensure that towns and villages across the North can benefit.

Mr Clarke: Minister, in response to my party colleague who asked you about the high-speed railway and the lessons from England, you said that it was at a very high level. Given previous difficulties in your Department, where, on the railway from Coleraine to Londonderry, they could not even get the platform size right, how confident are you that you have the expertise in your Department to move this project forward?

Ms Mallon: I thank the Member for his question. We are working at cross-departmental level across the island. The engagement will be at a high level, as you would expect for a feasibility study of this nature. I can give you a commitment that I have no intention of presiding over a farce, and I am committed to doing what I can to ensure that we get the right

feasibility study and terms of reference and that we can quickly move and progress it to delivery.

12.30 pm

Ms Ennis: I thank the Minister for her statement. Can she provide us with a more detailed update on her discussions regarding Narrow Water bridge? Will she give us any indication of when we can expect to see construction of that vital project?

Ms Mallon: I thank the Member for her question. Consideration of options for a bridge at Narrow Water included engagement with key stakeholders. Most recently, in September I met representatives from the Narrow Water Bridge Community Network and local political representatives. Officials from my Department also recently updated an outline economic appraisal of options for the future development of Narrow Water bridge in collaboration with the Department of Transport. I am committed to progressing the project and will work with partners in the local community and across this island to deliver the progress that is now needed on that important transformative all-island project. That includes a meeting that I have scheduled with both local councils so that they are able to feed into the project and have their views taken on board.

I also welcome the shared vision and commitment of An Taoiseach and the Irish Government to build a new shared island that is better connected and served by all-island infrastructure through projects such as the Narrow Water bridge.

Ms Hunter: I thank the Minister for her statement. I welcome the positive progress that was made at the NSMC on transport. It is very much welcome that we can see the continued collaboration between the two Ministers North and South on all-island rail, which is a very important issue for my constituency of East Derry. With the extension of the 'NDNA' commitment to high-speed rail now extending to the north-west, will the Minister advise us on the next steps of this transformative project?

Ms Mallon: I thank the Member for her question. As she knows, I was keen to see the extension of our commitment in 'New Decade, New Approach' to include the north-west in the feasibility study for high-speed rail. In order to help to address regional imbalance and to better connect our communities, this is a very important project, particularly for opening up our travel corridor on this island.

I worked closely with Minister Ryan to see the study extended, and our officials are now working to finalise the terms of reference before proceeding to procurement. Minister Ryan and I have a shared desire to enhance rail connectivity across our island, and we recognise the benefits of this cleaner, greener, more sustainable mode of transport and are committed to working together to take this project forward in the shortest possible time frame.

Mr Beggs: In her statement, the Minister indicated that there was discussion about the implications for transport North/South and, indeed, east-west. There is considerable concern from hauliers, distributors and the Food and Drink Association in particular about the implications of Brexit and the arrangements in the protocol on the supply of products to our supermarket shelves. My question to the Minister is this: has there been recognition in the Republic of Ireland of the damaging implication that overly bureaucratic procedures will have for supplies to our supermarket shelves? The impact of that may be reciprocated on suppliers in the Republic of Ireland moving goods into GB. Will both parties seek pragmatic solutions that are light-touch and that enable goods to move easily east-west and west-east?

Ms Mallon: I thank the Member for his question. It is apparent that Brexit and the way that it is being handled are completely damaging. I have been meeting people in the haulage sector to hear their concerns. They are hugely anxious and concerned about the absence of any clarity or detail from the British Government and the European Union on what they need to do to prepare for the end of the transition period. What absolutely needs to happen is full implementation of the protocol.

The Member is right to point out food security. We were very conscious of it, and we remain so in our response to COVID. I assure him that I will continue to work, pragmatically and in solution-finding mode, with anyone and everyone, because I recognise the huge concern and anxiety that is being caused to hauliers, people in retail and, increasingly, to consumers, as it starts to become apparent that the consequences of Brexit will be damaging for all of us.

Mr McNulty: The Minister may remember that, in simpler times, on a beautiful summer's evening, we travelled from Newry along the canal, past the Victoria Lock, towards Slieve Foy and Carlingford lough, to meet our partners

in Fianna Fáil. Then, Brexit was our only major concern; now, things are different.

I welcome the inclusion of greenways in the Minister's statement. It is clear that the Minister is seeking to deliver a change in direction within her Department and, by extension, in the way we travel and connect across our islands. Can the Minister provide any further information on the work to deliver greenways North and South, specifically in relation to the Albert Basin to Victoria Lock greenway and the Middletown to Smithborough greenway? She has already agreed to connect the end of that greenway to Middletown village.

Ms Mallon: I thank the Member for his question. The Member is correct: I am trying to work to change the culture within my Department, and within our society, towards refocusing how we travel and connect communities. I want to see real change where we have cleaner and greener spaces and where active travel is an intrinsic part of society. I want to see that across the island of Ireland. That is a passion that Minister Ryan shares.

In September, I announced £2.8 million of funding for six greenway projects across Northern Ireland. I hope to be in a position to provide more support, and I encourage councils to progress the projects to the point where the Department can support their construction. Three cross-border greenway projects — north-west greenways, the Ulster canal greenway and the Carlingford lough greenway — are being funded under the INTERREG programme. I am committed to working closely with my counterparts in the South to make progress on those important projects.

Ms S Bradley: I thank the Minister for her elaboration on the work around the Narrow Water bridge, in particular, and for her renewed and ongoing commitment to that critical project. The Minister constantly references the importance of enhancing our economy. Does she share my view that we need to have projects that are ready to be built and ready to go as quickly as possible, particularly at this time? Does she agree that Narrow Water bridge is a significant project that will bring much-needed employment to the area? Will she commit to speaking to the Minister of Finance and his counterparts across this island to get that project ready for delivery?

Ms Mallon: I thank the Member for her question and agree that Narrow Water bridge is a transformative project. It will enhance the local economy, be a huge boost to tourism —

locally, but also regionally — and bring important environmental benefits. In the face of Brexit, it is particularly poignant in terms of physically connecting communities. It is a project that I believe in, and I want to work hard to try to progress it. I am happy to have conversations with anyone to draw down funding. It is no secret in the House that the Department for Infrastructure often struggles to secure funding, but I am willing to talk to anybody so that we can bring a cocktail of funding to the table to ensure that we see the bridge being built and the multiple benefits that it will bring.

Mr Allister: The Minister is doing much work on North/South infrastructural projects. She has a great enthusiasm for that and has held many ministerial meetings in connection with that. How many times has she met her Scottish counterpart to discuss the much-needed improvements on the A75 and A77, which are such vital links for our economy?

Ms Mallon: I thank the Member for his question. The focus is on North/South projects and North/South engagement because I am making a statement on the NSMC. I can assure the Member that I have regular engagement with my counterparts across these islands. I have met Robin Walker on a number of occasions, and I have met the Secretary of State. I have also had several engagements with Grant Shapps and, as the Member asked about, I have had several teleconferences with Michael Matheson. The Member is right to point out the A75. It is an important project, and my officials have been engaging on it with their counterparts in Scotland. We understand that that is very much at the centre of Scotland's transport plan. Those conversations are ongoing.

Mr Carroll: I thank the Minister for her statement. I want to follow on from Mr O'Dowd's point about the suspension of Bus Éireann's Belfast to Dublin service. I am concerned that COVID is being used as an excuse to suspend those services, especially as it is being called "indefinite", no time has been given for when the services will resume and, obviously, previous Southern Governments' concerning propensity for stopping and suspending bus routes is very concerning. I know that she said that she raised the issue in the meeting, but does the Minister have any concern that, for all the Taoiseach's talk of a shared island, shared transport services do not seem to be on the Government's agenda?

Ms Mallon: I thank the Member for his question. He will be aware that Bus Éireann is a commercial service, so it was a commercial decision that the company took. With Translink, however, we have a publicly owned public transport network, which is something that we should be very proud of. Although, given the restrictions, we temporarily stalled services at the height of the pandemic, I hope that the Member recognises that we have worked hard to ensure the protection of services on our public transport network. I will continue to work with Minister Ryan, Translink and anyone else to ensure that we continue not just to protect our services, routes and public-sector jobs but to recognise that, when it comes to public transport, ours should be not just a protectionist policy but one of enhancement and improvement, recognising that it is a critical public service that is essential to tackling the climate emergency.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease while we reconfigure the Chamber for the next item of business.

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

Executive Committee Business

Budget (No. 3) Bill: Consideration Stage

Mr Principal Deputy Speaker: I call the Minister of Finance, Mr Conor Murphy, to move the Consideration Stage of the Budget (No. 3) Bill.

Moved. — [Mr Murphy (The Minister of Finance).]

Mr Principal Deputy Speaker: No amendments have been tabled to the Bill. I propose therefore, by leave of the Assembly, to group the nine clauses of the Bill for the Question on stand part, followed by the five schedules and the long title. I trust that no Member objects.

Clauses 1 to 9 ordered to stand part of the Bill.

Schedules 1 to 5 agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Budget (No. 3) Bill. The Bill stands referred to Mr Speaker.

12.45 pm

The next item in the Order Paper is the legislative consent motion for the Pension Schemes Bill. I ask Members to take their ease until the Minister arrives.

Pension Schemes Bill: Legislative Consent Motion

Mr Principal Deputy Speaker: I call the Minister for Communities to move the legislative consent motion for the Pension Schemes Bill.

Ms Ní Chuilín (The Minister for Communities): I beg to move

That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Pension Schemes Bill dealing with collective money purchase benefits, the Pensions Regulator, pensions dashboards and further provision relating to pension schemes as contained in Part 2 and

clauses 117, 120 and 129 of, and schedules 4 to 6, 8, 9 and 11 to, the Bill that was introduced in the House of Commons on 16 July 2020.

Mr Principal Deputy Speaker: Clear as mud. The Business Committee has agreed that there should be no time limit on the debate. I ask the Minister to open the debate.

Ms Ní Chuilín: As Members will recall from the debate on the original legislative consent motion, the Westminster Pension Schemes Bill establishes collective money purchase schemes where contributions are pooled and invested to deliver an aspired benefit level. The Bill strengthens protection for scheme members, enhances the powers of the Pensions Regulator and introduces stronger sanctions for those who wilfully or recklessly harm their pension schemes, including a maximum seven-year prison sentence and a civil penalty of up to £1 million. It increases transparency about individuals' pension savings by introducing pensions dashboards and provisions to tackle pensions scams.

The original legislative consent motion for the Bill, as introduced in the House of Lords, was approved by the Assembly on 1 June 2020. This additional legislative consent motion is required to cover amendments made to the Bill since its introduction. The amendments introduced a new policy regarding climate-related financial disclosures, which is outside the scope of the original motion. The new policy seeks to secure effective governance and disclosure of the climate change risks that schemes face, with the long-term objective of protecting members' benefits against the risk of climate change and the risks and opportunities associated with the transition to a lower-carbon economy.

In practical terms, that will allow the Government to mandate the recommendations of the international task force on climate-related financial disclosures, the most widely used framework against which institutional investors report and assess exposure to the financial risk of climate change.

The climate-related financial disclosures amendments cover three areas: governance requirements, publication requirements, and the powers of the Pensions Regulator in the case of non-compliance. The amendments also require schemes to have regard to the official guidance on complying with effective governance and publication requirements. The amendments build on regulations that are already in place and which require occupational pension schemes to take account of climate change in

their investment practices. Occupational pension schemes with 100 or more members are already required to explain how they take account of climate change in their investment strategies. Under the regulations from last month, all schemes are required to report publicly how they do so, as transparency is key to informed decisions and informed change.

The Pensions Climate Risk Industry Group, which was convened to provide guidance for trustees of pension schemes on integrated climate-related risk assessment and management into decision-making and reporting, has highlighted that all pension schemes face climate-related risks, irrespective of the way they invest or the estimated duration of liabilities. Many schemes are also supported by employers or sponsors whose financial positions and prospects are dependent on current and future developments in relation to climate change.

The effect of these amendments on private pensions policy is to strengthen the requirements placed on trustees and managers of occupational pension schemes to include proper climate risk management in their governance processes and publish that information so that it is available to all. This builds on the expectation that occupational pension schemes and other large asset owners disclose in line with the Task Force on Climate-related Financial Disclosure recommendations, as set out in the 2019 green finance strategy.

Climate change is expected to have significant impact on pension schemes assets and returns for savers, both through the risks of a warmer planet and the transition to a lower-carbon economy. Therefore, it is only right that long-term investors such as trustees are informed and empowered to take action to address those risks and protect the retirement savings of scheme members. These measures aim to ensure that pensions and schemes are in a good position to play a role in the change to a sustainable low-carbon economy.

On 2 October, the Financial Conduct Authority (FCA) outlined a time frame to align its climate risk reporting requirements with those flowing from the Pension Schemes Bill. This move will ensure that asset managers and FCA-regulated pension schemes are required to report their assets' climate risks in line with recommendations from the Task Force on Climate-related Financial Disclosure.

These provisions are largely beneficial for scheme members. The new policy seeks to strengthen the requirements placed on trustees

and managers of occupational pension schemes to include proper climate risk management in their governance processes and publish that information so that it is available to all.

Since the Bill was introduced, other amendments have been made to add further detail to the policies that are already in the Bill. In summary, the amendments are as follows. The first is a charge cap for collective defined contribution schemes, which are commonly called CDC schemes. This amendment ensures that the regulation-making powers in the Pensions Act (NI) 2015 regarding charge caps apply to CDC schemes so that a similar charge cap can be implemented in CDC schemes. The existing charge cap, set in the regulations at 0.75%, provides an important protection for members in the default arrangements of money purchase schemes used for automatic enrolment.

There are transfer rights amendments that are designed to protect scheme members from targeting by criminals and fraudsters. For example, they will clarify, in prescribed circumstances, that the trustees or managers of a scheme are not required to carry out a person's request to transfer pension benefits to a different scheme unless they are satisfied that the person concerned has obtained prescribed guidance or information on pension transfers. This is with a view to limiting pension scams.

There is a pensions dashboard amendment that will make it clear that there will be a public service pensions dashboard as well as a commercial dashboard. The intention has always been to provide a public service pensions dashboard through the Money and Pensions Service. The amendment now makes that explicit in the Bill.

Amendments have also been made regarding the use of delegated powers in relation to collective money purchase benefits. The delegated powers for the authorisation criteria and subordinate legislation will now be confirmatory. The delegated power for the transfer rights will also be subject to the confirmatory procedure. This is in line with the corresponding powers relating to British legislation, which will be subject to the affirmative procedure.

An amendment has also been made to clarify an existing power allowing for the modification of statutory provisions to make it clear which provisions may be amended and for which purposes.

Overall, the Bill aims to help people plan for the future and to protect people's pensions by giving the Pensions Regulator greater powers to tackle irresponsible management of pension schemes, including actions taken by employers that could compromise the viability of the pension scheme. I very much support the principle that members' interests should be at the core of everything that we do.

The Assembly has already agreed the principle that the Bill should contain provision for here. In view of that, it is sensible that the amendment should also apply here, as many schemes operating here are based in Britain, and it is desirable that the same regulatory framework is in place here to facilitate compliance, planning and enforcement.

Importantly, under the Bill, the power to make subordinate legislation and to commence provisions relating to devolved matters will vest in the Department for Communities. Likewise, the powers of control and subordinate legislation will rest with us here.

The Bill ensures that the pension system is fit for purpose for the future by strengthening the systems and introducing important safeguards and deterrents against those who might seek to avoid their responsibilities.

The use of the legislative consent motion procedure in this case should not be seen as a precedent or an indication of how I intend to proceed in the future in this area. I am very much aware of the importance of the Assembly's role when considering legislation and, in particular, the value of the Committee's scrutiny role.

It is very important that the provisions in the Bill are enacted in Britain and here at the same time because it provides us with legal certainty for schemes and employers to allow preparatory work, for example, for the introduction of climate-related financial disclosures to proceed.

Mr Principal Deputy Speaker: Thank you, Minister. Before I call the first Member to speak, I advise Members that I have quite a short list here, but there are quite a lot of Members in the Chamber, so if anyone wishes to speak in the debate, please rise in your place to let me know.

Ms P Bradley (The Chairperson of the Committee for Communities): The Committee thanks the Minister for bringing this second legislative consent motion on the Westminster Pension Schemes Bill. The Westminster

Pension Schemes Bill started in the House of Lords on 7 January 2020. It is now at Committee Stage in the House of Commons, and the Bill Committee is expected to report on 5 November.

As a short aside, I will take this opportunity to remind the House that the Committee for Communities is currently considering the Pension Schemes Bill for Northern Ireland and will start its formal clause-by-clause scrutiny this very week. That Bill is to mirror the provisions of a different Westminster Bill — the Pension Schemes Act 2017 — which introduced, amongst other things, a new regulatory framework for master trusts workplace pension schemes that can be used by multiple unrelated employers.

Planning and preparation for retirement is very important for all of us and spent pension schemes are often not given the attention that they deserve by many of us. As I reminded the House on 1 June, when we debated the first LCM related to the Westminster Bill, although pensions are a devolved matter, to all intents and purposes, in the UK, there is essentially one system of pensions that includes numerous pension schemes in Northern Ireland. Furthermore, the Pensions Regulator, the Pensions Ombudsman and the Pension Protection Fund all operate UK-wide.

The Westminster Bill establishes collective money purchase schemes. In such a scheme, both the employer and employee contribute to a collective fund from which the employee draws an income at retirement. The Bill also strengthens protections for scheme members by enhancing the powers of the Pensions Regulator and introducing stronger civil and criminal sanctions. It also increases transparency about pensions savings by introducing digital interfaces for individuals called pensions dashboards and introduces provisions to help to tackle pension scams.

The Committee is pleased to see that, central to the Bill, is the principle of consumer protection and enabling people to plan better for their pensions and that the Bill has been broadly welcomed by unions, the pensions industry and political parties.

This further LCM relating to the Westminster Pension Schemes Bill is now needed to ensure that Northern Ireland provisions remain in the Westminster Bill following amendments to it. Members will have read the Committee's report published on 22 October 2020 on the second legislative consent memorandum, but, just in

case they have not, I will provide some background and update Members.

1.00 pm

The Committee published a report on the first legislative consent memorandum on 29 April 2020. At that time, members were reassured that the Department would brief the Committee on any significant policy changes to the Bill as a result of amendments at Westminster. Such amendments occurred, and the Committee was then briefed by departmental officials at its meeting on 15 October 2020 on such a policy change, other amendments and on the need for the further LCM. The Committee welcomed the main amendments, which are to do with climate-related financial disclosures, with the aim being to secure effective governance and disclosure of the risks facing pension schemes and of the risks and opportunities associated with the transition to a lower-carbon economy.

The Committee also welcomed the other amendments and was content that they added further detail on policies already in the Bill, including, as the Minister stated, setting a charge cap for collective defined contribution schemes, which is an important protection for members of such schemes. On transfer rights amendments, one aims to safeguard members of unfunded public-sector schemes from being targeted by criminals and fraudsters, and another aims to limit pension scams. There is an enhancement to the pensions dashboard that ensures that there will be public service pension dashboards as well as commercial dashboards

I remind the House that the Committee has previously noted its general uneasiness with the use of LCMs in principle rather than bespoke Assembly legislation. It is not the way that we would prefer to deal with legislation, but we recognise that it is necessary in this instance. We welcome the inquiry by the Committee on Procedures on the use of LCMs, and the Committee for Communities has already issued a response.

That said, the Committee recognises that the amendments are generally seen as a positive measure to help people to plan for the future and to protect people's pensions. The Committee welcomes the fact that further details on the provisions will be set out in subordinate legislation by the Department for Communities and made subject to Assembly control. The Committee accepts that it is advantageous that any changes to the regulation of pensions are made across all jurisdictions at the same time to ensure

compliance and enforcement. We acknowledge that the Bill will strengthen the pension system by introducing certain safeguards and enhanced sanctions. For those reasons, the Committee is supportive of the second legislative consent motion related to the Westminster Pension Schemes Bill. Therefore, on behalf of the Committee, I support the motion.

Ms Ennis: The Committee has been scrutinising the Pension Schemes Bill for a number of months, and I thank the research team and all those who provided briefings to the Committee. I am broadly content that the amendments fit within the aims of the original Bill, which is to provide additional protections, safeguards and options for members of the schemes. The amendments, for the most part, provide further detail and clarity on what is already included. The climate change financial disclosures element is the new policy inclusion, and it is the element that has necessitated the additional LCM. The Minister and the Committee Chair have given a clear summary of what that will mean in practical terms. Therefore, it makes sense, given the necessary focus on climate change on the impact that it is likely to have on many aspects of our lives, that any climate-related risks are properly assessed and disclosed in order to minimise the risk to people's pensions. I support the LCM and look forward to discussing the remaining aspects of the Pension Schemes Bill in Committee.

Mr Durkan: As I said in June, when we passed the first legislative consent motion related to the Pension Schemes Bill — I know that the Minister will concur — LCMs should be a last resort, particularly when we are dealing with the current Westminster Government. No matter how laudable the aims of a Bill, the Assembly should not surrender its powers or reduce scrutiny lightly. LCMs and accelerated passage are suboptimal routes for us to take. I take this opportunity, as I take every opportunity, to reiterate to the Minister that we have the time to ensure that we do not have to cut corners when it comes to scrutinising the upcoming welfare mitigation legislation.

We recognise the time pressures that there are with the Bill as a result of the three-year absence, and that puts pension scheme members here at a disadvantage to those in Britain. We supported the LCM in June on the basis of the Communities Minister's assurance that any changes to the Bill as it made its passage through the House of Lords to the Commons would be brought here for scrutiny and approval; hence the motion that is before

us. That assurance was sought because of the Committee's nervousness about potential changes to the Bill that we would not wish to support.

The UK Government have already indicated their intention to secure support to remove the Lords amendment on delaying the introduction of commercial pension dashboards. In the light of the potential changes to the Bill in the Commons Committee tomorrow and on Thursday and when it returns to the Floor of the Commons, can the Minister reiterate that no changes will be extended to Northern Ireland without the Assembly's approval?

We support the changes that have been made thus far, which are before us. The Minister and the Committee Chair have already detailed them, but I highlight in particular those that relate to climate change, which help to ensure that pension schemes can adapt to a low- and — this will, hopefully, be in the not-too-distant future — net zero-carbon economy. The new provisions aimed at strengthening protection against pension fraud and scams are similarly welcome.

Ms Armstrong: I thank the Minister for Communities for tabling the LCM. The Pension Schemes Bill extends to Northern Ireland the provisions of the GB Pension Schemes Act 2017. The extension could not proceed as intended in 2017 as this place was suspended. It is time that we ensured that people who have workplace pensions here are covered by the same protections as people elsewhere in the UK. Therefore, on behalf of the Alliance Party, I support the LCM.

Following the Pensions (No. 2) Act (Northern Ireland) 2008, it was compulsory for employers to automatically enrol eligible workers into a qualifying workplace pension. The pensions market responded, and master trusts developed. Master trusts are multi-employer pension schemes that employers pick for their staff rather than having to set up their own scheme. The reason why my party supports the LCM is that part 1 of the Bill provides authorisation for master trusts to be introduced along with the criteria that they have to meet. That means that all master trusts will have to demonstrate to the Pensions Regulator that they can meet criteria and that their trustees are fit and proper persons who can meet the criteria and act within required parameters in the event of wind-up or closure of a trust. The Pensions Regulator will have greater powers to take action where key criteria are not met. It also means that master trusts operating outside the UK will be open to employers here as long as

the master trust registers in the UK and complies with that criterion and the Pensions Regulator.

Part 2 of the Bill supports a cap on early exit charges. The power to override contract terms allows the Department to make regulations that restrict charges or impose requirements on certain pension schemes. For example, if a contract between those persons currently provides for a type or level of charge, such as member-borne commission or an exit charge, that is prohibited under regulations made under paragraph 1 of schedule 18. It allows regulations to provide that the provision of a scheme will be overridden in the event of any conflict in the legislation. The Bill caps early exit charges. It does not set out what those levels will be, but it is vital for customers to know that they will be able to access pension freedoms without overly expensive barriers.

As the Minister said, the Bill requires master trusts to provide information on how money is being invested by reporting climate-related sustainable investments. That will help us as a society, as we move towards a lower-carbon economy with the ultimate goal of zero emissions.

I welcome the pensions dashboards for both the public and private sectors. After all, they are our pensions. It is not fair to ask a normal person on the street to try to find out exactly what is happening with their pension, so the dashboard is welcome.

The LCM provides openness and transparency for customers. The dashboards, as I said, will be one way to do that. It protects people's pensions by giving the Pensions Regulator more powers. It works towards a low-carbon economy. The reports that will be brought forward from each pension scheme or master trust will be welcome. As the Chair said on behalf of the Committee, while the Committee welcomes it, we would have preferred that it were not an LCM, but we are where we are. I must ask the Minister to confirm that any future amendments will be brought back to the House so that nothing slips through that would be bad for customers or exclude us from opportunities for master trusts.

Mr Principal Deputy Speaker: No other Member has indicated that they wish to speak in this debate, so I call the Minister to make a winding-up speech.

Ms Ní Chuilín: I am really shocked at that, actually [*Laughter.*] I thank all the Members who spoke. Like everyone, I am deeply

uncomfortable at having to use the LCM route. I am not taking the scrutiny of the Committee lightly. That is its role and its job, and I want to ensure that that process is not thwarted. However, I think that there is an acceptance that, if the amendments were not discussed and voted through, we would put pension holders here at a disadvantage, which we did not want. Just to be clear, if there are further amendments, they will be brought to the Committee and the Assembly. It is now abundantly clear that everyone has accepted that safeguards are provided for in the Bill, which was mentioned by those who spoke, and that people have access to what they are entitled to through dashboards in public, private and commercial pensions.

If I have missed any issue, I will write to the Committee; indeed, if the Committee wants further information, it can write to me. Without further ado, I commend the motion to the Assembly.

Question accordingly agreed to.

Resolved:

That this Assembly agrees, in line with section 87 of the Northern Ireland Act 1998, the principle of the extension to Northern Ireland of the provisions of the Pension Schemes Bill dealing with collective money purchase benefits, the Pensions Regulator, pensions dashboards and further provision relating to pension schemes as contained in Part 2 and clauses 117, 120 and 129 of, and schedules 4 to 6, 8, 9 and 11 to, the Bill that was introduced in the House of Commons on 16 July 2020.

Mr Principal Deputy Speaker: The next item of business relates to the Department of Justice. We are running ahead of ourselves in terms of time, so we can take our ease for a few moments just to allow the Minister to arrive in the Chamber. Thank you.

Members, I do not know how this has happened, but the Minister for Justice is unable to be in her place. I have sought clarity and established that I have the discretion to allow us to move on and return to the item of business at a later point.

1.15 pm

Committee Business

Post-primary Transfer Testing

Mr Lyttle (The Chairperson of the Committee for Education): I beg to move

That this Assembly takes note of the feedback to the Committee for Education's online survey into post-primary transfer testing and calls on the Minister of Education to outline contingency plans for post-primary arrangements.

Mr Principal Deputy Speaker: You certainly did move in order to get to your place on time.

The Business Committee has allowed two hours for the debate. The proposer of the motion will have 10 minutes in which to propose and a further 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Lyttle: I begin in my capacity as Chairperson of the Education Committee, in which I moved the motion on behalf of the Education Committee. The motion calls on the Assembly to take note of the findings of the Education Committee's online survey into post-primary transfer testing and on the Education Minister to outline contingency plans for post-primary transfer tests this year.

The motivation for the Education Committee survey, which was agreed by all main parties and is the focus of today's motion, is the safety, well-being and opportunity for equal education of children in Northern Ireland during a public health pandemic: a pandemic that has taken life and livelihood across Northern Ireland and caused the Northern Ireland Executive to take extraordinary approaches to almost every aspect of society. The closure of schools and significant disruption to education across Northern Ireland from March to June 2020 led to the replacement of GCSE, AS and A-level examinations with centre-assessed grading and, crucially, prevented school-based preparation for post-primary transfer testing.

At that time, the post-primary transfer tests in question were scheduled to take place about now. The first Association for Quality Education (AQE) common entrance exam should have been taking place this Saturday, in the middle of a four-week COVID-19 circuit breaker. In these extraordinary circumstances, the Education Committee engaged with the AQE and the Post Primary Transfer Consortium (PPTC) — the providers of the private tests —

wrote to every selective school in Northern Ireland and consistently questioned the Education Minister on what contingency plans were being put in place for post-primary transfer this year.

The response, or lack thereof, that the Education Committee received was concerning. We therefore sought to engage more widely with parents, guardians, teachers, children and young people via the online post-primary transfer survey. The survey was unanimously agreed by DUP, Sinn Féin, SDLP, UUP and Alliance Party members of the Education Committee, with the assistance of the Assembly Engagement team. The survey was completed by over 8,500 people. Approximately 6,500 respondents were parents and guardians, about half of whom are responsible for children in P6 or P7. Around 1,800 respondents were teachers, with about half teaching P6 or P7 pupils. Disappointingly, the Education Minister refused the Committee's request for the survey to be sent to all teachers in Northern Ireland via the C2k network. About 750 respondents were children or young people, of whom three quarters indicated that they were entering P7.

I will say more about the findings of the survey when I speak in my capacity as an MLA. Some of its key feedback, however, was that a majority of the parents and teachers surveyed were very or extremely concerned about children sitting transfer tests further to a period of significant disruption.

Despite the efforts of the Education Minister to facilitate private transfer testing of P7 children this year, including drafting a ministerial direction to the Education Authority (EA) and fast-tracking enhanced application and appeals processes, the Education Committee remains concerned at the lack of any concerted scoping of alternative arrangements for the post-primary transfer of children during a pandemic that is causing significant disruption to their education and to preparation for those examinations. The Committee therefore unanimously calls on the Education Minister to outline substantive contingency plans for this academic year.

I would like to add a few comments in my capacity as an Alliance MLA. As I have already stated, the motivation for the survey, and the focus of the Assembly and the Minister of Education, must be the safety, well-being and equal educational opportunity of children. I ask the Education Minister to stop misrepresenting my integrity and advocacy on the matter as being an anti-grammar school campaign; it is not. It is unedifying and is not a serious response to a very serious matter.

There are non-selective grammar schools in Northern Ireland. My understanding is that a grammar education is an approach to education, not a system of admissions for education. It is possible to hold the opinion that academic selection is unfair and unnecessary as a system of post-primary admission and not be against academic or grammar approaches to education. Teachers can differentiate their teaching approach to different aptitudes in a school without an archaic admissions system to differentiate pupils by school. That, however, is a wider debate about academic selection that the Assembly needs to have in an open and inclusive manner. It is my profound regret that the collapse of the Executive in 2017 stopped an inquiry into post-primary transfer that was initiated by the previous Education Committee.

The motion is about how we transfer thousands of 11-year-old children this year in the midst of a global public health pandemic that has claimed tens of thousands of lives on these islands and which has disrupted almost every aspect of our way of life. We have closed schools for months and cancelled some of the most important exams possible. Yet, in that context, the Minister of Education remains adamant that it is safe, fair and appropriate for 10- and 11-year-old children to sit up to five examinations in January and February 2021. How, in that context, can it be safe or fair for the Education Minister to allow private transfer test providers to require 10- and 11-year-old children to sit up to five examinations in January and February for admission to a post-primary school during a public health pandemic when he can legislate otherwise and when 8,500 responses to an Education Committee survey include over 60% of parents, guardians and teachers saying that they are very or extremely concerned about children taking tests this year? Of the parents, guardians and teachers surveyed, the highest-scoring preferred approach for post-primary transfer this year is not to sit the tests and to use non-academic admissions criteria instead. Furthermore, 43% of parents, guardians and teachers are of the opinion that post-primary transfer tests should be abolished. Given that tens of thousands of pupils have been in self-isolation since August, it is time for the Education Minister to provide full, open and transparent information on the extent of self-isolation rather than obfuscating behind codes and percentage figures.

The Education Minister says that there are no alternative admissions criteria. Yet, his Department recommends alternative admissions criteria. DE circular 2016/15 advises all grant-aided schools on post-primary

admissions and recommends categories such as free school meals, named primary schools, named areas, nearest suitable school and sibling at school as appropriate criteria. What has the Education Minister done to scope alternatives and with whom has he engaged on the matter?

Children deserve better and more from the Education Minister. The motion calls on the Minister of Education to outline an alternative contingency plan for post-primary transfer this year. I hope that he has one. I commend the motion to the House.

Mr Principal Deputy Speaker: As I said, every Member who is called will have five minutes to speak. The next Member on the list is Robin Newton.

Mr Newton: Thank you, Mr Principal Deputy Speaker. First, I thank Louise Close and her colleagues in the Assembly Engagement team for what was a very useful exercise. At this stage, I want to pay tribute to principals, boards of governors, teaching staff and all support staff for the way in which they have reacted during the pandemic. We owe them all a debt of gratitude.

Despite the Chair's remarks, which, if I am honest, I find nearly insulting, it was right to carry out the survey. It was right to carry out a survey in the middle of a pandemic. Given the circumstances in which we all found ourselves — unknown circumstances and a place where we had never been before — it was right to do that. I welcome that, today, all our schools are open, the teaching staff are there and the children are being educated. The fact that that is happening stands in stark contrast to the very negative approach of the Chair of the Committee.

I want to refer to the survey. Before I do, the Chair made some remarks about children, school principals and teaching staff always being safe. Nobody would dispute that in any way. It goes without saying that we want the very best protection for the teaching staff and pupils in every school, from the moment that they go in through the front gates of the school until they come back out again, in whatever circumstances the children find themselves.

I want to refer to some of the findings of the post-primary transfer survey, and I note that the Chair will refer to those when he speaks as an MLA. Before we had the COVID-19 crisis, 91% of respondents planned to sit the transfer test. When the COVID-19 situation occurred, responding on how they felt about children

taking the post-primary test during the lockdown period, 61% of parents or guardians, 64% of teachers and 67% of others stated that they were concerned or extremely concerned. It would have been strange if they were not concerned in those circumstances, which were impacting on every sector of industry.

When asked the question about whether the test should be run as planned in the autumn, 45% of young people wanted the test to be run as planned rather than changing the date of the term; 25% felt that schools should use a different way of assessing academic ability, based on scores in primary schools; 14% felt that the tests should be delayed until January 2021; and 12% felt that the tests should not be run.

When young people were asked about whether the tests should be abolished, 35% felt that they should be retained, 14% felt that they should be changed and 13% were unsure. While 38% wanted the tests to be abolished, up to 62%, therefore, wanted the tests to be retained or changed or were unsure.

Mr McCrossan: I thank the Member for giving way. I noted that he mentioned young people. We are talking about children and a pandemic. Does the Member believe that it is fair on those children to be put into that situation, given all the great challenges that our society and young people have faced this year?

Mr Principal Deputy Speaker: The Member has an additional minute.

1.30 pm

Mr Newton: It is fair to ask whether children should have been put into the situation, but the children were included in the survey. That is a fact.

If we look at the results on post-primary transfer, we see that, before the COVID-19 crisis, 74.5% of parents and guardians were planning for their child to take the transfer test, 21% were not and 4.5% specified "Other". It is right that the survey was done, but, underneath it all, there is a current running against selection and the grammar schools as we know them.

Mr Principal Deputy Speaker: The Member's time is up.

Mr Newton: Thank you, Mr Principal Deputy Speaker.

Ms Mullan: Sinn Féin supports the motion tabled by the Education Committee, and, as the Deputy Chair of the Committee, I am impressed by the number of people who took part in the survey. Like the Member opposite, I thank Louise and the Assembly team for their work.

With over 8,500 respondents, the survey shows the intense level of interest in post-primary transfer and, in particular, the worries over this year. Parents, children and teachers responded to the survey, and that is why the work was so valuable. It reflects the reality on the ground of what transfer is like here.

Sinn Féin's position on the unregulated tests used by some schools and carried out by private companies is clear: they should be abolished. However, for today's debate, I will mainly focus on this year's situation, brought in by COVID. The use of this system discriminates against children from socially deprived backgrounds, those with a special educational need and those with social and emotional needs. Over the past week, I have been contacted by many parents, teachers and concerned groups. Unfortunately, I do not have time to read out them all, but I thank them for getting in touch.

I will read out a piece that was sent to me by a primary 7 teacher. She said:

"The stress at present for children, parents and teachers alike is unimaginable. I teach in a socially and economically deprived area and only one pupil in my class is being tutored. I overheard a girl in my class ask a boy why he was not doing the transfer test, and he said, 'Sure, you can only do the transfer test if you are loaded'. That tells a very heartbreaking story that a child, at 10 years old, is so aware and relates a test to money. This is not academic selection; it is social selection."

She goes on to say:

"Children missed out on months of education. I have some children who are taking the test who did not log in or engage with me during the entire lockdown period. In terms of teaching and learning, I am trying to deal with the day-to-day issues in relation to COVID whilst trying to cover a vast amount of work that was missed."

There is now a culture of private tutoring for many children. I ask the Minister to agree for the funding given by the Executive for the Engage programme to be used by primary-school pupils to purchase an online tutoring

app. What is his Department doing to ensure that the Engage funding is used to support all children who have fallen behind because of the disruption in their education?

As outlined by the Chair, when teachers were asked for their preferred method of transfer, the most popular position was not to run the test this year and for schools to use non-academic admissions criteria. Teachers were also asked how they felt about children taking the transfer test following COVID, and 92% were concerned in some way. What is striking and deeply unsettling about the survey is some of the common words arising from feedback from young children about the transfer test: "worried", "nervous", "scary", "unfair", "stress", "concerned" and "sad". These are 10-year-old children in the midst of a global pandemic: where is the compassion for them?

Many teaching unions have shown leadership on the issue and have called for an end to academic selection: I commend that leadership. I also commend the leadership of the schools that, so far, have decided not to use the transfer test this year, in particular St Columb's College and Thornhill College in Derry.

Finally, as is the case in the House, the survey does not find consensus on post-primary transfer, but it is clear that new arrangements must be considered if we are serious about putting children first in our education system.

Mr McCrossan: As SDLP education spokesperson, I welcome the opportunity to participate in this important debate. At the outset, I know and acknowledge that this is and has been for some time a controversial and divisive subject of debate. However, it is imperative that pupils, parents and schools have clarity for the future, especially given the impact that the current pandemic is having on education as a whole.

I put on record my appreciation for the many teachers and school staff who have gone back into classrooms in schools across Northern Ireland today. They are working in intolerable conditions and are in uncharted waters. In that regard, I wish all our staff and pupils a safe return to our schools. I hope that the Minister will do everything in his power to provide the necessary support to our teachers in the school environment, who have found the opening of schools after the first wave to be a very stressful situation. I am sure that that has been notified to him.

The SDLP believes at its core that academic selection is grossly unfair and in major need of

an overhaul. Given the inaction or unwillingness of the House to tackle the issue, we are left with unregulated transfer tests that are not in the best interests of all our children across Northern Ireland. The way in which the situation is being dealt with is almost a hokey-cokey approach. In addition to those issues, we believe that the concerns of parents and teachers about the current use of transfer tests needs to be addressed, especially in the context of the pandemic. In that regard, I welcome the survey conducted by the Education Committee, and I thank the Committee and Assembly staff who were involved. The Education Committee set out to gauge the opinions of parents, teachers and other stakeholders in an online survey that ran between 7 July and 7 September. As was mentioned by my Committee colleagues, 8,528 responses were received. That work was bolstered by a young persons' survey, which resulted in 754 completed surveys. The findings of the survey highlight the fact that there is significant concern among teachers and parents about transfer tests proceeding in January 2021. I wish to cover a number of those items in my contribution.

The biggest concern surrounds the interruption to education in primary 7 and children in primary 6 having their education significantly disrupted by the restrictions that were brought in to tackle the COVID-19 pandemic — for example, those children could not have properly completed the whole curriculum in English and maths during that period. What is more is that the blended learning that children were encouraged to engage in during lockdown has been recognised to be a much less effective way of learning when compared with face-to-face teaching — obviously. Postponing transfer results until January is a small consolation to many of those pupils and does not afford them enough time to deal with the huge deficit in learning opportunities that were lost during the pandemic.

To compound that, since schools reopened for the current academic year, there has been massive disruption to the current primary 7 cohort, with over half of our schools being affected by over 2,000 COVID-19 cases. That has had a significant impact on pupils' personal health or that of their families and on their mental health in having to deal with family illness or even death in some circumstances. Expecting pupils who have had to suffer in such ways to sit through a test that will, in most aspects, determine their very own futures is absolutely reprehensible.

It is the SDLP's view, now that schools have returned after the half-term break, that the

disruption to education that the virus has posed will only worsen, given the onset of the winter weather conditions that are conducive to its spread. Things may get worse over the Christmas period, which could result in disruption to schools in January.

The lockdown has had the same impact across the student population. Reports show us, for example, that those from a disadvantaged background, as outlined by Ms Mullan, will be disproportionately impacted as a result of the pandemic. It has also affected what is expected from them as children and young people.

We mentioned young people. We are talking about children, and we should remember their age. They have gone through a very difficult period this year with their learning, and we need to support them. If consideration is given to removing the test this year, Minister, please ensure that a fair process is put in place so that children from disadvantaged backgrounds have the same access to opportunities as those from more affluent areas, which is clearly the issue.

Mr Butler: I thank the Minister for being here to hear this really important debate. I thank the Chair and members of the Education Committee for inputting to the consultation. The Committee spent some time agreeing the questions that went into the consultation. I put on record my thanks to the people who put the consultation together, particularly Louise. I thank the teachers, pupils and parents who contributed to the consultation returns. If there is one thing that it has shown us, it is that the public, teachers and pupils are as divided on academic selection as we are. I am glad that we have not hankered too much in the debate to talk about the percentages and the returns, because that does not provide the answer. Today is not the day to address transfer testing holistically; debates on the transformation of education will be the grown-up time to discuss it.

From the very outset of his mandate, the Minister outlined that he will hold fast to —.

Mr Newton: Will the Member give way

Mr Butler: Yes, of course.

Mr Newton: The Member referred to the selection test. Does the Member agree that it was irresponsible to do away with the 11-plus before an adequate discussion and negotiation took place to identify another system that could be put in place?

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr Butler: I thank the Member for his intervention. That was before my time. However, from my background in the Fire and Rescue Service, I know that when you are in the midst of a crisis, you do not take draconian actions; you take measured steps as part of a thoughtful process. We need to do that in education. If we want to get rid of academic selection, we need tried-and-tested alternative arrangements, which I do not believe are there, and that will be borne out by what I am going to share from the results of the consultation.

I agree with the sentiment of the motion. I support the motion. The Minister needs to do something to provide contingency plans in the event that the test goes ahead: we need to know that our children are safe. Daniel McCrossan picked up on that point: our children need to be absolutely safe. There have been 8,700 responses to the consultation; there have also been 7,000 responses to the 'bring it back to primary' petition. There are measures that we can take, such as reducing the number of tests that pupils sit this year. There are things that we can do.

If COVID takes us to a place where the test is not taken, we need to ensure that the alternative arrangements are fair. As the consultation shows, people do not agree that the arrangements are fairer than the transfer test. Whether the test goes ahead was split across parents, teachers and pupils. I, like many of you guys, have had multiple emails from teachers and others with vested interests about what we should do. I hope that the Minister outlines at the end of the debate some of the contingencies that he is considering.

I will pick out one or two issues; I will not labour too heavily on the statistics. The Chair pointed out that there is a strong voice asking for the abolition of the test, but, similarly, 48% to 50% either want to keep it or to reform it. It is in a balanced place, guys; it is not as straightforward as just abolishing the test. Going back to Mr Newton's point, if we are going to get rid of the test, we need to ensure that whatever replaces it is better and fairer. It must not be just a change for change's sake.

I am sorry to do this, guys, but for the right reasons, the Deputy Chair and Daniel McCrossan both picked up on socially disadvantaged people. I was deeply saddened to see in the consultation socially disadvantaged people, such as children who are on free school meals and SEN pupils. The

disappointing thing is that when respondents were asked what alternative arrangements they would like to see, do you know what finished bottom of the pile? Those on free school meals and those with special educational needs. It was not politicians who came back with those answers. For me, it was the most disappointing thing in the survey. If we are trying to tackle educational underachievement and trying to pull people up and not push anybody down, how can we do that when we know that those who academically suffer the most are those in socially disadvantaged areas who may be on free school meals or have special educational needs? The consultation told us that those were the two areas of least importance for alternative arrangements, and that really surprised me.

1.45 pm

One of the good points of the consultation — I know that Daniel will probably bounce in on this one — was the responses of our children. Mental health is my soapbox; it is the thing that I want to drive and talk about, and I will talk to anybody about it. At times, we underplay the resilience of our children and young people. This year's P7 cohort said in quite strong numbers, "Do you know something? I think we need to do the test this year". An interesting part of the consultation picked out the children in those schools that have decided not to do the test; 82 of those children responded to the consultation and said that they feel that they have now been disadvantaged because they are not getting an opportunity to do the test. That is out of the mouths of the babes. We have to listen to our young people and take on board their wishes. They have been preparing for this, and not just for the past two or three months. It is a system that they have known and been aware of since they were in P1. It may not be the best, but we can improve it and do a whole lot better.

At its end, the survey asked the young people for three words. The Deputy Chair picked out a couple, and I will give a couple. Whether they do the test or not, I say this to each and every one of them: you are enough.

Mr M Bradley: As other Members have done, I thank Louise and the Assembly team for the hard work that they undertook to bring the survey to the Education Committee. The survey is a good yardstick for debate. As has already been said, it provides food for thought. Although I have no objection to the motion, I agree that serious thought needs to be given to transfer tests this year. I support the transfer test, but I also support good, serious reform, not a knee-

jerk reaction such as what happened with the 11-plus.

Ms Dillon: I thank the Member for taking an intervention. We talk about reform of the transfer test; what about reform of the education system so that children do not think that they are being disadvantaged if they cannot go to their nearest school?

Mr Principal Deputy Speaker: The Member has an additional minute.

Mr M Bradley: Thank you, Principal Deputy Speaker. I thank the Member for her intervention. Of course, she is right. It is incumbent on the House to have a proper debate around the reform of education. I agree with her in that regard. I support some sort of transfer test, but it has to be reformed in a great way. I make the point that it is parents, not the Education Minister, who put their children forward for the transfer test. In that light, it is unfair to criticise the Minister in that regard.

I have a question about the survey itself, because I do not know the answer: how many respondents could use the same email or IP address from the same household? Was it open to all in each household, or was it a single response per IP address or email address? That is something that I do not know.

On safety, I would like to see a greater roll-out of IT equipment and the lack of broadband availability being properly addressed. I know that the Minister will already be making plans for a fair and equal transfer test.

In closing, I am confident that the Minister will have a plan B to cover further disruption to the school year owing to COVID-19, should that be necessary.

Mr O'Dowd: This has been an interesting debate thus far. Fair play to the Education Committee for commissioning the survey and the work that it has been involved in around the transfer test, particularly this year's transfer test and the difficulties that that has brought.

COVID-19 has had a dramatic impact on education, as it has on all aspects of our lives. I welcome the fact that, today, our children and young people are back in their schools. It is important that the Executive do everything in their power to ensure that our schools remain open. There is a responsibility on parents and others in society to make sure that that happens; we have to mind our actions and be socially responsible, whether around the school

gates or in any other aspect of our lives. When I hear the figures on the COVID infections in schools, the first question that I ask myself is whether the infection was caught in school or as the result of activities outside the school.

That is an important factor to consider. The safety of our pupils and our staff is vital, and we all have a part to play.

Mr McCrossan: I thank the Member for giving way. Does he agree that the expectation that principals and school leaders should carry out track and trace in schools is unfair and adds to what is already a very difficult situation for them?

Mr O'Dowd: It is grossly unfair and has placed huge pressure on our schools, our principals and our teachers. Without them, in many cases, track and trace would not exist, because they are the ones who are doing it. That is something that the Executive will have to look at as we move towards having a proper tracking, tracing and supporting element.

As I said, I am an avid opponent of academic selection. It is not that I am opposed to grammar schools or to A, B and C. I am opposed to academic selection, because there is no evidence to support the claim that academic selection gives added value to the education system. There is, however, a weight of evidence to show that it damages the education system and that it damages young people. I can think of no other area of public policy that has so much evidence weighted against it. In any other circumstances, our media would lambast us daily for continuing to use academic selection. Apart from a few examples, for whatever reason — I know what I think are the reasons why they do it — our media supports academic selection on the basis that it has parental support. Smoking in bars used to have support. Driving without a seat belt used to have very popular support. There are people out there who will tell you that COVID-19 does not exist. In fact, I was stopped recently while on a walk by a guy who tried to shake my hand. He took offence because I would not shake his hand and then tried to tell me that there is no such thing as COVID-19. There are opinions about everything, but then there is evidence. The evidence tells us that academic selection is bad for our education system. Our responsibility as legislators is to ensure that something that is bad policy is removed.

Particularly this year, why are we having this debate? We are having it because two private

companies are supplying our schools — our publicly funded schools — with tests. I do not know to which Committee of this House those two private companies are accountable. In fairness, they are not accountable to the Minister, because academic selection is outside his remit. They are not accountable to the Education Committee, because they are two private companies. The question then is this: why are two private companies interfering in our education system in the first place?

On the timing of the tests etc, schools also have a huge responsibility. There are schools that have led by example by stepping forward and saying that they will not be carrying out academic selection this year. I hope that that continues, but there is no reason that all schools should not step forward and say that they will not be carrying out academic selection this year. They do not have to wait on an instruction from the Minister. I would love to stand here and lambast the Minister, trust me. It would be an easy speech. He has certain responsibilities for all these things, but we have devolved significant powers to our post-primary sector. Whether it is a grammar school or not, our schools have significant powers. Boards of governors carry significant powers in their hands, so they have a responsibility to step forward and say that there will be no academic selection this year. That in itself would take huge pressure off our children and young people.

I object to the suggestion that the test should be returned to the primary schools, and I do so on this basis: what about the children who are not sitting the test? My colleague Karen gave the very good example of P7 teachers. Why should the education of those children be disrupted and abused because some either want to or are being told that they have to sit an test? It is totally unfair and wrong. In fact, the entire debate — not today's debate in the Chamber, but the debate about the test — has been about a section of our education system and a section of our pupils. That is what is wrong with academic selection. The focus of the whole machine is on those who are doing the test, and that leaves people behind. If you want evidence of what is wrong with academic selection, listen to the debate over this last few weeks and months. It is about the few, not the many.

Mr Principal Deputy Speaker: The Member's time is up.

Mr O'Dowd: Our education system has to be about all our children.

Mr Principal Deputy Speaker: It is just past five to two, and Question Time commences at 2.00 pm. The next Member to speak is Mr McNulty, but I do not think that it would be fair to curtail his speech in that way.

Some Members: Go ahead. Go for it, Chris.
[Laughter.]

Mr Principal Deputy Speaker: Or maybe it would be; I do not know. I ask Members to take their ease while Ministers come into the Chamber for Question Time.

The debate stood suspended.

2.00 pm

(*Mr Speaker in the Chair*)

Oral Answers to Questions

The Executive Office

StopCOVID NI: Uptake

1. **Mr Harvey** asked the First Minister and deputy First Minister how many people have downloaded the StopCOVID NI contact tracing app since it launched. (AQO 964/17-22)

Mrs O'Neill (The deputy First Minister): The Department of Health has advised us that, as of this morning, the StopCOVID app has been downloaded 495,745 times.

Mr Harvey: Thank you, deputy First Minister. How can we increase the number of those downloading and engaging with the app?

Mrs O'Neill: It would be helpful if all of us were to use our good offices at every opportunity to promote the use of the app. It is testimony to the public's desire to do their part that so many people have downloaded the app. I also welcome the fact that an app has now been designed specifically — if I can say that word — for younger people. That will, I think, see an increase in the number of people who use the app. The version that has been developed for 11- to 17-year-olds will help reach more people, and we are asking our schools, FE colleges and others to promote it. Our repeating the message to download the app is one of the key ways in which we will increase the number of people using it.

Mr Sheehan: Gabhaim buíochas leis an Aire. What supports have been provided for those who are required to self-isolate?

Mrs O'Neill: Self-isolation is a crucial part of the strategy to stop the transmission of COVID in our community, so it is important that people are financially supported to self-isolate when required. In March, the Communities Minister, Deirdre Hargey, introduced enhancements to the discretionary support scheme to further support people affected by the pandemic. That includes a non-repayable COVID-19 living expenses grant to assist with the short-term living expenses where a person or any member of their immediate family is diagnosed with COVID-19 or is advised to self-isolate.

Regardless of circumstances, a discretionary support COVID-19 living expenses grant award will include a specific amount for any children in the household and can be made for periods of more than 14 days. That means that it is possible for individual awards to exceed £500, which makes it a more supportive intervention than there is anywhere else. It will also support the lowest-paid workers. I remain committed to working with all Ministers to support those required to self-isolate and the individuals and families who need support during these most challenging of times.

Mr McGrath: The deputy First Minister may be aware that the Health Committee was told recently that an update was due to the app that might reduce the time that people have to self-isolate. The app works back 14 days, so there is an opportunity to reduce the window in which a person might have to self-isolate. Does the deputy First Minister know when that update might be made available?

Mrs O'Neill: I was not aware of that conversation at the Health Committee, but I can ask the Department of Health for that information. We are told that advances are being made all the time with regard to the app, and I know that there is work ongoing on the period of self-isolation. We have yet to see the evidence on that, but, no doubt, we will get that over time. I will pass on the comments to the Department of Health.

Mr Allister: Some might think that there is a need now for a track-and-trace system for COVID small business grants following the scandalous retention of such vital money by the deputy First Minister's party until they were flushed out by Stephen Nolan. Why should the public not conclude that, if Stephen Nolan had not caught Sinn Féin out, there would never have been an intention to pay back the money?

Mrs O'Neill: I do not think, a Cheann Comhairle, that that question is relevant to the original question. However, I am very happy to say again in the House today what I said publicly last week: what happened was wrong and totally unacceptable. As soon as the party leadership became aware of what had happened, we moved swiftly to deal with the issue.

HIA Victims: Apology and Memorial

2. **Mr Lunn** asked the First Minister and deputy First Minister for an update on progress towards an apology and an appropriate memorial for

victims of historical institutional abuse. (AQO 965/17-22)

Mrs O'Neill: Victims and survivors of historical institutional abuse (HIA) have endured unimaginable pain and suffering at the hands of those who should have protected them. We are absolutely committed to making sure that they get the acknowledgement and redress that they deserve to help them to move forward and to rebuild their lives.

The interim advocate has been working with victims and survivors groups to advise on an official apology. He has also looked at the experiences of other jurisdictions to help to inform that advice. We received his report on 16 October and took the opportunity to discuss it with him on 20 October. He has highlighted the importance of a wholehearted apology that deals with acknowledgement, responsibility, recognition and repair. The Executive Office has engaged separately with Survivors and Victims of Institutional Abuse (SAVIA) on the apology, and we will receive a full report of its views.

It is really important that we get this right, as victims and survivors have waited nearly four years since the Hart report was published. We will come forward to victims and survivors groups with plans for the apology as soon as possible. On 6 October, we announced the appointment of Fiona Ryan as the Commissioner for Survivors of Institutional Childhood Abuse. Fiona will take up position from 14 December. As well as her critical interest in an apology, she will certainly take up the issue of a memorial.

Mr Lunn: I thank the Minister for her comprehensive answer. She mentioned the interim advocate's activities. He has announced that the advice services will be in place from the start of December. Can the Minister advise us on the extent to which those services will be available? Will they be limited services or full services?

Mrs O'Neill: As you know, the Hart report recommended that specialist support services should be available to victims and survivors, offering counselling and practical help tailored to their needs. I am pleased to say that the Executive Office is taking steps to establish a wide range of additional services for HIA survivors. The Victims and Survivors Service (VSS) will deliver dedicated health and well-being social support and related services to victims and survivors of HIA. From today, Monday 2 November, support is available

directly to meet pressing and immediate needs including persistent pain, disability aids and psychological support.

We intend that the HIA support service will be officially launched from 1 December. That will include dedicated health and well-being caseworkers, outreach, drop-in and social support that is local and easily accessible. Representatives of the victims and survivors groups have helped to develop the case for the support service and assisted VSS, TEO and the interim advocate's office in designing the arrangements. The service will build on what is already available for HIA victims and survivors and on the interim service for counselling and emotional support that was established in early summer. It is another important milestone in the fuller implementation of the Hart report.

Mr Speaker: I ask Members to desist from using their mobile phones in the Chamber, please. We are getting a lot of interference in the system.

Mr Stalford: Will the deputy First Minister assure the House that co-design of every stage of delivery will be at the heart of this restorative scheme? It is so important that we carry people with us. Secondly, can she give the House an update on where we are with the financial scheme in respect of compensation, specifically the contributions required from institutions?

Mrs O'Neill: On your first point, co-design and co-production are essential. If we are to get this right and have the confidence of the victims and survivors, they have to be at the heart of designing things. I am happy to make that commitment in the House today.

The Member will be aware — I think that we have talked about it at different Question Times — that we are seeking meetings with a number of the relevant bodies. Everybody has to play their part.

There is a huge lift and a huge responsibility in getting financial redress payments to those who need them. We are working our way through that and hope to have meetings with the relevant institutions in the coming weeks.

Ms Armstrong: Will the deputy First Minister ensure that applicants to the redress board are made aware of what information is being sought about applicants, particularly if the board is seeking their criminal records, as this is very distressing for victims?

Mrs O'Neill: I am very happy to take that on board and will speak to the relevant officials.

Mr Speaker: I am disturbed by the interference on the equipment here.

Ms Dillon: I thank the Minister for her answers, particularly in relation to the support services that have been put in place for victims. It is extremely important that they get the support that they need, particularly at this time when they have to go through the application process. Will the Minister update us on the work of the HIA redress board on administering the redress payments and whether any issues have arisen during that process?

Mrs O'Neill: I thank the Member for her question. As we all know, historical institutional abuse should never have happened. It was so wrong, on so many levels, that trust was breached and children were violated. They were all failed by a system that should have protected them but that turned a blind eye and covered up systemic abuse. We owe it to them to make sure that we get this right and that they get the redress that they deserve. I know that redress has been a long time coming. As a matter of fact, it has been far too long in coming. However, we have started to make some progress in supporting victims and survivors. The redress board opened for applications on 31 March, and, within seven weeks, the first compensation payments were made. That was all within the timescales that were set out by the president of the board. That was a significant milestone for the victims and survivors, who are now starting to receive their long overdue compensation. As of 28 October, 647 applications have been received, of which 171 were from people who participated in the Hart inquiry. Panels have made determinations totalling £5.1 million and paid out a total of £3.7 million.

Mrs D Kelly: Will the deputy First Minister update us on the recruitment of the Victims' Commissioner, given that we are concerned about how many people in society are hurting both from institutional abuse and from the conflict?

Mrs O'Neill: I was happy to make a statement to that effect to the House only a short number of weeks ago. We are delighted that Fiona Ryan is coming on board. That will be a new beginning for the work with victims and survivors and will build on all the recommendations of the Hart report, such as the apology, the memorial and all that we have

committed to. She is due to take up her post on 13 December, and we look forward to that.

Mr Speaker: Before I call the next Member, I advise that oral questions 4 and 12 and topical questions 2 and 6 have been withdrawn.

Ministerial Code

3. **Mr Beattie** asked the First Minister and deputy First Minister when they will bring the new ministerial code before the Assembly. (AQO 966/17-22)

Mrs O'Neill: We are considering draft amendments to the ministerial code to reflect the changes in the law introduced by the Executive Committee (Functions) Act 2020. Following Executive agreement, we will table a motion for their approval by the Assembly at the earliest opportunity.

Mr Beattie: Thank you, Minister. Given that the Executive Committee (Functions) Act (Northern Ireland) 2020 is now law, does that mean that decisions are being made by Ministers that are now outside the scope of the present ministerial code?

Mrs O'Neill: No, that is not the case. We are aware that the Minister sought legal advice and is perfectly content that she has taken decisions in line with the code as it currently sits.

Mr O'Toole: Deputy First Minister, one of the reasons that this place was in abeyance for three years was lack of public confidence in financial transparency and in holding Ministers to account. Will she confirm that, when a new ministerial code is brought forward, it will be enforced by the standards commissioner, who will have the powers and the logistical firepower to hold Ministers to account properly?

Mrs O'Neill: I can confirm that that is the case. When the ministerial code is in place and is confirmed by the Assembly, the commissioner will work on that basis.

Miss Woods: When will a new panel for ministerial standards be appointed?

2.15 pm

Mrs O'Neill: I do not have that information with me, but I am very happy to provide it to the Member in writing.

Mr Speaker: I call Claire Sugden.

Ms Sugden: My supplementary question has been asked. Thank you.

Ebrington Clock Tower

5. **Ms Anderson** asked the First Minister and deputy First Minister to set out the time frame for enabling works on the Ebrington clock tower. (AQO 968/17-22)

Mrs O'Neill: We are making good progress in regenerating the north-west and bringing about prosperity for the people of that area through recent and continued investment. The £200 million that was made available through the region's city deal will help us to stimulate growth and attract jobs. We are committed to the development of the graduate-entry medical school at the University of Ulster's Magee campus, and, through our Urban Villages programme, we are progressing the redevelopment of Meenan Square. We are also committed to the continued implementation of the Communities in Transition project, which seeks to support and empower those who live and work in the Brandywell and Creggan areas of the city. Those critical and very significant investments will complement the great progress that we have already seen in the redevelopment of the Ebrington site.

We are pleased to report that the procurement process to appoint a works contractor to complete enabling works on the clock tower building is now under way. An appointment is expected by 30 November. The works programme is expected to run for approximately 12 weeks from December 2020, and that is, obviously, dependent on the weather. We will continue to advance all remaining development works on-site and look forward to seeing those being completed for the benefit of all in the wider area.

Ms Anderson: Go raibh maith agat, Minister, and thank you for that full and complete answer. Passers-by in Derry will have seen the new construction of grade-A office accommodation taking place in Ebrington. Will the Minister provide an update on the second building that is proposed for grade-A office accommodation in Ebrington, please?

Mrs O'Neill: Thanks to the Member for her question. The developer of that grade-A accommodation, Heron Property Limited, received planning approval in September 2019, and works to construct the building commenced in December 2019. Whilst they were temporarily delayed due to the lockdown, works recommenced in July 2020. Construction works

are expected to be complete by March 2022, and, when complete, we anticipate that the project will bring significant benefits to the city and the region and will be a key catalyst for the site.

Mr Middleton: I thank the deputy First Minister for her answers so far. On the grade-A office accommodation at Ebrington, does the Minister have any information on whether investors are still keen to put jobs on the site, given the current COVID environment?

Mrs O'Neill: We have no information to the contrary, so we will continue to work with them to make sure that this is progressed. The construction of the grade-A office accommodation that has commenced will provide 50,000 square feet of office accommodation. That is huge, and it can accommodate between 400 and 450 people. We will continue to work with the contractors to make sure that the work continues, is delivered and brings the benefits that we know that it will bring.

Mr Durkan: It is great to see advancement on Ebrington. It has been long overdue. Has the Executive Office heard any concerns from the business community in Derry that, while it is great that there will be business and office accommodation at Ebrington, it will not create new jobs per se and it runs a risk of displacing jobs in the city and across the district?

Mrs O'Neill: No, we have not heard any concerns about that, but, obviously, the current COVID restrictions make it difficult for Ministers to get out and about and engage with people. I have certainly spoken to numerous business people in the city and have committed to making a visit at some stage in the near future so that we can talk out all those issues.

Mr Speaker: I remind Members to desist from using their mobile phones. There is a lot of disturbance on the computer system here. I appeal to Members to do that.

High Streets Task Force

6. **Mr Humphrey** asked the First Minister and deputy First Minister how the work of the high streets task force can encourage shoppers to visit the key shopping areas of our towns and cities during the Christmas shopping period in what has been a difficult year for retailers. (AQO 969/17-22)

14. **Ms P Bradley** asked the First Minister and deputy First Minister for an update on the high streets task force that was announced on the 6 August 2020. (AQO 977/17-22)

Mrs O'Neill: With your permission, Mr Speaker, I will answer questions 6 and 14 together.

I share Mr Humphrey's desire for a Christmas period that will bring relief to the retail sector whilst remaining safe for shoppers and those who work in the sector. We can all play a part in encouraging that in the coming weeks.

The high street task force will look beyond that immediate challenge. It is clear that our town and city centres face a range of economic and social challenges. Whilst the COVID-19 pandemic has, undoubtedly, exacerbated the situation, many of the challenges are long-standing, stemming from the financial crisis of 2009, prolonged underinvestment in infrastructure and changing patterns of consumer behaviour. This calls for a strategic, sustained response, with Departments and local government working in partnership to deliver a vision for sustainable town and city centres as thriving hubs for the retail, services, hospitality and residential sectors.

I recognise that stakeholders are frustrated that the task force is not in place already, and I share that frustration. However, the challenges call for a sustained transformation, not a quick fix, and that needs thorough preparation and planning. We have asked for that work to be accelerated, with detailed proposals to be brought to the Executive later this month and the task force established shortly afterwards.

Mr Humphrey: I thank the Minister for her answer. Recently, I met the Lord Mayor, the chief executive of Belfast City Council and Michael Stewart, the president of Belfast Chamber of Commerce. Over the last two to three years, Belfast retail has had a dreadful time in the marketplace, given the Bank Buildings fire and, of course, this year, COVID. City retailers are struggling. They need help and support. The joined-upness that the Minister referred to in her answer is absolutely urgent. Will the Minister ensure that that joined-upness will be put in place as soon as possible? Can consideration be given to supporting high street traders, particularly in the city that I represent in this place, in the run-up to Christmas, which is so vital to our city centre economy? I was in the city centre on Saturday morning, and, quite honestly, the footfall was very poor. Traders are very concerned: I met them and heard that from them at first hand.

Mrs O'Neill: What will be key to the work will be the joined-up nature of it. None of us can afford to work in silos. We need to work with the industry and local government to bring together all the stakeholders and then bring forward a plan. There should be short-term, medium-term and longer-term goals for us to reach to support the sector. We have said that there is no quick fix here. We believe that this is a complex picture. We are trying to fix something that has been a long time developing, so we are absolutely wedded to a joined-up approach. As I said, proposals will come forward to the Executive before the end of the month.

Ms Mullan: Does the Minister believe that the high street task force has a role in COVID-19 management and recovery?

Mrs O'Neill: That builds on the previous question. The challenges that our towns and cities face are not amenable to a quick fix. The decline of the high street is not new. It began long before COVID-19. We now need to see action and delivery to stem the decline, make things more sustainable and plan for recovery. We need to protect our high street, our small retailers and family-owned businesses, who are all at the heart of our communities. These are the most challenging of times for everybody. We need to be innovative and look at how we can bring life back into our towns and cities and how they can be a space in which to live, work and enjoy our leisure time. As I said, we need to work collaboratively with all sectors. Our officials are currently engaged with all the stakeholders in putting together preparations for the high street task force and bringing that forward to the Executive very soon.

Mr Nesbitt: If the deputy First Minister agrees with the Chief Medical Officer that the R number cannot be controlled with schools and hospitality open at the same time, what more does she think her colleagues in Finance and the Economy can do to help the 65,000 people who work in the hospitality sector?

Mrs O'Neill: There is no doubt that these are the most challenging of times for everybody, not least for the sectors that have been really badly hit. We are now just over two weeks into a four-week period of intervention. Our objective throughout this period is to get the R rate down. The work that we are doing now as an Executive collectively — all Ministers have a role to play in this — is "What does the exit strategy look like?" and "How can we move forward? How can we keep the virus down to a level that allows us to move around a bit more freely?". We intend to publish work around an

exit strategy over the coming days, and we will communicate that to the public.

These are really trying times. That is why, when we moved to intervene and bring forward these measures, we knew that we could not do it without financial support. We knew that we could not do it without shoring up the businesses that have been impacted. That will always be our barometer. No matter what we have to do, we need to be able to support the people who are struggling. That will be at the heart of our decision-making.

Mr Speaker: Steve Aiken is not in his seat to ask question 7, so we will move on to the next question.

COVID-19: Communications Strategy

8. **Mr Lyttle** asked the First Minister and deputy First Minister what communications strategy has been put in place to encourage and ensure compliance with the guidelines and behavioural change necessary to reduce COVID-19 transmission. (AQO 971/17-22)

10. **Mr Gildernew** asked the First Minister and deputy First Minister for an update on the Executive's communication strategy, which is critical in achieving buy-in for and compliance with recent Executive decisions aimed at reducing COVID-19 virus transmission rates. (AQO 973/17-22)

Mrs O'Neill: With your permission, Mr Speaker, I will ask junior Minister Kearney to answer questions 8 and 10 together.

Mr Kearney (Junior Minister, The Executive Office): Our ability to reduce the levels of COVID-19 in our community is absolutely dependent on the public getting behind the effort to protect people and to save lives. Our communications strategy focuses on the steps that we should all be taking to stop COVID-19 from spreading and on the very serious consequences of non-compliance. That is a message that can be conveyed no more effectively than by the families who have felt the devastating effects of the virus: those who have lost a loved one to COVID-19. The Executive's public information campaign is being updated for the winter months and includes a testimonial from a bereaved family member that will be broadcast from this Friday, 6 November. That personal testimony will be very impactful in communicating the very real human cost of COVID-19 and the importance of everyone doing their bit by following the restrictions; limiting your contact with others; maintaining

social distancing; washing your hands well and often; wearing a face covering; maintaining good respiratory hygiene; downloading the StopCOVID NI app; and isolating and immediately booking a test if you display the symptoms. The compliance communications group, which includes representation from Departments, local government and the PSNI, is working together to ensure that a joined-up approach is taken that will maximise the effectiveness of that messaging through all channels.

Mr Lyttle: I thank the junior Minister for his response. Clear and imaginative communications are vital to encourage behavioural change and to protect life and livelihood from COVID-19. Have the Northern Ireland Executive employed behavioural change experts and/or considered employing local artists and high-profile people in Northern Ireland to help us with that important messaging?

Mr Kearney: An integral part of the work that is being carried out in the Department of Health and by the Chief Scientific Adviser and his staff is on taking account of behavioural attitudes and behavioural change in order to assess the effect of the restrictions that we have introduced and how they can obtain greater buy-in from the public, as well as what may be off-putting or neuralgic and not impact positively on human behaviour. We should work on the basis that that informs our approach and our analysis.

The need for more innovative and animated ways of communicating, particularly with our young people, has been a recurring theme of discussion on the Executive. The point is well made, particularly when we look at how the demographics have changed, with the increasing chains of transmission in the younger demographic. It is important that our messaging be targeted and impactful. The need to be more innovative is a point that has been taken on board and that has been emphasised to the Executive's information service in the work that it is taking forward.

On your last point, yes, when we speak to our younger people, it is critical that we engage those from the younger demographic, particularly sports stars from all our codes, to assist us in articulating the important message of the measures that need to be taken by young people in particular in what is a challenging period to ensure that we save lives and that they stay safe.

Mr Gildernew: Can the Minister update us on the work that is being undertaken by the Executive to strengthen the messaging on enforcement and compliance in order to combat COVID-19?

Mr Kearney: As the Member will know, the Executive have introduced emergency measures to halt the alarming levels of COVID-19 in our communities. We are in the midst of the current intervention. It is severe and restrictive, but, nevertheless, it is designed to try to have the desired effect. None of the decisions that were taken was easy, but our focus is on emphasising the need to protect people and save lives. Key to that, as the Member will know, is breaking person-to-person contact: in other words, breaking the chains of transmission. We are trying to get a balance between introducing restrictions when they are needed to flatten the curve of the infection, mitigating those as much as we can and, as has been discussed during Question Time, protecting our businesses.

2.30 pm

The steps that we have taken are informed by the most up-to-date analysis and advice that we had received. Our preference is to work with every member of the community so that we protect ourselves and one another. However, where compliance falls short of what is required, those regulations will, of course, need to be enforced. The strategic compliance group, which is chaired by the other junior Minister and me, works closely with all our partners on a range of compliance, enforcement and communication issues. I want to thank specifically our colleagues in local government and the PSNI for the central role that they have played, along with the Executive Office, over recent weeks. It is a very solid foundation for how we move beyond this period and into the recovery period.

I also want to highlight the important work that has been carried out in my own constituency, particularly by Antrim and Newtownabbey Borough Council, which has led the way in setting a template for how other local government organisations can follow suit in their work in the community. We are also working to ensure that public messages on the issue are heard and understood. To that end, we have engaged with a wide range of other sectoral interests, including faith groups. Our most important partner in all that is the community. We must understand that the human cost of not adhering to the public health restrictions is severe. We all need to be

responsible and take responsibility for our actions and behaviour.

Mr Speaker: That ends the period for listed questions. We now move on to 15 minutes of topical questions.

HOCS: Failure to Appoint

T1. **Mrs Barton** asked the First Minister and deputy First Minister to outline the reasons behind the failure to appoint a new head of the Civil Service (HOCS). (AQT 581/17-22)

Mrs O'Neill: I thank the Member for her question. We had a competition. We were not successful in appointing someone. However, as we outlined in our statement to the House on 26 September, we are working to put in place arrangements to fill the HOCS position on an interim basis, and we hope to be able to say something positive about that in the next number of days. However, until that is finalised, we will say no more other than that we will come back to the House to give Members that information first.

Mrs Barton: I thank the deputy First Minister for her answer. Has anybody declined an approach to be temporary head of the Civil Service?

Mrs O'Neill: I will not get into HR issues. We worked through our HR department. Everything was done according to the rules and regulations as they are laid out. We are very glad to have had the work of a number of senior civil servants to help us through this period. For example, Derek Baker has stepped up to assist us in the Executive. On the key issues of the day, whether it is COVID-19 in the Health Department or Brexit, senior civil servants have helped us out, and we are grateful for that work. We hope to make a positive announcement about an interim head of the Civil Service in the days ahead.

COVID Recovery Plan

T3. **Mr McHugh** asked the First Minister and deputy First Minister whether they agree that the COVID recovery plan should promote equality, fairness and inclusion. (AQT 583/17-22)

Mrs O'Neill: I thank the Member for his question. As joint head of Government, I can certainly say that I am committed to leading a power-sharing Government who are defined by equality, fairness and inclusion. Therefore, in

planning for recovery and going forward, we want to ensure that this is a good place to live for each and every person who calls it home. We want to work with all groups to deliver a society with social justice, workers' rights and equality at its core.

I am also aware, however, of the disproportionate impact of the virus on black and minority ethnic communities and women; the impact on children and young people's education; the mental health impact of the restrictions that we have had to put in place; and the impact of the loss of employment, particularly on those who are already experiencing poverty. The recovery must provide for those in greatest need and those who have suffered the greatest impact.

Mr McHugh: Does the deputy First Minister agree that addressing holiday hunger must be at the core of any future COVID recovery plan?

Mrs O'Neill: Without a doubt, it is a stressful and difficult time for many people across the community, especially where they have found themselves in a sudden change of circumstances, whether that has been through losing their job or a reduction in income because their hours have been reduced. COVID-19 has exacerbated that issue for many people and families without access to financial resources, so support for those families is vital. We need to be able to support all who are struggling. Holiday hunger is an issue that I and the whole Executive take seriously, and we are determined that the Executive will work to address that while ensuring that children are afforded the best possible opportunities to succeed.

Victims' Pension Scheme

T4. **Ms Ennis** asked the First Minister and deputy First Minister, in the light of the fact that Ministers are committed to delivering a victims' pension scheme, to confirm that the Executive Office will bid for financial resources for the scheme as part of the Budget 2021-24 information-gathering exercise. (AQT 584/17-22)

Mrs O'Neill: I thank the Member for her question. I can confirm that we are determined to deliver a victims' payment scheme based on need. As part of the Budget 2021-24 information-gathering exercise, the Executive Office has made a bid for finances in the 2021-22 year for £28.72 million; in the 2022-23 year for £64.29 million; and in the 2023-24 year for £72.8 million. The provision of those finances

and financial certainty for the scheme are now key to progress.

Ms Ennis: I thank the Minister for her answer. Can she provide an update on the status and timeline of Executive discussions with the British Government in respect of providing adequate resources for the scheme, given that it is British Government legislation?

Mrs O'Neill: The First Minister, the Finance Minister, the Justice Minister and I met on 22 September in relation to funding for the scheme, and we agreed to make an urgent request for a meeting with the British Secretary of State, Brandon Lewis, to discuss the issue.

In a letter to the First Minister and myself, dated 26 October, Brandon Lewis set out the British Government's position that the cost of the scheme should be met from within the block grant. To date, he has not scheduled a meeting. That is not a tenable or sustainable position. We will continue to raise the issues of finances and financial certainty, as I did with the British Prime Minister, until this matter is satisfactorily addressed.

NDNA: Irish Government Discussions

T5. **Ms Dillon** asked the First Minister and deputy First Minister for an update on discussions with the Irish Government about the NDNA commitment. (AQT 585/17-22)

Mrs O'Neill: I welcomed warmly the Irish Government's announcement of the creation of a €500 million fund for the advancement of North/South projects as part of its Budget exercise on 13 October. While still at a very early stage of development, it is anticipated that the fund will support the delivery of key cross-border infrastructure projects; investment in new all-island initiatives in areas such as research, health, education and the environment; address the challenges of the north-west and border communities; achieve greater connectivity on the island; and enhance the all-island economy and all aspects of North/South cooperation. The fund is a much-needed and welcome investment that will, hopefully, deliver practical benefits for all our people, providing the basis for all-island cooperation.

Mr Speaker: I call Linda Dillon to ask a supplementary question.

Ms Dillon: My supplementary has been answered in the fulsome answer that the Minister gave, thank you.

Mr Speaker: Emma Rogan is not in her seat.

R Number: CMO Advice

T8. **Mr McCrossan** asked the First Minister and deputy First Minister to provide clarity on the Executive's approach to the restrictions in the light of the Chief Medical Officer's (CMO) claims that it will not be possible to keep the R number below one if schools and the hospitality sector are open. (AQT 588/17-22)

Mrs O'Neill: You are correct, that is the Chief Medical Officer's view, and he has relayed that to the Executive in all our conversations.

We have to be guided by the public health advice. We have to take balanced and reasonable approaches. That is far from easy, and very difficult decisions have to be made. As I said in answer to an earlier question, the Executive are working their way through the exit strategy and what that looks like. We need to be able to communicate that well in advance of 13 November because we need people to have the information so that they can plan. The Executive's work continues on that basis.

Mr McCrossan: I thank the deputy First Minister for her answer. Can she clarify whether she agrees with the position of the First Minister that businesses should reopen, if safe to do so, in two weeks' time, after the restrictions lift?

Mrs O'Neill: Obviously, the ideal is that we allow the maximum number of businesses to be open and the maximum amount of freedom to individuals, but we are in a challenging situation. We brought forward the four-week intervention because we had to. We had no option other than to do something to try to arrest the situation.

Our determination is to make this work, but we are consistent across the board in saying that we want to find a way to move away from continual lockdown. The Executive policy cannot be to have a lockdown strategy. However, I have also been honest enough to say that we have to keep all options on the table. When it comes to what comes next, we need to minimise the disruption to people's lives as much as we can. We need to be guided by the public health advice. We need to invest in the test, trace and find strategy. We need to see more advances in the testing regime. We need better communication with the public, and

I welcome the work that is being done on that. We have another few weeks left of the interventions, and, if we all stick at it, we can make a real difference and get the virus down to a level that will allow us to lift some of the restrictions. All the while, we have to be guided by the public health advice.

Culture and Language Legislation

T9. **Mr McGlone** asked the First Minister and deputy First Minister for an update on the legislation relating to languages and culture. (AQT 589/17-22)

Mr McGlone: Go raibh maith agat, a Cheann Comhairle agus gabhaim buíochas leis an LeasChéad-Aire. Tá mé ag iarraidh a fháil amach an féidir leis an LeasChéad-Aire an dul chun cinn atá déanta maidir leis an reachtaíocht i dtaobh cultúir agus teangacha a chur in iúl dúinn?

Mrs O'Neill: I thank the Member for his question. We are committed to the development and the implementation of the rights, language and identity proposals that are included in New Decade, New Approach. The delivery of those priorities will be important in building our shared future, based on mutual respect and parity of esteem. Whilst the COVID-19 pandemic has undoubtedly delayed *[Interruption.]*

Mr Speaker: Order, Members.

Mrs O'Neill: It is very difficult to hear, a Cheann Comhairle, when people are speaking.

Whilst the COVID-19 pandemic has undoubtedly delayed the speed at which we would have liked to see these issues progress, I can assure you that it has not deterred us from delivering them as quickly as possible. Officials are undertaking the necessary preparatory work to legislate for the core elements of the Bill, and we intend to progress the legislation during the 2020-21 year to create the relevant bodies as quickly as possible.

Mr McGlone: Go raibh maith agat, a LeasChéad-Aire. Thank you very much indeed, deputy First Minister. You mentioned that there is a time frame for it. Can you tell me what that time frame is and what articles and elements of the Bill have already been prepared?

Mrs O'Neill: The Member is aware that there were three separate pieces of legislation to come forward. The drafting of the Bills was done in advance of NDNA. COVID has been

the biggest interruption in bringing this forward, but I can assure you that there will not be a moment wasted. As soon as we receive the advice from officials, I hope to be able to come back to the Chamber to talk about its progression.

Mr Speaker: Pam Cameron is not in her place, so that brings topical questions to a conclusion. I ask Members to take their ease for a moment or two, please.

2.45 pm

Justice

Brexit: DOJ Preparations

1. **Ms McLaughlin** asked the Minister of Justice for an update on her Department's preparations for the UK leaving the EU. (AQO 978/17-22)

Mrs Long (The Minister of Justice): Work has been progressing across the Department of Justice and the wider justice system to prepare, as far as possible, for the end of the transition period. The key risks of EU exit for my Department are the loss of EU tools that facilitate cooperation among law enforcement partners and the impact that it will have on crime, organised crime and public disorder. Plans to mitigate those risks continue to be impacted by uncertainty about the shape of any future security partnership and the nature of the wider relationship between the UK and the EU at the end of the transition period.

Ms McLaughlin: I thank the Minister for her answer. Does she agree that the removal of access to the European arrest warrant would be a backward step for policing and justice in Northern Ireland?

Mrs Long: We have a number of tools in the European suite of law enforcement tools for sharing and cooperation, among which the European arrest warrant is key. There are other fail-safe mechanisms in place at this point when it comes to issues such as extradition, but none of them is as effective or as efficient in its operation as the European arrest warrant has proven to be.

Ms Rogan: I apologise for not being in my place earlier during the previous Question Time.

Does the Minister agree that a no-deal Brexit will leave our criminal justice agencies at a

disadvantage in tackling crime, particularly along the border corridor?

Mrs Long: We are working very hard to ensure that we are able to maintain safety, security and good order in the justice system. However, there will, of course, be issues with some of the protocols that we have been able to rely on to date. There is, for example, a particular issue with the data adequacy agreement that ensures that we can, in live time, share information across borders. That data adequacy agreement is not yet in place, and it is a key issue for justice. Should we exit the transition period without that agreement being in place, it would have a day-to-day impact on the ability of operational partners to share personal data for the detection and prosecution of pan-EU crime and particularly cross-border crime. There is clearly a challenge that has to be addressed within the next eight weeks. There is a real pressure on all those involved in the negotiations to get down to the detail, to get that over the line and to get an agreement that will allow us to continue to provide a safe, secure and good cooperative relationship across the border.

Mr Beattie: Does the Minister not agree that, in light of contact between domestic terrorist groups in Northern Ireland and international terrorist groups in the Middle East, it would be folly for Northern Ireland, following the end of the transition period, not to align itself with the rest of the UK on the Counter-Terrorism and Sentencing Bill?

Mrs Long: The Member has strayed somewhat from the issue of the adequacy of EU exit preparations. On the Counter-Terrorism Bill, terrorism in general is not a devolved matter; it is a matter for the Home Office to take forward. However, there are areas where it impacts on the operation of local justice. As the Member will be aware, I took the matter to the Executive and liaised with party leaders, but, unfortunately, there was no agreement among the parties in the House on how to get an agreed legislative consent motion, be it a limited or a full one, through the Chamber. Unfortunately, on this occasion, it will be a matter for Westminster to continue to address, as has been the case.

Mr Speaker: I should have said that oral questions 8, 11 and 14 have been withdrawn.

'Child Sexual Exploitation in Northern Ireland': Recommendations

2. **Ms Kimmins** asked the Minister of Justice to outline the next steps in implementing the recommendations of the June 2020 Criminal Justice Inspection report, 'Child Sexual Exploitation in Northern Ireland'. (AQO 979/17-22)

Mrs Long: As I have advised the House previously, I remain committed to working with criminal justice and health partners to further improve how cases of child sexual exploitation are handled. A multi-agency task and finish group is considering the Criminal Justice Inspection Northern Ireland (CJINI) report, in line with the work being progressed by the Safeguarding Board for Northern Ireland and other partners responsible for the operational response to child sexual exploitation and existing child protection mechanisms and protocols. In taking that forward, my officials are having ongoing discussions with partners in the Department of Health, the Safeguarding Board for Northern Ireland, the Health and Social Care Board and the PSNI, and are developing an action plan that we will share with CJINI once ready.

On an issue such as this, I am always open about how we can improve outcomes for victims by working together better and more strategically, and that is what we will consider as we finalise our action plan in response to the CJINI report and seek to implement the recommendations.

Ms Kimmins: I thank the Minister for her answer. Strategic recommendation 1 states:

"Within six months ... the Department of Justice take forward a cross-Departmental strategic response to tackle child sexual abuse and exploitation".

Four months on, can the Minister assure us that work is under way in conjunction with the PSNI and the Public Prosecution Service to deliver that recommendation in a timely fashion?

Mrs Long: The majority of the recommendations in the CJINI report are operational and will fall to statutory partners to deliver, but the report recognises the importance of ensuring a coordinated, strategic and multi-agency approach to the issue. A multi-agency task and finish group is considering the report in line with the work that is being progressed by the Safeguarding Board for Northern Ireland and other partners that are responsible for the operational response to child sexual exploitation and existing child protection mechanisms and protocols.

The group is also considering the CJINI recommendations alongside those in the recent Leonard Consultancy report on child sexual exploitation that was commissioned by the Safeguarding Board, given that there is a crossover in the recommendations. That should ensure that there is a considered and joined-up approach to the strategic and operational recommendations in both reports. It will include how my Department and our criminal justice partners best support those elements that have a Health lead and vice versa. Through that, a more coordinated and effective response should be able to be secured.

Mr Givan: The inspectorate's report was very critical of the lack of strategic leadership in addressing the outworkings of the Marshall report, which was completed in 2014. It called for a step change and made the strategic recommendation that the Department of Justice needs to lead the multi-department response. Can the Minister assure the House that she will take on that responsibility and drive forward the kind of response that we need to see?

Mrs Long: Yes, Mr Speaker.

Ms S Bradley: I note the Minister's work to date on the issue. Will she define or give a timeline for when we can expect to see some results from that work?

Mrs Long: The Department is, obviously, working collaboratively to take it forward. My Department does not have a strategic lead for child protection issues. However, I recognise that more can be done to enhance our strategic response and to ensure that, by working closely with partners, we get the best outcomes for victims.

There are some challenges with the timeline. For example, the Marshall inquiry's findings included a suite of recommendations across a number of Departments and bodies. Progress reports have been published by the Department of Health, while a child protection senior officials group is also led by that Department. Over the coming months, we hope to be able to provide more updates to the Committee and the Assembly about progress on that serious issue.

COVID-19: Impact on the Justice System

3. **Mr McNulty** asked the Minister of Justice for an update on the impact of COVID-19 across all agencies in the justice system. (AQO 980/17-22)

Mrs Long: Across the justice system, the impact of COVID-19 has been felt in how services are delivered by the police, how courts operate, how people are kept safe in custody and by those under supervision in the community. Huge efforts have gone into managing the impacts of COVID-19, with organisations quickly adapting their practices to comply with public health guidance and to put in place contingency arrangements. That has included conducting risk assessments of premises to ensure that the safety of essential workers and those in our care can be maintained, increasing the use of various digital platforms to engage with members of the public and those in contact with the justice system and, where possible, enabling staff to work from home through the provision of IT equipment. Examples of the use of innovative practices include virtual visits and virtual learning in custody, the increased use of live links by courts to enable remote access for defendants, victims and witnesses and digital recording of statements provided remotely by victims and witnesses.

From the end of September, the full range of courts and tribunals services have resumed, albeit at a reduced capacity due to the necessary social-distancing controls. Each justice organisation has a recovery plan in place, with progress carefully monitored and adjusted in light of the trajectory of the virus in the community and overseen by the Criminal Justice Board.

Mr McNulty: I thank the Minister for her answer. I would like further clarity on working from home and the social-distancing measures in policing. Will the Minister also assure me that all efforts will be made to ensure that the most heinous crimes against the most vulnerable will continue to be met with the full rigours of policing and the law despite any COVID-19 limitations?

Mrs Long: It is very clear that, for most policing operations, working from home is not an option. Whilst there may be some scope for people to operate remotely for paperwork and other things, most policing requires them to be present and active on the scene. I can certainly assure you that there will be impacts on the PSNI as a result of COVID-19. I cannot assure people that there will not; that would be foolhardy. However, the PSNI has responded excellently to those challenges, including the additional burden, which it did not previously have, of having to manage COVID regulations and the enforcement procedures around those.

With regard to the PSNI's response, it has taken a toll on officers, and there are issues around people having to self-isolate. We keep that under review, and, where we are asked for more resource or more assistance, we are open to that discussion with the PSNI.

Ms Dillon: The Minister said that the courts have resumed. However, there is obviously quite a backlog. Can the Minister give us assurance that mitigations are in place, should there be any further COVID restrictions, to ensure that the backlog is reduced and dealt with, particularly around family court cases and those that involve very vulnerable victims.

Mrs Long: The Member will be aware that significant work was undertaken in the courts to ensure that, hopefully, they could continue to operate in as normal a fashion as possible once they restarted. Physical distancing measures were put in place, along with reorganisation of courts, and two court systems have been introduced so that deliberations are held in a separate court to the main trial. A number of different and innovative systems have been put in place. Members will also be aware that we are looking at additional capacity with regard to circulation space and, potentially, the opportunity to hold some of our family courts and tribunals at other locations. The Department is working very closely with the Strategic Investment Board and, indeed, some arts organisations, whose premises will not be particularly busy over the next period, to utilise those to the best possible outcome for Justice.

With regard to the speed of processing, it is correct to say that there will be a backlog. At the moment, the backlog suggests that we now have real-time reporting and, from that, we can tell that there are around 51% more cases in the court system than there was on 1 March. That is a significant increase in the business that the courts have to do. However, last month was the first month where the number of cases being progressed actually exceeded the number of cases incoming; that suggests that some inroads are now being made into tackling that backlog. The Member will understand that, given the complexity of the justice system, there will be different impacts across the different stages of the system.

Mr Beggs: The National Police Chiefs' Council recommends engage, explain, encourage and, ultimately, enforce. Does the Minister accept that, in failing to chair the COVID enforcement working group, she has failed to demonstrate leadership?

Mrs Long: I accept neither the premise of the question that I failed to chair the group nor the inference taken from it.

Ms Sugden: Will the Minister give her assessment of inappropriate referrals from various statutory agencies to Women's Aid shelters? Inappropriate in that there has not been an incident, or not a recent one anyway, and it seems to be getting referrals because it has spaces. For example, the Housing Executive and police seem to be referring to Women's Aid to house people.

Mrs Long: I thank the Member for raising it. It is not an issue that has been raised directly with me by Women's Aid. There certainly has been an increase in the amount of reporting to Women's Aid and other helplines, largely, I think, as a result of people's awareness being raised about domestic abuse over the last eight months, but also due to the campaigns on social media and television encouraging people to report. Many people phoned up where there was not an immediate issue but concern about family or friends who may be at risk of domestic abuse and, perhaps, cut off from their normal network of support. I am not aware of people being referred back to Women's Aid with regard to seeking accommodation and support. If that is the case, I will be happy to hear more from the Member about that.

3.00 pm

Interface Violence: North Belfast

4. **Mr G Kelly** asked the Minister of Justice to outline the measures that her Department is taking to address violence at interfaces in North Belfast. (AQO 981/17-22)

Mrs Long: Over recent months, it has been extremely disappointing and, indeed, distressing to hear of sporadic interface violence at a number of locations across the north of the city. Any such trouble, where it has a sectarian motivation, is a hate crime, and I condemn it unreservedly. The Department, in partnership with the Northern Ireland Policing Board, funds the North Belfast District Policing and Community Safety Partnership. A core part of that body's remit is to improve community safety and tackle antisocial behaviour.

The Department's interfaces team also works to broker inter-agency cooperation among DOJ, Belfast City Council, the PSNI, the Education Authority, the Youth Justice Agency and the Housing Executive in order to tackle the underlying causes of interface tensions. If we

are to address those tensions and the violence successfully, we also need local political and community support and leadership to do so.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagra go dtí seo. I thank the Minister for her answer. I accept that the multi-agency approach is very necessary and that this is not just down to the police. What should the Justice Department's specific way forward be, and what actions can be taken? I should have declared that I am a member of the Policing Board. There are issues around what can be physically done in some of those areas. There are small moves that can make a big difference, and they are happening on a daily basis.

Mrs Long: First, I thank all the representatives for North Belfast, because, although this particular issue has been around in recent weeks and months, there has been good progress made on other elements of trying to build safer and stronger communities in that neighbourhood. My Department continually works to get that inter-agency cooperation to which I referred in order to look at options to design out crime. It is also considering what support might be available for diversionary activities and other such interventions.

With community consent, good progress is being made. Indeed, in recent months, interface structures have been re-imaged and removed at Duncairn Gardens and Hazelbrook Drive in North Belfast. Although I understand that there is a growing frustration that perhaps more could be done to tackle the issue, it is difficult, unless we are able to capture not just the actions that the police are involved in but the wider actions that are being taken in the area.

I am committed to working on a cross-departmental basis to address the underlying causes of violence, and the Together: Building a United Community strategy has also sought to break down those barriers between different parts of our community. Those who are determined to disrupt the peace and quiet that many residents had been enjoying along interface dividing lines in North Belfast simply must not be allowed to succeed.

Mr Speaker: I call Kellie Armstrong.

Ms Armstrong: My supplementary question has been answered, Mr Speaker.

Mr Butler: My question may already have been answered, but will the Minister outline any further cooperation that there has been

between her Department and the Department for Communities on the issue?

Mrs Long: My departmental officials have been on the ground with PSNI colleagues at Spamount Street and North Queen Street to ascertain what measures can be taken to increase community safety in the area, improve conditions for local people and create deterrents to antisocial behaviour. We also work in partnership with Belfast City Council, the Northern Ireland Housing Executive and other agencies that have their staff on the ground in those neighbourhoods.

We also recognise that, on occasion, we will look to convene those with other roles to play in addressing the problems. In other places, we will make our contribution via established community and statutory partnerships. It is important to note that it is not just for the Department of Justice to lead on this. It has to be something on which we collaborate and work constructively with others, including agencies of the Department for Communities such as the Housing Executive and others.

Antisocial Behaviour

5. **Ms Dolan** asked the Minister of Justice how she plans to address antisocial behaviour in communities. (AQO 982/17-22)

Mrs Long: I recognise that antisocial behaviour is an ongoing issue in local communities and that it causes anxiety and suffering for the residents of those communities. That is no doubt magnified by the restrictions that have been in place over recent months, with more people at home and some looking for alternative social places to meet. Partnership working among the relevant agencies that have the levers to address the issue is vital in order to deliver a swift and coordinated response to problematic behaviours and the underlying causes of that behaviour.

Fundamentally, my plans to address antisocial behaviour are based on supporting a collaborative approach at a local and strategic level to prevent, where possible, antisocial behaviour occurring in the first place; to resolve issues at the earliest possible stage through interventions; and to support those communities and individuals most impacted on by that behaviour.

The newly established multi-agency Community Safety Board will give effect to better linking the strategic and operational response to community safety issues such as antisocial

behaviour. Through existing operational mechanisms such as policing, community safety partnerships and support hubs, processes are being developed to pool collective knowledge and resources to ensure an effective and joined-up response.

While the prevention of, and targeted interventions for, negative and risk-taking behaviours is the preferred approach to protecting people and communities, it is important to ensure that relevant agencies have the effective and proportionate enforcement powers in place to ensure that action is taken where necessary. My Department is working with partners in relevant Departments to review antisocial behaviour legislation.

Ms Dolan: I thank the Minister for her comprehensive answer. It has been two years since the DOJ consultation on the criminal legislative framework to tackle antisocial behaviour. Does the Minister intend to make legislative changes to tackle antisocial behaviour and, if so, will they form part of the Miscellaneous Provisions Bill?

Mrs Long: I am happy to meet the Member to set out the actions that the Department has taken and what has been delivered thus far. Not all the antisocial behaviour review will require legislation; some of it will simply require a different delivery option. My officials are aiming to progress the outworkings of the review consultation as quickly as possible. However, a challenge is that some of the powers under consideration sit outside the Department of Justice. Officials are, therefore, liaising with counterparts in other Departments to agree which Department is best placed to take forward the powers under consideration. It is not as straightforward as simply bringing those matters to the House. However, we will discuss it with other interested Departments and try to seek a way forward.

As you know, a key issue for the review is the ongoing challenges with Part 5 of the Criminal Justice (Northern Ireland) Order 2008. The order allows only for the voluntary surrender of alcohol; it does not allow for the policy intention to seize and dispose of alcohol. The Department of Justice has taken steps to improve PSNI powers. It is also talking with the Department for Communities, which has the primary responsibility for the regulation of alcohol, to ensure that a better solution can be found.

Mr Dunne: Does the Minister recognise the need for additional resources for community

policing? I think that we all fully recognise the good work being done in my constituency of North Down by community policing. Does the Minister continue to urge the Chief Constable to provide additional resources for community policing in our constituencies?

Mrs Long: How the Chief Constable deploys his resources is an operational matter for the Chief Constable. However, he is on record as saying that he believes that community policing is a priority. Therefore, I hope that the Member, and his colleagues on the Policing Board, will hold the Chief Constable to account on how he delivers on that priority.

Ms Armstrong: I thank the Minister and her Department for all their hard work throughout the pandemic. The Minister mentioned the new Community Safety Board. As we all know, some communities are tortured by antisocial behaviour. Can the Minister tell me who sits on the newly established Community Safety Board? What work is being done to prevent antisocial behaviour in communities?

Mrs Long: It is very rare for community safety issues to be resolved by one agency or one board alone, and antisocial behaviour is no different. The multi-agency Community Safety Board is a structure that aims to link the different strategic and operational responses to community safety issues together. The structure allows us to operationalise joined-up responses where necessary by stepping up and standing down a response group on any issue where evidence shows that it is needed.

For example, a community safety response group was set up in May to consider the risk of antisocial behaviour in the absence of normal youth diversion and summer scheme interventions due to social-distancing requirements. Without the support of formally approved and structured summer interventions, there was a risk of the issue being exacerbated and of a possible rise in the numbers of young people entering the criminal justice system. Discussions resulted in the Education Authority and PSNI working together to identify the most acute needs and agreeing on the appropriate mechanisms for engaging with young people. A community safety response group was also set up in August to address PSNI and Northern Ireland Housing Executive (NIHE) concerns about unacceptable bonfires in some areas. Again, agencies met on a number of occasions to address the associated ASB and related community safety issues from those. The learning from all of those different step-ups will allow us to inform potential issues in the future.

Mr Durkan: I thank the Minister for her answers thus far. Partnership and collaboration is pivotal to so much that we do in the Assembly, and it is certainly important if we are to address and prevent antisocial behaviour. In my constituency, the Housing Executive is always very proactive and happy to engage with other agencies to address issues as they arise, but it is my experience that there are some inconsistencies across the housing associations; some are very proactive, while others display an unwillingness or inability to engage with other agencies to address problems. Is that something that the Minister will consider raising with the Minister for Communities, if not the Federation of Housing Associations?

Mrs Long: I thank the Member for his input. We are more than happy to raise that through the antisocial behaviour board. There is an opportunity, through the cross-departmental working that we have through that board, to find mechanisms to raise it, whether that is through the Northern Ireland Housing Executive or directly with the Minister. I am more than happy to take that forward.

Improving Health Within Criminal Justice

6. **Mr McHugh** asked the Minister of Justice for an update on the progress of her Department's commitments in the Improving Health Within Criminal Justice strategy. (AQO 983/17-22)

Mrs Long: The Improving Health Within Criminal Justice strategy and supporting action plan was jointly developed by my Department and the Department of Health prior to its publication in June 2019. Seven thematic areas were identified in the strategy, which translated into a total of 45 actions to be taken forward on a joint basis between Health and Justice, including our respective partners.

The action plan, which is currently subject to a further update, reports 69% of the actions as being on track for completion, complete, or embedded in business-as-usual activities. Thirty one per cent of the actions in the joint action plan were assigned to my Department as lead, of which 71% are on track for completion, complete, or embedded in business-as-usual activities.

Mr McHugh: Gabhaim buíochas leis an Aire. Minister, I am sure that you will agree that many of those who enter the criminal justice system already suffer from complex health needs, including mental ill health and addiction. The

Department of Justice has a key role to play in improving the situation for those people. Therefore, is the Minister satisfied that positive changes in that area are progressing quickly enough in order to make provision for the most needy?

Mrs Long: The Member raises a very valid point in terms of the degree to which many of those in our care in the justice system have already fallen through the cracks of health, particularly mental health, services, addiction services and others. People often have a complex range of needs when they enter the justice system. What we have in the justice system is a microcosm of wider society. The responses that we use in the justice system to offer people mental and physical well-being support have to reflect best practice outside of the justice system. Therefore, we work very closely with our partners, particularly those in the PSNI, PCSPs, the Probation Board, the Youth Justice Agency, the Prison Service and, of course — most importantly — our partners in the Health Department, who help us to ensure that, regardless of the way in which people come in to contact with the justice system, whether it be a short intervention in the street or a longer-term intervention in the prison system, we put health and well-being at the forefront of what we do.

Mr Speaker: I call John O'Dowd for the next question. I advise you that you have one minute.

Prisons 2020

7. **Mr O'Dowd** asked the Minister of Justice for her assessment of the Prisons 2020 strategy. (AQO 984/17-22)

Mrs Long: Since the publication of 'Prisons 2020 The Way Forward' in July 2018, the Northern Ireland Prison Service has driven a programme of continuous improvement across the organisation, with the aim of delivering better rehabilitation for people in our care. Years 1 and 2 saw significant progress made towards the strategic commitments across each of the four strands of the programme. Plans for the first two years of the programme detailed over 180 deliverables, of which only 5% were not achieved. I am delighted that those achievements resulted in significant improvements for staff and people in our care, including delivering state-of-the-art accommodation and technology across the estate, developing innovative interventions to assist the most vulnerable in our care, and supporting our staff to carry out their unique

and challenging role. The impact of the programme has been further evidenced by the excellent inspection reports received over the past two years for Maghaberry and Hydebank.

The programme has now entered its third and final year. Aligned with our ambition is a recognition that we are working in a complex and challenging environment that has been heavily impacted by the pandemic. While the organisation has maintained its drive for improvement, consideration is now being given to revisiting the programme timescales to reflect the additional pressures presented by it.

3.15 pm

Mr Speaker: That ends the period for listed questions. We move to 15 minutes of topical questions.

COVID-19 Regulations: Penalties and Enforcement

T1. **Mr Middleton** asked the Minister of Justice for an assessment of the penalties and enforcement of the COVID-19 regulations. (AQT 591/17-22)

Mrs Long: As Members will be aware, the Department of Justice recently led a review of the penalties relating to the enforcement of COVID regulations, and we passed, at the Executive, increases in those penalties that are now being taken forward in cooperation with the PSNI and other partners. Those regulations should be laid shortly.

Mr Middleton: I thank the Minister for her answer to that question. I appreciate that she said that the regulations should be laid shortly, but can she give us a time frame? Does she agree that penalties and enforcement are of the utmost importance at this time, given that we want to ensure that we drive down the number of cases and that we get our economy open again? Enforcement and penalties are very important.

Mrs Long: Yes, I completely agree with the Member, and it is important that we do so as quickly as possible. However, the timing will, unfortunately, be led largely by the time that it will take for the PSNI to be able to produce the new enforcement notices. There have been some issues with delays in that because of the pressure on the bespoke printing that is required for those enforcement notices. However, as soon as those enforcement notices are ready to be rolled out across the

Police Service, we have the regulations ready to be laid in the Chamber.

Prison Officer Health and Well-being

T2. **Mr Lyttle** asked the Minister of Justice for an update on her Department's work to enhance prison officer health and well-being. (AQT 592/17-22)

Mrs Long: As the Member is aware, I have launched focused reviews on the support mechanisms and procedures that the Prison Service has in place to ascertain whether more could be done to help front-line staff. The review of the support services for serving staff was due to report by 31 October this year. The review team asked for more time to consider this important issue and will now report to me in early December. A separate review of support services for former staff is also being progressed, and I expect that report within the next month.

Mr Lyttle: I thank the Minister of Justice for the attention that she has given to prison officer health and well-being. Does she agree that, whilst mental health must be addressed by all Executive Departments, the Department of Justice has a particular need to ensure support for staff who are performing some of the most challenging public roles in our community?

Mrs Long: I thank the Member for his comments. He and some other Members have taken a consistent interest in the welfare and the well-being of and support for current and former prison officers alike, and I thank them for that. Prison officers carry out a challenging and unique role in Northern Ireland and are to be commended for doing so. Well-being is embedded across the Northern Ireland Civil Service Departments, and help is available from the welfare support service and from Inspire. I want to support Prison Service staff in every possible way, which is why I launched the reviews. I will consider the findings of those with NIPS and senior management as a priority, once they are received.

Office of the Police Ombudsman: Funding

T3. **Mr Gildernew** asked the Minister of Justice to outline what plans, if any, she has to allocate additional funding to the Office of the Police Ombudsman to deal with the backlog of historical investigations. (AQT 593/17-22)

Mrs Long: The Police Ombudsman has contacted my office, and we are due to meet to discuss the matter shortly. It would be inappropriate for me to discuss in advance of that meeting what my intentions may or may not be until I have heard her case, but, as with any application for funding, it will be accompanied by a business case that we will have to look at carefully. However, I am committed to ensuring that the legacy piece that was supposed to be agreed by us at Stormont House and was supposed to be taken forward in short measure is able to proceed, because I believe that, by not doing so, we burden the PSNI, the ombudsman's office and, indeed, other parts of the justice system with policing the past when they should be mainly focused on policing the future.

Mr Gildernew: Gabhaim buíochas leat, a Aire, as an fhreagra sin. Obviously, we would much prefer to see the Stormont House Agreement mechanisms implemented in full, owing to the pressures that legacy puts, as you said, on the resources of the PSNI and the Police Ombudsman. However, I am sure that the Minister understands that many of the families have been waiting for many decades for the investigations to be completed, including the family of Roseanne Mallon in my constituency. Will the Minister confirm whether any funds are ring-fenced to deal with legacy and whether any of that will fund the Police Ombudsman?

Mrs Long: Funding was ring-fenced for legacy by the Northern Ireland Office. However, my Department has been advised that that funding is available to draw down only for issues related to the Stormont House Agreement and its structures but not for wider legacy issues. I have written to the Secretary of State seeking clarity on the matter, given the inherent delay that his change of process has led to in delivering on those legacy structures, such as the Historical Investigations Unit (HIU) and others.

At the moment, the funding for all legacy issues is complex and uncertain. I would like to see certainty brought to the entire process. I absolutely agree with the Member on the need for people who have been seeking truth and justice, where possible, to be able to continue to seek it and get it in a timely manner, and it is important that we have the resources to do that. It is not only for the Assembly and the Executive to find those resources: the UK Government have a significant role to play in that regard.

Parental Alienation

T4. **Mr M Bradley** asked the Minister of Justice to detail how the justice system intends to deal with parental alienation. (AQT 594/17-22)

Mrs Long: As Members are aware, in the next few weeks, we will have the Consideration Stage of the Domestic Abuse and Family Proceedings Bill. While it contains no specific reference to parental alienation, the elements that deal with the aggravating factor of the use and abuse of a child in such relationships can be captured by the legislation. With respect to wider policy and practice on parental alienation, the issue of families and the law around that rests with the Department of Health. However, we have had a long engagement with Health over parental alienation and how we can capture it as part of the domestic abuse offence.

Mr M Bradley: I thank the Minister for her answer. I have been contacted by several constituents who have not seen their children for several months and even up to a year. Many primary carers seem, in some cases, to use or take advantage of the pandemic to inflict isolation on the other parent so that they cannot engage with their children. How can the Department prevent that happening?

Mrs Long: There are a number of elements to this. First and foremost, when it comes to the justice system, particularly the family court system, the needs and, when ascertainable, desires of the child have to be paramount. There is, therefore, a reliance on the judgement of the courts, but that is informed by social work and by those who have contact with the family to ascertain their needs.

The best outcome for children is to have full investigation and full access to both parents. Ideally, we would like a situation in which such family disputes do not reach the courts in the first place but can be mediated, and, as a result, there is an emphasis on mediation in how we want the family court and justice system to move forward. When it ends up in court, it is important that the desires, wishes and needs of the children are paramount. There is no excuse for preventing a child from seeing their estranged parent unless there is a risk to the well-being and health of that child.

PPS: Religious Imbalance

T5. **Mrs Barton** asked the Minister of Justice what action she is taking to address the imbalance in the religious breakdown of those

employed in the Public Prosecution Service (PPS). (AQT 595/17-22)

Mrs Long: The Public Prosecution Service does not fall within my remit in the Department of Justice. It is an independent body funded by the Department of Finance.

Mrs Barton: While it is an independent body funded by the Department of Finance, will the Minister make a statement to the House every year on the community background statistics of employees in that service?

Mrs Long: It would not be appropriate for me to make statements on the breakdown of people in that service, because it is not a part of the Department of Justice.

DOJ Legislative Programme: Update

T6. **Mr Dickson** asked the Minister of Justice for an update on her legislative programme. (AQT 596/17-22)

Mrs Long: My plans for the remainder of this term include the introduction of the Criminal Justice (Committal Reform) Bill in the Assembly today; the introduction to the Assembly of the protection from stalking Bill, hopefully, at the beginning of December; bringing forward a Bill to change the personal injury discount rate in mid to late January; and a justice (miscellaneous provisions) Bill to be introduced to the Assembly, hopefully, in March of next year.

I appreciate that that is an ambitious and demanding programme, but I believe that we can deliver it if we work together. A good model is the Committee Stage of the Domestic Abuse and Family Proceedings Bill, where we have worked in partnership to improve and, I believe, enhance and sharpen the Bill. I am grateful to members of the Committee for their constructive and timely consideration of the issues during scrutiny of the Bill. Hopefully, if we can get through the Consideration Stage, Further Consideration Stage and Final Stage, it will receive Royal Assent in the new year. As the Chair noted with some pride, we will finish ahead of Westminster, despite people's concerns that, because we did this locally, we would lag behind it.

Mr Dickson: I appreciate the extent of the Minister's programme, but does she agree that reform of the committal process is a critical part of speeding up justice in Northern Ireland and that that has been reflected upon by Criminal

Justice Inspection, the Northern Ireland Audit Office and Mr John Gillen in his report on serious sexual offences?

Mrs Long: Yes, the changes in the Bill are crucial to improving the speed of the justice system and delivering on the Executive's priorities in 'New Decade, New Approach'. They also deliver on a commitment arising from a Northern Ireland Audit Office report, as the Member rightly says, on avoidable delay in the criminal justice system that was published in 2018. Whilst it is important in tackling the speed of justice, it is also important for the other benefits that it brings for victims and witnesses. For example, the Fresh Start panel recognised that it brought protection to victims and witnesses in paramilitary and organised crime-related cases where there may be coercion or intimidation, and the Gillen review recognised the impact that it would have on vulnerable victims and witnesses of serious sexual offences in an effort to reduce trauma and attrition rates. Finally, the Chief Inspector of Criminal Justice has made similar recommendations about reforming committal proceedings because she was concerned about the impact on serious sexual and child abuse offences and wanted those added to the schedule. That will happen as a result of the committal reform that is being brought forward. It is also my intention progressively to add offences to the list of specified offences until traditional committal proceedings are eradicated entirely. If the Assembly has the First Reading of the Bill today, that will be a significant first step in that process.

Victims' Payment Scheme

T7. **Ms Sheerin** asked the Minister of Justice whether a judge has been appointed by the Lord Chief Justice to oversee the victims' payment scheme. (AQT 597/17-22)

Mrs Long: I have spoken with the Lord Chief Justice, and he has assured me that such a nomination is imminent. We are hopeful that an announcement will be made in the coming days.

Ms Sheerin: I thank the Minister for that. Will that be an interim appointment or a permanent appointment? If it is an interim appointment, why?

Mrs Long: My understanding, if it is correct, is that it has to be an interim appointment in the same way as all the members of the panel will be interim appointments until they are formalised in legislation. It is also my

understanding that, when we get the appointment, it will not necessarily be the case that there will be huge churn, given that, we hope, most of those who have the specialisms and skills will reapply when those become formalised posts.

Community Support Hubs

T8. **Mr McGrath** asked the Minister of Justice for her assessment of the work of the community support hubs in identifying and protecting vulnerable people in our community. (AQT 598/17-22)

Mrs Long: The community support hubs have been an incredibly useful tool and have the opportunity to enhance the cooperation and collaboration that happens in the organisations that are responsible for identifying vulnerability and responding to it. They have also managed to bring partners together in collaborative ways of working that are more streamlined than perhaps was the case before.

So I think that the hubs have been a success, and we certainly hope that people will continue with those projects and to work on the basis that has been set up under the hub system.

3.30 pm

Mr Speaker: Unfortunately, time is up. I ask Members to take their ease for a moment or two while we prepare the Chamber.

Questions for Urgent Oral Answer

Economy

Mr Speaker: Mr Andrew Muir 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.

Small Business Support Grant Scheme

Mr Muir asked the Minister for the Economy how ineligible payments occurred under the coronavirus £10,000 small business support grant scheme, including progress in recovering payments.

Mrs Dodds (The Minister for the Economy): I wish to start my response with a reference to the Comptroller and Auditor General. In his report, he highlighted the fact that 20 Department for the Economy initiatives were activated to support local businesses and that, as a result of that action, tens of thousands of businesses have been assisted and jobs saved. This would not have happened had the Department failed to act quickly. My Department launched three grant schemes: the £10,000 small business grant scheme, the £25,000 small business grant scheme, and the microbusiness hardship scheme. A total of £343 million was processed to approximately 32,000 businesses. The £10,000 small business grant support scheme was open to businesses registered as in receipt of small business rate relief. It was later extended to include those in receipt of industrial derating. The scheme mirrored those being implemented in other parts of the United Kingdom.

Every party in the Executive agreed that there was a need to get payments to businesses as quickly as possible. For that reason, it was agreed that approximately 7,000 automatic payments would be made to those businesses for whom Land and Property Services (LPS) holds bank details for rating purposes. The Executive took that decision fully cognisant of the risk. To save businesses and jobs, it was simply not possible to put in place the checks and balances that would normally be associated with schemes of this nature. The scheme was announced on 18 March and launched eight days later on 26 March.

The data that was used to process the payments is held by LPS. An online portal was also launched for those businesses for which LPS did not hold bank details.

In my letter to Executive colleagues on 25 March, I set out that a subsequent audit of the scheme would provide an opportunity to identify payments made in error and to consider options for recovery. I remain committed to that today.

The eligibility criteria for the scheme included a list of exclusions, including vacant properties, MPs' and MLAs' offices, and businesses that were insolvent or dormant. Every effort was undertaken in the time available to ensure that automatic payments were made only to eligible businesses. I am aware, however, that a number of ineligible payments were issued, representing less than 2% of the 24,700 grants issued.

The scheme closed on 20 October to appeals. My Department is committed to undertaking a post-scheme evaluation and will put in place a full process to recover ineligible payments. To date, 74 payments have been recovered in full. I am content that my Department took the necessary, swift action to support tens of thousands of businesses and jobs under threat because of the COVID-19 crisis.

Mr Muir: I thank the Minister for her response. The revelations exposed last week by the media concerning the grant scheme have caused great anger and concern as people and businesses across Northern Ireland continue to suffer real hardship. Will the Minister commit to commissioning a swift, independent investigation into the matter so that we all quickly know what happened, who knew, how the money will be recovered, and why we found out about this scandal only last week?

Mrs Dodds: First, I inform the Member that the process only closed on 20 October. The reason that it was allowed to continue was to allow for appeals concerning the £10,000 small business grant scheme. It is very important to remember that.

I have said, as I said to my Executive colleagues in my letter of 25 March, which asked for approval for the scheme, that we will have a full evaluation of the scheme, followed by a process of recovery of any payments that are deemed ineligible. We will allow the process to continue to ensure that those payments made in error are recovered and to ensure that businesses that got the money were able to continue in business.

We saved many businesses in Northern Ireland through the £10,000 small business grant scheme. Many businesses are here today that would not be here had they not had that type of relief, alongside the other national programmes that our Government put in place. Many businesses comment to me about that on many occasions.

Mr Middleton: The Minister will be aware that there was incredible pressure from across the Chamber to get the scheme set up in March to get money out quickly to businesses. In this Chamber, one Member told us to rip up the rule book while another told us to bury bureaucracy. Does the Minister agree that a balance needed to be struck between getting the money out quickly to those who urgently needed it and ensuring that it went to those who were eligible?

Mrs Dodds: Yes. I thank the Member for his question and comments and for reminding the House that many Members, from every single party in the Chamber, urged us at the time to rip up the rule book in order to get money out quickly. "Bury bureaucracy" was a phrase that was used. The honest answer is that we were in an incredibly difficult situation: a pandemic that we had never before been in as a nation. We had been told that businesses had to cease trading, and there was a huge concern that many of those businesses would subsequently fail were they not to receive the support that they did.

The Executive took a decision, supported by every party in the Executive, that there would be a number of automatic payments because that would get money out more quickly to those businesses. That is where we have seen most of the difficulties. The subsequent application process, whilst slower, was open to less risk, and we should remember that for subsequent processes in the future.

Ms McLaughlin: Thank you, Minister, for your response so far. Does the Minister have absolute confidence in her Department and its leadership to deliver a healthy economy after the COVID-19 crisis? I am really questioning that at the moment.

Mrs Dodds: That does not really relate to the question, Mr Speaker, but, of course, I will answer it because it is very relevant.

In terms of COVID-19, the only other Department that had a response rate similar to that of the Department for the Economy was the Department of Health, which you would

absolutely expect in a health pandemic. My Department moved very quickly, as the Comptroller and Auditor General indicated in his preliminary report into the Executive's response to the pandemic so far. Again, as the Comptroller and Auditor General says, by moving quickly and getting money out quickly, my Department saved many thousands of jobs and thousands of businesses that would otherwise have failed.

As well as that, my Department has been working on skills, on higher education, on further education, on improving our green, clean energy strategy for the future and, of course, on developing our overall economic strategy for the future. These are incredibly difficult times, and I thank the officials in my Department for their response and work so far. I also want to place on record in the House — it is very important — the work of Land and Property Services. Many people across the Chamber will have cause to be very grateful to Ian Snowden, who personally rang them time and time again to answer queries for businesses. It is worthwhile putting that on the record today.

Dr Archibald: Oversight of the spending of public money is something that we must all take very seriously, and my party is very aware of that since learning of erroneous payments to our offices last week. There is a need to ensure that money is returned to the public purse. *[Interruption.]* I have previously asked the Minister and permanent secretary — *[Interruption.]*

Mr Speaker: Will the Member resume her seat, please? I remind Members that every Member who is on their feet is entitled to be heard respectfully. Everybody will have an opportunity to make their point in due course.

Dr Archibald: I have previously asked the Minister and permanent secretary at Committee about the scale of ineligible payments, and, in response to my written question, the Minister indicated that officials were putting in place a process to deal with ineligible payments. Can the Minister outline whether, as part of that process, individuals or businesses that received erroneous payments have now been notified and asked to repay the money?

Mrs Dodds: As I have noted in the Chamber already today, the scheme closed on 20 October. We will write to everyone whom we identify as being ineligible for payment and ask them to return the money. It is important that we have proper accountability for taxpayers'

money. Indeed, it is particularly important at a time like this when so many businesses are suffering and so many individuals are hurting because of the health crisis in our communities. Yes, that process will be undertaken, but be aware, colleagues in the Chamber, that, in response to the four-week restrictions, we are also putting together another set of grant schemes. There are very limited numbers of officials to work on all those grant schemes at the same time, and I refer you to Her Majesty's Treasury, which has indicated that the full scale of fraud and error in the job retention scheme may not be known until 2021.

3.45 pm

Mr Stewart: I thank the Minister for her answers so far. One of the most frustrating things for businesses hearing this story coming out in the last week or so is that many waited for months and months, and some were still waiting, as you alluded to, on their appeals being heard as recently as last week. Businesses contacted me to say that they are still waiting on the outcomes of those appeals, so there will be a great deal of frustration. Can the Minister assure us that any ongoing appeals will be heard as quickly as possible so that people who are entitled to that money can get it? What legal powers does the Minister have to try to claw back any moneys that have been paid incorrectly?

Mrs Dodds: I thank the Member for his question. I assure him that appeals will, and should, be heard as quickly as possible. Those who are still waiting tend to be the most difficult and intricate cases, and they are probably waiting for further information etc. We will ensure that that happens. That is important, and I thank the Member for highlighting that. It is very significant.

Mr Dickson: I thank the Minister for coming to the House today and answering the question. She will appreciate that many people are very angry about the scale of the payments that were made erroneously, and there will be others who will thank her for ripping up the rule book. However, when she ripped up the rule book, did she include a very clear statement in those rules that said that money would be recouped from anybody who attempts to defraud the scheme or is paid erroneously and that she would have the power to do that recoupment?

Mrs Dodds: I want to thank the Member for his question and to correct him. I never indicated at any stage that we should rip up the rule book.

In actual fact, I cautioned, in a letter to my Executive colleagues — and I brought it with me — on 25 March, before the scheme launched, that there would be risk to the scheme. So, I am not in favour of ripping up the rule book. The rule book is there for a very good reason. I included certain exemptions to the scheme. Those exemptions included MPs' and MLAs' constituency offices. That was clear from the start, alongside businesses that were insolvent or dormant etc. Therefore, I had a very clear set of guidelines for those who were operating the scheme, and we will write to those people and seek to claw back money that was paid in contravention of the guidelines for the scheme.

Miss Woods: I thank the Minister for her answers so far. When did she first become aware that some payments were made to ineligible businesses and people, and by whom was she informed?

Mrs Dodds: I thank the Member for her question. We are now only starting the evaluation of the scheme. We had done some preliminary work on areas where we thought there may be difficulties with the scheme. For those who are concerned about the issue of payment to wind turbine owners, the small business rate relief scheme is an all-encompassing scheme, and Members of this Assembly and members of the Finance Committee may wish to examine it in further detail. We discovered that many businesses that are eligible for small business rate relief are strange, to say the least. For example, we discovered that payments had been made through the automatic process to wind turbine owners. We later moved to make those ineligible for the scheme.

Be aware, folks, that we will come back at businesses that have not claimed properly or businesses that, through no fault of their own — and that was the case with some of the businesses, and we do not want to make people out to be in the wrong where they are not in the wrong — received one of the 7,000 automatic payments, and we will attempt to recover all the moneys that are owed.

Mr Allister: Will the Minister give us some indication of the estimation of the number who wrongly received? I received an answer today that says that 72 have repaid. How many are still outstanding? When it comes to repayment, Mr McHugh told public radio that he had great difficulty in contacting Land and Property Services and in getting a process to recover the money. Is the Minister aware of any difficulty in

LPS receiving back payments that should never have been made?

Mrs Dodds: I will take the last part of your question first. My Department has advised people of a telephone number that they can call to make arrangements with LPS. If there are very specific difficulties, I will, of course, pass it on to LPS. However, the Member will be aware that LPS is under the control of the Finance Minister, so this may be a matter that he would wish to take up with him.

At present, as we know it and before we have done a full evaluation of the scheme, most of the difficulties lie within the 7,000 automatic payments, because the other payments were actually processed, and many of them were processed and checked manually by people from my Department. It was a huge undertaking to try to get those grants out in a very short space of time. It is worth reminding Members that 24,700 grants went out in an extremely short space of time under very difficult circumstances. Currently, including the 52 wind turbines, the number stands at just over 400.

Mr Carroll: Given that people in my constituency are hounded and humiliated to pay back benefits if they are overpaid, can the Minister explain why there is one rule for those constituents and another for those who are in and connected to Stormont and do not even need, or apply, for grants but get them regardless?

Mrs Dodds: I remind the Member that we should try to eliminate fraud and error in all aspects of life, and that includes in the benefits payment system. I looked this up the other day: in 2018, the fraud and error in the benefits system amounted to £60 million in Northern Ireland. I encourage people who are in that situation to make that right. I do not approve of it in any form of life. I also say that, if payments were made in error, people should return those payments. The eligibility criteria are very clear on the website, and people can examine the eligibility criteria. People should look at it very carefully, and, if they have received a payment in error, they should return it.

Ms Sugden: The Minister has confirmed today that she understood the risk at the time of payments, and she has also confirmed that her Executive colleagues, who made the decision along with the Minister, understood the risk. Therefore, what measures did the Minister put in place while knowing of that risk? Did she, for example, issue remittance advice with all the automatic payments, which included a

disclaimer to claw back that money should it be paid in error?

Mrs Dodds: Thank you for your question. You are absolutely right: I wrote to Executive colleagues before the scheme launched on 25 March. I received a response from every party in the Executive, which indicated that, even though I had outlined the risk, that risk, when balanced against the need to get money out very quickly in a very difficult situation in order to save jobs and businesses that would have failed, was appropriate in the circumstances. We are now in a situation, as the scheme has closed, where we will evaluate and take the scheme forward. If you got money and you know that you are not entitled to that money, that money should be paid back. We will be writing to everyone whom we are aware of in those circumstances, and we will try to seek the recovery of that money for the public purse.

Mr Dunne: I thank the Minister for her answers. I think that we should all genuinely recognise how significant the small business grant was. It was paid out from March onwards, during the real shock that came with the lockdown period. Will the Minister advise on how she would stop this ever happening again? I understand that the system used the LPS database. Does she see a better system in which there would, perhaps, be a formal application rather than automatic payments, which would reassure the public that it would not reoccur in the future?

Mrs Dodds: I thank the Member for his question, which really centres on automatic payments. As I said in my answer to the previous question, it was a balance between getting money out quickly and the risk of fraud and error. The Executive decided that we should use the LPS data system because it was a rates-based scheme. That mirrored all the schemes that were put in place across the United Kingdom. We did not invent something that was new or different. Obviously, as we are now fully cognisant of, in the haste to get money out, we used the database, but it included some businesses that we would not necessarily think of as being impacted by the COVID pandemic. As soon as we realised that with regard to wind turbines, we moved to exclude them. Again, it was a method by which to get money out. That was not so much the case with either the £25,000 scheme or the microbusiness hardship scheme. I have stood in the Chamber and heard people complain about how slow those schemes were because of the application process. Of course, that process takes away considerable risk from the

scheme. Therefore, we must all make choices in what we do and how we conduct business.

Going forward, those application processes are important, as would be — as I have explained to a number of Members on a number of occasions — HMRC cooperation in the verification of data, which still eludes me to this day.

Mr McCrossan: I welcome John Stewart back to the House after his period of illness. I put on record my appreciation for the funding that has been given to businesses at this critical time, which is important to keep them above water.

I am concerned, however. The Minister mentioned that the Department will try to get that money back. If businesses should not have received money, the Department will ask them to return the money. Does the Department have any enforcement powers to ensure that that money is returned? What are those powers?

Mrs Dodds: We set out the parameters and eligibility for the scheme. If a business applied and was not eligible, it is clearly in the wrong. What it has done is wrong, and, therefore, we will come after it for payment.

Mrs Barton: Will the Minister give the House a guarantee that the method of automatic payments that was used previously will not be used again when giving out grants?

Mrs Dodds: I certainly am not using it. I am not using it for the COVID restrictions support scheme, which is currently under way. Perhaps Members would like an update. That scheme launched late on Wednesday afternoon. We worked very hard to get that out. Part A of the scheme has launched. To date, we have around 1,200 applications, with many more draft applications in the pipeline.

Again, I say to the House, because we need to be clear: this is about the balance that we strike on all that. Checking data and being able to check eligibility criteria are very important in de-risking a scheme, but it makes it slower to administer. Therefore, we have to choose.

Mr Frew: What part will the Minister of Finance play in any evaluation? He has just walked in; his timing is impeccable. Will the evaluation cover the scandalous actions and, indeed, inaction of Sinn Féin in the Minister's constituency of Upper Bann and in West Tyrone? Does the Minister believe that that is what Sinn Féin meant when it said, "Let us rip up the rule book"?

4.00 pm

Mrs Dodds: I indicated that most of the problems related to the automatic payments. However, it is clear, it was clear at the very outset of the scheme and the eligibility for the scheme was clear that it was not applicable to MP and MLA constituency offices. Anyone who received that money into their bank account — paid automatically, in error and unasked for — should have returned it and should not have been tardy in doing so.

In the further schemes, we need to strike a balance between getting money out to people who are in awful circumstances because of the restrictions that have been placed upon their daily lives and the risk to the public purse and the timescale that we have to get money to people in order to help them in very difficult circumstances.

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

Finance

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

Coronavirus Job Retention Scheme

Mr Butler asked the Minister of Finance for his assessment of the announcement of the extension of the coronavirus job retention scheme and its impact on businesses in Northern Ireland.

Mr Murphy (The Minister of Finance): For months, I have pressed the Chancellor and the Chief Secretary to the Treasury to extend the furlough scheme so that jobs can be protected. This announcement is welcome, albeit that the extension is for only one month at this point.

I welcome that the scheme will be open to employees who were on the payroll on or before 30 October, including employees who were not previously furloughed, as that has been a gap in support to date.

Many businesses, however, have been faced with tough decisions about redundancies, which have not been helped by the lateness of this

decision by the Treasury. It remains unclear whether the furlough scheme will be extended beyond the end of November. I will be pressing for that because the weeks and months ahead will continue to be challenging for businesses and workers who need certainty that the support that is offered by the furlough scheme will remain in place.

Mr Butler: I thank the Minister for his answer. As he will be well aware and as he reflected in his answer, many businesses are on their knees because of the COVID-19 pandemic. In addition to the UK Government's furlough scheme, what financial measures and supports is he actively considering in order to support businesses in the event that restrictions may return after 13 November or may be applied in the future, given that it is the uncertainty that is crippling people?

Mr Murphy: The Member knows — I was listening to the Economy Minister earlier — that the Executive are rolling out schemes, particularly for businesses that have been affected by the restrictions over this four-week period, and are looking at a range of measures, including those brought forward by the Infrastructure Minister for taxi and coach businesses, and measures for those who did not previously receive support. In allocating money for that, we have held back a sum of money, which the Executive agreed to last Thursday, to ensure that, should there be a necessity to repeat the current restrictions — none of us wants to get into that situation — there is money to assist businesses through that phase as well.

We will continuously get advice from the Chief Medical Officer and the Health Department on how COVID is behaving and what the projections and the trajectory are for it. Clearly, we want to make sure that people heed the advice and that we, as a society, become more proactive in suppressing the spread of COVID across the board. That in turn will hopefully not lead to a situation where we have to bring in restrictive measures, but we have held back some additional money to make sure that, should that situation arise again, we do have some support to give out to businesses at that time.

Mr Frew: Given the much-needed help that this will add to businesses in the next month — it is something that we have all been pushing for — what signal does it send when the Minister's party has support money resting in its accounts? Will the Finance Minister make a statement to the House on that issue to bring

much-needed transparency to the population of Northern Ireland?

Mr Murphy: Clearly, it was not right to have any money that was wrongly received sitting in anyone's account. Once the leadership of our party became aware of that, the money was returned immediately to the centre, and action was taken on the back of it. I have to comment on lectures on propriety in government, coming from a DUP Member for North Antrim. At the very least, in transparency, the Sinn Féin process for dealing with this money, which was not applied for or sought but should have been paid back much more quickly, and dealing with transgressions within our party is much more transparent than that that applies in the North Antrim DUP.

Dr Archibald: The Minister has outlined that, as I have been saying for many weeks, the ending of furlough would result in thousands of jobs lost and that the job support scheme would not be adequate. It is welcome that furlough is being extended, but does the Minister agree that it should be extended until at least until the end of the financial year to give businesses and workers certainty to plan and, for some businesses, retain a skilled workforce when demand returns?

Mr Murphy: It is welcome. Bear in mind that, for many months over the summer period, we argued for that extension. We ended up with the job support scheme, which was quite restrictive. There was then a move about a week ago to expand that scheme, which was welcome, but it was still not as good as the furlough scheme. Then, suddenly, overnight, we are back to the furlough scheme. The uncertainty of the pandemic and how we are dealing with it has been greatly exacerbated by the approach of the Treasury in getting support for workers and employees. We have been on the very point — on the eve — of people coming to terms with the job support scheme. Only a week ago, it was changed, and then, suddenly, it was brought abruptly to a halt.

The fact is that we, the Scottish Finance Minister, the Welsh Finance Minister and, in latter times, the mayors of cities in northern England were all calling for a furlough extension, but those calls fell on deaf ears in the Treasury. When it became an issue in southern England, that extension was abruptly granted. Welcome as it is, it has been handled in a way that has caused huge uncertainty to business. Of course we want to see it extended, but one month is not going to be sufficient. I hope that the British Government will recognise

that sooner rather than later and that they will give notice to employers and employees about protection of jobs in the time ahead.

Mr O'Toole: I welcome the fact that, notwithstanding that the job retention scheme has been extended by the UK Treasury, Sinn Féin has taken at least some action to recognise the strength of feeling in relation to the money that was erroneously held, or should not have been held, in accounts, and that people in Sinn Féin have not retained their jobs as a result of that.

My question is about the extension of the furlough scheme. I agree that it is unacceptable that across the north of England, Scotland and Northern Ireland people have been crying out for the furlough scheme to be extended. The refusal to do so highlights the constraints on this institution in financial support for public health policy. Can the Minister explain what further conversations he has had with the Treasury around in-year flexibilities that he has requested so that we have the flexibility and are not simply relying on last-minute action from the Treasury based around the public health situation in the south of England?

Mr Murphy: As the Member will know, we updated the Finance Committee on some of these discussions a week or so ago. We continued to press for the continuation of the furlough scheme because we recognised that the end of October was a cliff edge for many employers and employees.

The job support scheme, although very substandard when compared with the furlough scheme, was nonetheless better than a cliff edge, but we are now back to the previous decision. As the Member knows, we have continued to press for flexibility with our finances and, if there are to be any, to get the earliest possible notice of Barnett consequentials. Although the support from the Treasury has been welcome and has no doubt assisted us to assist businesses, to respond to the pandemic by supporting the health service itself and to protect the vulnerable, the lateness and abruptness of the decisions has not helped us in our planning. We will therefore continue to press for that flexibility. As he knows, the comprehensive spending review is under way in Whitehall. We want early information on the outcome of it. We are disappointed that we are not in a multi-annual Budget cycle, but we, like Scotland and Wales, will continue to press for flexibility with our finances until the end of the financial year.

Mr Dickson: Thank you, Minister, for coming to the House today. Have you had any communication with the Economy Minister to work out what might happen to those who were made redundant at the end of the furlough period but who, because of the extension, might now take advantage of the further furlough period? I understand that your counterpart in London refused to answer that question today, but it is a very serious question. People need to know whether they can extend their furlough period and rescind their redundancy notice at this time, because that has the potential to knock people into a further year of redundancy rights.

Mr Murphy: The Member asks a very pertinent question. We are told that an employee must have been on an employer's PAYE payroll by midnight on 30 October to qualify for the scheme. That is very late information for people, and they have been coming to terms with that over the weekend and today. We are continuing to press for further details, and we want to make those as public as we possibly can and to make them available as early as we can so that employers in particular and employees who can now avail themselves of the scheme understand that they can do so. There was a gap from the end of June through to October during which newly employed people could not avail themselves of the scheme. They can do so now. As I say, those people, if they were on the payroll right up to a minute before midnight on 30 October, now qualify for the scheme.

Miss Woods: I thank the Minister for his answers so far. He will be aware of how hard the hospitality industry has been hit by the COVID-19 restrictions and how the job retention scheme literally was and is a lifeline for workers. Without it, we would see more redundancies in an already precarious industry. I agree with Ms Archibald that furlough should, at a minimum, continue until the end of this financial year. Given those issues, will the Minister support Unite the Union's hospitality and tourism rescue plan, meet union reps and bring the plan to the Executive's attention for action?

Mr Murphy: I concur with the Member's view on the extension of furlough. We have been arguing for that for some time. As I say, we will continue to argue for it now that the scheme is back on the table, albeit belatedly. I have not seen Unite the Union's plan, but I have always had an open-door policy of meeting the unions when they have an issue that they wish to

present, and I am more than happy to meet Unite the Union to see the detail of its plan.

Mr Carroll: What is the Minister's plan to address any shortfall in wages in the scheme to ensure that people are not having their wages reduced at a time when the cost of fuel and other things is going up? Moreover, what is the Minister's financial plan if the Tories extend the scheme for only a month, as they have currently said?

Mr Murphy: The Member will know that we do not have either the financial wherewithal or the data to do wage schemes. We had previously asked HMRC, which holds all that data, to assist with the possibility of creating a bespoke scheme in the North like the wage scheme, but we got a point-blank refusal. It is therefore not possible for us to intervene in that way, because we do not know who pays taxes and how much they pay. HMRC holds all that data. Furthermore, the Executive's finances would not stretch to meeting wage support. That has to come from Treasury.

We continue to press the Treasury on that. We do not want to see anybody in greater hardship. The experience of the pandemic has put a huge number of people into hardship, and it has already created a significant number of redundancies. Our arguments with Treasury have been over trying to get it to recognise that workers, and low-paid and part-time workers in particular, have been at the front end of that. It has particularly affected those in the hospitality sector, which tends to employ a lot of people in low-paid, part-time work, and there are a lot of women working in that sector as well.

We continuously press that case with the Treasury, because only it can do those schemes.

4.15 pm

Ms Sugden: Just so that I get it right, has the Minister confirmed that those employees who were employed after the end of the cut-off date for the original furlough scheme — I think that it was the end of March — can now, up until the end of October, apply for the new furlough scheme? To labour Mr Dickson's point about those who have been made redundant, I understand that the British Government reversed that process and, if the paperwork had been submitted, they brought forward the date so that they were included. Is that something that the Minister is asking for on behalf of the people of Northern Ireland who have been made redundant in the anticipation that the

furlough scheme would have come to an end in October?

Mr Murphy: As I said, I think that the date at which people were previously cut off was the end of June. Those employed in the hospitality sector over the summer season, in particular, fell through that gap. We are told that people who are on a PAYE payroll by 29 October are eligible. That came to us very late in the day on Friday. There is much more detail to be worked through, and officials continue to engage with the Treasury. As soon as we get more accurate information for employers and employees, we will make it public. Clearly, this is a time of great distress for people, and they should understand the schemes. Welcome as the schemes are, they have come in a very haphazard way to us, and that does not give certainty to people who face redundancy or who are trying to run businesses.

Mr Givan: The decision, welcome though it is, nevertheless will be too late for some people, for the reasons that the Minister outlined with the changes in the scheme from June and now going back to the "premium scheme", for want of a better phrase. Given that businesses will be asking for support packages in future, have any Barnett consequentials flowed from the decisions taken by the Treasury and the most recent announcements by the Prime Minister? Does the Minister agree that the best support that we can give to our businesses is to allow them to get back to business?

Mr Murphy: We are continuing to bottom out with the Treasury whether there will be further Barnett consequentials as a result of the most recent announcements, and I hope that we will find out more information about that this week. We are not certain whether that is the case, but we continue to explore that with the Treasury.

Of course we want to see businesses back working, but, as the Member knows, we have to strike a balance between ensuring the suppression of the virus and allowing people to go about their normal activities. While we have had restrictions here, they are not at the same level as those in England: all our retail is open and not just essential retail as is the case there. Schools — it is timely for the Education Minister to come into the Chamber — were closed for two weeks, but they open again today.

From my experience, the Executive do not want to have any level of restrictions for one minute longer than is absolutely necessary. Of course, it is much better for businesses if they can trade, but in the absence of their being able to

do that, we need to get as many support packages to them as we can.

Mrs Barton: Minister, you spoke earlier about money that you had held back in case it was needed. Do you, along with the Minister for the Economy, have any plans to support those businesses that are still being excluded?

Mr Murphy: The Member will probably know from previous statements that I have made in the House that, as well as the money that we allocated last week, we had always held back a sum of £55 million for groups that were excluded. I am very pleased that, at long last, the needs of some of those groups, such as taxi drivers and coach operators, are beginning to be addressed. I know that there are some issues with those schemes, but there is, nonetheless, some move to address those needs. Other sectors, and those who are self-employed, have been left out. Schemes have opened, and I sincerely hope that those schemes will be able to address the needs of those people.

We held aside a sum of money for those who were previously excluded. I made the point — I made it at the Executive — that while we are in the second round of support for some businesses, it is grossly unfair to people who have not yet received any support. Every effort should be made, and I have encouraged Executive colleagues from all the Departments with a responsibility to make every effort to ensure that they put together some measures to provide support to those who have continuously lost out since the start of the pandemic.

Mr Muir: On hearing the announcement on Saturday evening, it struck me that, once again, the south of England comes first in the UK Government's response to the pandemic, while they have pushed many in Northern Ireland into poverty as a result of the less-favourable job support scheme. I would not call furlough a "premium scheme" at all. Will the Minister outline what impact the extension of furlough and the additional grant moneys will have on any decision to extend the restrictions beyond 13 November?

Mr Murphy: The restrictions were brought in before there was a job support scheme. There was the continuation of furlough for the first half of our four-week restriction period and then the job support scheme beyond that. Clearly, you have to take cognisance of the economic impact on workers and businesses that restrictions are going to have and try to mitigate

those as best you can, because the restrictions are absolutely necessary to suppress the virus, protect the health service and save lives. That is the reason we do this. The extension of the furlough scheme will not have any real bearing on that, albeit it continues to protect workers in a better way than the job support scheme, so it is a better level of protection.

Regardless of us coming out of our restriction period in two weeks' time, we will continue to argue for the furlough scheme to continue to operate. The economy is not back to full operating level, and it will not be possible to get back to full operating level. Social restrictions will still apply, and that will make it more difficult for hospitality and retail, in particular, to do business. There will be a continuing need, in the economic uncertainty, for the furlough scheme to remain. It is not necessarily linked to any extension of our restrictions, but there is a need for the extension of that scheme because of the damage that the economy has seen over the last number of months. That is why we have continuously argued for that, and I will continue to press Treasury for an extension in the time ahead.

Mr Dunne: I thank the Minister for his answers today. We all welcome the furlough scheme, and the confirmation from the Minister that new applicants can now apply is reassuring. I am sure that he recognises the great value in being part of the United Kingdom that has brought forward such a scheme.

Further to earlier discussion, what is the Minister's opinion about getting the balance right? Following the First Minister's statement last week, we have been encouraging people to get the balance right with regard to living, working and doing business with COVID. What is the Minister's opinion on that as we move forward in trying to get a good Christmas, not just for business but for everyone?

Mr Murphy: There is a range of challenges and, arguably, damage to society as a consequence of the pandemic, and a lot of that is economic. That is why a lot of these schemes have been put in place and why we are discussing the furlough scheme today. It has been an essential component in mitigating the damage caused by the economic downturn and the restrictions that had to be put in place over various times.

There is also societal damage; we recognise that. All of the interaction with our families and communities is very much part of our everyday life and what makes us human beings. The ability to interact with others is a key component

of what we are. That has all been damaged and affected. Of course, we want to see society being able to move forward as much as possible. However, that has to be balanced against the fact that people are dying as a consequence of this pandemic.

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

We have a responsibility to protect public health, to protect people who are more vulnerable to the pandemic than others and to make sure that transmission is kept down within the community. That is a balancing exercise between taking the necessary steps to do that and ensuring that society, businesses and the economy can continue to function as best as they possibly can. That is a constant challenge. It is a real challenge in the Executive. There are no easy decisions to be taken. My colleague across the Chamber will verify that we have grappled with this on many, many occasions, debated it out and, eventually, have come to decisions that we have all attempted to stand over. We do that in the best interests of all of the people who we represent, collectively.

Mr Allister: Will the Minister give some clarity for those employed in the hospitality sector, which has been closed down for the last two weeks. Will they now qualify for backdated furlough payments?

Mr Murphy: Those within that sector who qualified for furlough from before the end of June qualified up until 31 October. The furlough scheme continued up to that date. Then they moved onto job support. From last week, there was an improved job support scheme, but that has now been overtaken by a continuation of furlough. We are still trying to get more detail in relation to that. The Member will accept that that is not ideal when it comes to planning or in ensuring that there is clarity for workers and employers. We are now told that people who were on the PAYE roll up to midnight on 30 October can qualify for the scheme. That may, as we understand it, fill the gap for people who were employed over the summer so that they can be furloughed.

There is more detail to be hammered out. We were given late notice, and, characteristically, it did not give the full detail that is required. We will have to hammer that out with the Treasury over the next couple of days. We are already engaging with it on that, because it is important, as I am sure that the Member will agree, to have clarity for employers and employees alike.

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

Committee Business

Post-primary Transfer Testing

Debate resumed on motion:

That this Assembly takes note of the feedback to the Committee for Education's online survey into post-primary transfer testing and calls on the Minister of Education to outline contingency plans for post-primary arrangements. — [Mr Lyttle (The Chairperson of the Committee for Education).]

Mr Deputy Speaker (Mr McGlone): We now return to the Committee for Education's motion on post-primary transfer testing.

Mr McNulty: On this All Souls' Day, we should all take a moment to remember the souls of people close to us and our loved ones and the souls of those who have passed away as a consequence of the pandemic.

Today, many parents and young people are breathing a huge sigh of relief because schools have reopened. Many parents, teachers, principals and school staff are still worried and have concerns and unanswered questions. They deserve huge credit for stepping up and putting the education of children and young people first.

I welcome the opportunity to take part in this debate, and, like others, I commend the work of the team that oversaw this insightful survey and recognise the invaluable contributions of the respondents who number over 8,000. I must also reiterate my party's opposition to academic selection for kids at age 11. That has been the view of the party since its formation and it still holds true today.

However, this debate is not about the academic selection policy. This debate is about addressing an issue facing young people in the midst of a pandemic.

4.30 pm

Children have already experienced enough disruption to their education this year. There are obvious impacts on their academic education, but there are also unintended and unquantified impacts on their emotional, physical and mental health and general well-being. There can be no doubt that the pandemic has most adversely affected children and young people from disadvantaged backgrounds and those with special educational needs. We should not do

anything that adds to the pressures on those children, inhibits their educational opportunities or increases their mental and emotional strain. We have a duty to do everything in our power to protect our citizens, especially our young people and most especially our young people from disadvantaged backgrounds and those with special educational or complex needs.

Like others, I commend the schools that have recognised the very difficult situation facing 10- and 11-year-old children. Some grammar schools in my constituency, such as my old school, the Abbey Christian Brothers, Our Lady's Grammar School, the Sacred Heart Grammar School and St Colman's College, have postponed the use of academic selection for this year. The head teachers in those schools, as well as the head teacher of St Louis Grammar School, Kilkeel, came together and made the brave decision to postpone the transfer test this year. Their collective decision, supported by their boards of governors, was focused on what was best and fairest for children and families in the midst of a pandemic. In the midst of this crisis, the head teachers and boards of governors of those schools all stood up and showed strong leadership. I applaud them all.

Mr Newton: I thank the Member for giving way. He rightly refers to the section of our community who are most hit by this situation: schoolchildren. I know that he feels much the same as I do about the shocking fact that 2,000 children were at risk in their own home during the school closure. Does the Member agree that much more needs to be done between the Education Department and the Health Department on the issues pertinent to those 2,000 children?

Mr McNulty: I wholeheartedly agree with the Member.

In the event that the Minister continues to hold firm, and given the uncertain trajectory of the coronavirus pandemic, will it be reasonable to ask school leadership teams to think about our children and follow the example of those grammar schools and suspend testing this year? The debate on academic selection has been going on for years, and we can fight that battle another day. However, today, I appeal for leadership.

As I said, children and young people are returning to school today. They have been asked to wear masks on school buses. They have been asked to sanitise their hands. They have been asked to keep their distance. They know that we are in the middle of a pandemic.

They know that we are in extraordinary times. I agree with other Members: most children are resilient and can adapt to whatever arrives, which is a brilliant trait of youth. However, some children and young people, through no fault of their own, do not have that capacity. We should be thinking about those children when we are making decisions about the fairest and best way to proceed.

We must act now and postpone these tests. We need a unified and consistent approach. We owe it to our most vulnerable and disadvantaged children and young people.

Mrs Barton: I welcome the opportunity to participate in this debate. As a former teacher in a non-selective school, I watched, year after year, as year 8 pupils arrived in their pristine new uniforms on their first day at the big school. There were those who had not sat the post-primary transfer test who considered examinations to be a real inconvenience in their lives. At the opposite end of the scale, there were those who had sat the post-primary transfer test and were so disappointed at not succeeding. Finally, there were those, perhaps encouraged by parents and teachers to have a try, who were really not concerned about the final outcome. It was obvious that some of that year 8 group were suffering disappointment following their encounter with the transfer procedure. However, after half-term, many would say that that disappointment had disappeared. They enjoyed life at their new school, and they began to view the experience in a positive light by turning it into a building block to increasing their resilience.

The keenness that many young people have for sitting examinations is borne out and reinforced by the young people's questionnaire, which indicated that a similar percentage of pupils — 91% — wanted to sit the transfer procedure prior to COVID, while only 3% fewer wanted to sit the transfer after it. Those stats prove that it is really important, in the event of unforeseen circumstances in January, that you, Minister, take all reasonable steps to ensure that the transfer procedure is not cancelled and that emergency contingency planning is in place to allow those young people to sit their post-primary transfer test. That contingency planning must give consideration to the location of the examination in combination with ensuring that the pupils have a COVID-reduced safe experience while sitting the exam. Consideration of the safety and welfare of children must be the number-one priority.

The experience in the past of hundreds of children gathering in a school gym, dining hall

or corridor of classrooms next to each other to sit an examination is neither a good example to set nor a very satisfactory arrangement for the protection of those pupils. Will the pupils be distanced 2 metres apart? Who will sanitise the desks, chairs etc before and after the exam? Will the pupils attending remain in their primary-school bubbles, or will they mix with others from areas that could be 50 miles apart? I call on you, Minister, to work with the two private transfer examination providers and permit pupils to take the transfer examination in their own school, where they will be familiar with the tried-and-tested COVID-proof regulations.

Both examination providers financially charge pupils or an education body for supervising the young people who are sitting the exam. Perhaps that finance could go towards the extra supervision that will be necessary for the smaller sittings of the examinations in the pupils' primary school surroundings, ensuring that there is safety.

The UUP supports the motion.

Ms Bradshaw: I thank my colleague Chris Lyttle, the Chair of the Education Committee, for bringing forward this important motion today, and thank you, Minister, for being in the Chamber to hear the debate.

I will say a few words about the more general situation that pertains to post-primary transfer testing in my constituency. It is not solely an education issue; it ties in with planning, transport, social support and many other matters. First, let us again be clear that transfer is a statutory function of the Department. It is not adequate for the Department to say, "Well, schools decide". The Department has functions that include, but are not limited to, ensuring that, for example, section 75 is adhered to. We are already seeing disadvantage in education being exacerbated by time having to be taken off school. It is unacceptable for that simply to be ignored and handed over solely to schools to make the best that they can of the situation.

Secondly, let us be clear about the situation. We already have clear warnings, notably from Wales, but, implicitly, from our own health advisers, that January will likely see coronavirus cases rise again. It is inconceivable that any sort of sensible testing could take place in such an environment. Just to pick up on a point that was made by the Member who spoke previously, parents are extremely concerned that, if the tests are carried out in secondary schools rather than in their children's primary school, their children will come in contact with other children and adults, meaning

that community transmission could be huge. That is all entirely predictable, so we need to know now what the response from the Minister will be to that predictable situation.

Thirdly, it is already the case that some schools are affected worse than others. Some have had to isolate for long periods; others not at all. There is absolutely no way that a crude test taken with many pupils inevitably absent, giving a clear advantage to those who have been least affected by the need to isolate, is in any way a sensible means of deciding which schools pupils go to.

We have buried our head in the sand for too long. The fact is that it is already the case that parents try to make decisions on educational routes right from nursery age. In parts of South Belfast, primary schools are well oversubscribed, particularly the maintained and integrated ones. In fact, six primary schools serving just one DEA in my constituency are at or over capacity, with demand continuing to exceed approved enrolments. One reason for this is that it is perceived to be the best route to the post-primary schools that parents want to send their children to. Therefore, we already have reports of parents finding entry criteria confusing and of bottlenecks even at pre-primary level as parents seek the most appropriate pathway.

Mr Gildernew: Will the Member give way?

Ms Bradshaw: Yes.

Mr Gildernew: Does the Member agree that we have heard several times of parents choosing to opt for transfer? However, in many instances, it is not really a choice in that if your classmates, your friends, your cousins and everybody from round your neighbourhood are going to a particular school, it is really the only choice. Therefore, it should not really be considered a choice at all.

Mr Deputy Speaker (Mr McGlone): The Member will have an extra minute.

Ms Bradshaw: I think that my colleague Chris Lyttle touched on some of those issues at the start, and I certainly agree with that.

We have the reports about the confusing entry requirements and the bottlenecks, but this is not exclusively about potential educational achievement. Issues such as proximity, which you have just mentioned, after-school capacity and needed ethos play into such decisions. Needless to say, we find the integrated sector

oversubscribed, and, in fact, there is evidence that it would be even more oversubscribed were it not still on what is now a rather old-fashioned requirement to carry out a headcount.

In conclusion, we must grab this opportunity to do away with an outdated selection system that is barely fit for the second half of the 20th century and develop an education system that meets the demands of the second half of the 21st century, focused on exporting products and services rather than people.

Mr O'Toole: Thanks to the Committee for Education for bringing this motion, which my party colleagues and I will support, to the Floor of the House. I want to make some general points about selection, as others have done, but I think that it is important to first state, given what the motion is about and given that we are talking narrowly about one year today, that this year is like no other that any of us have lived through. It is certainly unlike any that the very young children whom we are talking about today have lived through. As has been said repeatedly in this debate, particularly by my colleague Daniel McCrossan, we are not talking about young people, as in young adults. We are talking about children here. We are talking about children who have faced enormous amounts of disruption this year — not just this academic year, but since March — and who will, it is entirely possible, face further disruption in the months ahead. We are, as we know, a long way from having anything like a normal set-up, albeit that I am glad that schools returned today.

Uncertainty and disruption in preparing for these exams has been, and continues to be, unacceptably stressful for children. I am sure that it is the same for all constituencies represented here today, and, in recent months, my office has been, frankly, inundated with parents who are deeply worried about their children and their well-being. Yes, they are worried about COVID-related closures and the kind of learning opportunities that they have had through the pandemic, but they are also worried about the transfer test. The two issues are, I am afraid, completely and inextricably linked. As the Minister has said before, the disruption to learning for our children has been extraordinary this year. That makes not proceeding with transfer testing as normal all the more urgent.

Indeed, it makes it all the more indefensible that we would simply leave the process unchanged.

4.45 pm

Several of the parents who contacted me continued working throughout the pandemic. Many of them are essential workers, and many felt that they had been abandoned and left to their own devices during the school shutdown period. Disruptions increased because of self-isolation, and that will continue. Even with schools back today, we know that there will be continued issues around self-isolation and continued disruption for children who are at primary school and who will be asked to go through the transfer process in the months to come.

The pandemic has added a layer of anxiety that is unique for this cohort of 10- and 11-year-olds. In the Committee's survey, only 5% said that their child was prepared, with the majority stating that their child was unprepared or disadvantaged. Going ahead with testing as normal this year will only exacerbate existing education inequalities. Those equalities have been well rehearsed by several Members, including Chris Lyttle, John O'Dowd, Karen Mullan and my colleagues Daniel McCrossan and Justin McNulty. This pandemic has exacerbated the existing education inequalities in our system. Simply proceeding with the transfer test for those children as if those inequalities have not been exacerbated is deeply irresponsible.

I will make a broader point about the testing system, which is that —

Mr Allister: Will the Member give way?

Mr O'Toole: I am happy to.

Mr Allister: Is it not utterly fatuous to pretend that this attack on the transfer test is really rooted in COVID? COVID is obviously a fig leaf for those who always have been, and always will be, opposed to affording the ladder of elevation that transfer affords many children. Should Members not dispense with the shamelessness of pretending that this attack on the transfer test has anything to do with COVID?

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr O'Toole: I am glad to have taken that intervention, because it enables me to say clearly that this debate is about COVID. It is completely unacceptable that we proceed with transfer testing in this year of all years. Let me address the point that the Member raised about this system. He said that it offers the ladder of opportunity. There is literally no evidence that

transfer testing leads to better outcomes for poorer kids. That has no basis in fact whatsoever, and that it continues to be asserted by Members without evidence is deeply problematic. I will give way to any Member who wants to stand up and offer me some rigorous, data-based, academically proven evidence that it offers good outcomes.

Mr Weir (The Minister of Education): Will the Member give way?

Mr O'Toole: Minister, please stand up. Go ahead. Give it to me.

Mr Weir: I appreciate that the Member's time is limited. First, does he not accept that, in our two universities in Northern Ireland, we have a greater level of social mobility than pretty much anywhere else in the United Kingdom for working-class children getting in? Secondly, our academic results have consistently led all of the United Kingdom in both selective and non-selective education. Indeed, if we compare our non-selective schools in Northern Ireland with the schools in Wales, which are largely comprehensive, we find that our schools outscore them. A level of attainment is clearly achieved via our system. That stands in contrast to the situation in England, where selection happens —

Mr Deputy Speaker (Mr McGlone): I ask the Minister to draw his remarks to a close.

Mr Weir: — for the 7% who can afford to pay for public schools. That is the real selection by money.

Mr Deputy Speaker (Mr McGlone): Time is up.

Mr O'Toole: I am afraid that I must close by saying, Minister —

Mr Deputy Speaker (Mr McGlone): I am sorry, but the Member's time is up.

Mr O'Toole: — that what you have given me is not data.

Mr Deputy Speaker (Mr McGlone): Will the Member please resume his seat?

Mr O'Toole: It does not prove your point. We should not be proceeding with these tests this year.

Mr Deputy Speaker (Mr McGlone): The Member will resume his seat. Time is up.

Ms Bailey: The Assembly has had 12 years since the last regulated 11-plus test was carried out. Failure to take action on the issue in normal times is nothing short of a disgrace. For 12 years, we have had extensive feedback from wider civic opinion and expert recommendations for change, and here we have it again.

The issue is the failure of successive Executives to sort this out. The Green Party is a long-standing supporter, and proudly so, of the abolition of the academic selection process. To allow children of 10 and 11 years of age to be subjected to that level of stress and worry should not sit well with any of us. Moreover, it is a system that overwhelmingly favours those with the means to be coached and tutored.

We allow children to be instilled with a feeling of failure and low self-worth at 10 and 11 years of age, all the while knowing that some will never regain their confidence.

I clearly remember sitting my transfer test, back in 1980. As far back as that, my results did not matter, not because I was not impacted on, or because of my results, but because I went to an all-ability school that streamed pupils according to their ability. Some people might still say that that is not a possible or a viable system, but that school is now one of the most oversubscribed in Northern Ireland. It was also our first planned integrated school. Many said that that would never work either, and, to this day, say that it is not possible to extend that transformation throughout our system. Let us stop pretending that alternatives are not possible, because they are, and they are working.

The Committee for Education's online survey into post-primary transfer testing was clear. Parents and teachers are deeply concerned about the prospect of children undertaking unregulated tests this year. The current cohort of 10- and 11-year-olds has endured much upheaval in the past eight months, with the disrupted school year and every other pressure that COVID-19 has brought. We already know that the test creates a two-tier system that wrongfully disadvantages too many children from low-income families. To allow unregulated tests to go ahead for another year risks making the divide even wider. Who wants, willingly, to stand over that? Not every child has the same access to computers and home-based support. Even with the return of schools, children have had varying degrees of face-to-face teaching due to the coronavirus outbreaks and lockdowns among teachers and pupils. The Green Party finds it unconscionable that a child

is required to sit these unregulated tests, unprepared and ill-equipped, under any circumstances, and, now, during a pandemic and lockdown.

Every year, without fail, parents come to me, distraught that their child has not been accepted into any school, never mind their preferred school. We have a ludicrous system in which some schools accept one test, some accept another, some accept both, some look at what primary school you went to, some look at your siblings or your parents, and some look at where you live. Schools are left to their own devices, and parents are left to navigate a complex system of post-primary admissions that makes little sense. Our Education Minister holds up his hands and claims that it has nothing to do with him. It has. Minister, you are in the privileged position of being able to stand up and sort this out and to do right by every 10- and 11-year-old child across Northern Ireland.

We are failing children. We are not upholding the right of many to an effective education when we cling to an inequitable system that is on its last legs, and when we refuse to step in, step up and create an integrated education system that is fit for the 21st century. Our system is a mess. Let us take action now.

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw her remarks to a close, please.

Ms Bailey: Build a framework to look beyond this year, and meet the opportunity to build back better.

Ms Armstrong: I begin by clarifying that I am not on the Education Committee. "Thank goodness", say some Members. However, I declare an interest as a member of the board of governors of two schools — one primary and one post-primary. I do not have a child facing the transfer test this year; I have never had. My family chose not to go through the system as we did not need to. The school that my daughter attends is the closest integrated school to my home. It accepts children on an all-ability basis. She is sitting her A levels, so not taking the transfer test did not hold her education back in any way, shape or form.

As a parent, I thank the Committee for Education for asking parents, teachers and children what should happen with the transfer test this year. I am a huge supporter of co-production and co-design, and it is right that parents and children should be part of the debate. We all agree that their voices are of paramount importance in the debate.

As others have said, this is not a debate about whether we should have a post-primary transfer test. It is a debate about what should happen this year, in the midst of a pandemic. Before Mr Allister asks to intervene, I do not support transfer tests, but this is not about what I think. This is about what we should be doing to make a change in the difficult circumstances that children face.

This is an important discussion about how child-centred our education system is. In this survey, children used words like "stress", "worry", "nervous", "excited", "hard", "scared" and "unfair". Those are words coming from 10- and 11-year-olds. We have to do all that we can to put children at the centre of considerations. As adults, taking appropriate consideration —

Mr Newton: Will the Member give way?

Ms Armstrong: I will.

Mr Newton: The Member makes an important point about the word cloud that was used. She quoted some words.

A Member: The negative ones.

Mr Newton: Yes. Other words that also appear are "happy", "important", "excited", "ready", "good" and "useful".

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Ms Armstrong: Thank you very much to the Member but, if he knows how word clouds work, he will know that, the larger the word appears, the more it has been said by children. The words that he used are tiny, whereas *[Interruption.]* As adults, we should be doing all that we can to put children at the centre of this. We need to think about how the pandemic has already impacted on those children. We need to do everything in our power to reduce the mental health impact on those children. The post-primary transfer test is one area that is creating stress for children — they said it in their own words — at a time when society is under such stress from a killer virus.

There are some shocking findings in this report. I am disgusted that the majority of parents, teachers and other interested parties in this survey feel that free school meals entitlement is a poor or very poor criterion to use. What is going on in our schools or with parents? To me, that suggests that adults do not want children who receive free school meals to be in a class with their child. That is horrendous. As

someone who grew up with free school meals, I find that answer shocking. I look back at Education and ask, "What type of system are you making?".

There are other answers that do not come as a shock. Some 43% of respondents want the post-primary transfer test abolished and 29% say to reform it. Minister, you have already reformed GCSEs, AS levels and A2s. Why not step in and change the post-primary transfer?

This is where we get to the nub of the matter. It is not within the Minister's gift to control the post-primary transfer tests, because the Minister allows two private companies to use school premises to make money out of tests that stress children. They have gone out of their way to protect their tests during a pandemic. Minister, when I say that you allow those companies to do the test, you allow post-primary schools to issue criteria in the book and allow grant-aided schools to have this test performed in their buildings.

Mr Weir: Will the Member give way?

Ms Armstrong: Yes.

Mr Weir: The right of academic selection is there in law. It is not some whim. Look, I am supportive of academic selection, but it is not some whim of mine or of any other Minister. It is there in the law. The Member should be careful not to misrepresent the situation.

Ms Armstrong: I am not misrepresenting. You do allow post-primary tests that are run by two private companies to be held in schools that you fund.

This year, we are in a pandemic and 10- and 11-year-olds already have huge mental health concerns. On their behalf and on parents' behalf, I ask you this very clearly: what specific advice has the Department of Education received from the PHA and the Health and Safety Executive regarding test-day arrangements for upcoming post-primary transfer tests that will be hosted in many grant-aided schools across Northern Ireland on a Saturday? Who is paying for that?

The Department Education has decided to use a variety of existing different codes, namely "8", "I", "P" and "!", to record non-attendance attributed to a number of circumstances related to COVID-19. What was the rationale for using existing codes that retain their original purpose rather than creating specific and additional codes — as has been done across England

and Scotland — that are much more clear-cut and honest? Where the aforementioned codes are used, non-attendance is only meant to be recorded if pupils are partaking in home-based learning. Can we have an update on progress on blended learning? What additional methods are used by the Education Training Inspectorate (ETI) to ensure consistency of standards and access to remote learning for children who are not physically attending schools because of circumstances related to COVID-19?

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw her remarks to a close, please.

Ms Armstrong: Finally, how much money is being paid into the system by the private companies that are getting our schools and our teachers to prepare children for their tests?

5.00 pm

Mr Carroll: It is important at any time but especially in the middle of a global pandemic that we listen to the voices of teachers, parents and young people. The report obviously does that. It is important that we are talking about it today, and the Minister should listen hard to what people have said in it. A concern of mine, shared by many others, is that, all along, the Minister has not listened to these voices and has operated on the basis that he knows best whilst some of his party colleagues simultaneously engage on a round of teacher bashing, disgracefully, during the pandemic.

It is worth saying that unions in the North, in the South and in England have already raised concerns about the reopening of schools. That needs to be put on the record too.

It is important that the concerns of all those who took part in the survey and of the community more generally are heard. Of all the groups surveyed in relation to post-primary transfer tests following COVID-19 and the lockdown period, 61% of parents and guardians, 64% of teachers and 67% of other interested parties stated that they were very or extremely concerned. Earlier in the debate, there was an attempt to dismiss that, but it is very important. When parents, guardians and teachers were asked for their preferred approach to post-primary transfer for the coming academic year, the highest scoring answer was to not run the tests and instead to permit post-primary schools to use non-academic admissions criteria. That is what they said, and the Minister needs to take that firmly on board.

Although we are told that we are in unprecedented times and that everything needs to be on the agenda, it seems that the Minister is firm in maintaining a system that is unfair. As other Members have said, it labels people as failures from such a young age and puts them under enormous pressure. Those views are not solely those of this socialist MLA but are those of teachers in the survey, the largest proportion of whom called for the abolition of the test. Teachers and young people surveyed believe that it should be abolished.

The survey also shows a massive concern amongst parents, pupils and teachers about post-primary testing in general, with many calling for the system to be abolished. The concerns refer to the pressure placed on children and the fact that academic selection is unfair and elitist. Those are sentiments that I certainly agree with.

Mr Butler: Thank you for giving way. He raises good points about the consultation. The consultation was excellent. Does the Member agree that it was incredibly disappointing to see the level of responses on free school meals and special educational needs children with regard to the attitude to education at the next level?

Mr Deputy Speaker (Mr McGlone): The Member has an extra minute.

Mr Carroll: I thank the Member for his point. I agree, especially on free school meals, and I will come to that in a second.

What is the Minister's rationale for keeping this antiquated system in place? How can he justify testing young people at this age and putting them through a tremendous amount of stress and pressure in the middle of a global health pandemic that has thrown all certainties up in the air and has been a particularly tough period for our young people? The safety and well-being of children, as the Chair said, was the reasoning behind the commissioning of the report. I am concerned that the Minister appears to be more concerned about battering down the hatches and defining what always was because it always was and wants to maintain a transfer test at all costs and ignore the concerns of parents, staff and pupils in the survey.

The Minister needs to look at how education works in places like Finland to learn what is the best practice and approach. Finland regularly tops the table for being the happiest place in the world and is widely regarded as having one of the best education systems in the world, not

to mention having extended maternity leave for parents. We would do well and the Minister would do well to take our lead from what is done in Finland, especially here — I refer to Mr Butler's points — in what is an overstretched and under-resourced education system that sees many pupils, including those with special educational needs, not getting the support and assistance that they need. Finland has equal access to education for every pupil, and we should ensure that that is rightfully and accurately in place here.

Another major concern highlighted in the survey was the lack of support for free school meals. The House should send a collective "Thank you" to Marcus Rashford, who has done more to highlight food poverty than any government Minister in the UK. The Executive and the Minister especially must now begin to make plans to ensure that no child goes hungry, whether in school or during holiday periods, regardless of whether we are in a health pandemic. In one of the wealthiest countries in human history, it is morally repugnant — it is sickening, in fact — that children and families are forced to go without meals and, far too often, families are forced to choose between heating their home or eating.

I want to hear the Minister's plans in response to my points and the issues that are highlighted firmly in the survey.

Ms Sugden: I thank the Committee for Education, particularly the Chair, for commissioning the survey. There were over 8,500 responses from various important stakeholders, including teachers, parents and schoolchildren. Two thirds of people responded that they were concerned about the transfer process this year. That in itself should convince the Minister to reassure parents about what happens next, because the survey indicates that they are not reassured. He needs to do more in that respect, if nothing else.

I did not prepare for a debate on academic selection. I am cognisant of the fact that, given the time left in the mandate, we will not change the way in which the process works. There is no political will. The Minister says that he supports academic selection. I will be generous to Mr Allister, who said that the COVID situation tends to highlight the cracks that already exist in the system, not just with this issue but across government policy. This issue highlights the fact that, for over 10 years, the transfer process in Northern Ireland has been a mess. We need to look at it, and we need to be sensible and mature about doing what is best for our children. In an ideal world and in an ideal

education system, every school would be the best school in Northern Ireland and every school would provide the best facilities and the best education. Parents choose academic selection because they see that some schools are better than others, and that in itself is an issue. We need to look at that in any debate on transfer, because transfer is a symptom of the problems that exist in education.

This is an extraordinary year, and I want to address the comments about potentially setting a precedent for any future debate on academic selection. It does not have to. Any decision that the Minister makes can be made with the caveat that this was an extraordinary year. It does not have to set an example. As I said, there is not enough time left in this mandate and there is certainly no political will there, but a significant number of parents, teachers and children are saying that what is happening now causes them great anxiety.

I was not in the Chamber to hear earlier contributions, but I was really shocked to hear from a schoolteacher recently that the lockdown period from Easter onwards has had an impact on some children's educational development. I cannot say that that applies to all children across Northern Ireland, but teachers are the people who know best. I do not know anything about this — I am not a parent or a teacher — but I listen to my constituents, and they tell me that the first period of lockdown has had an impact on those children. Where are we now? We are in the midst of a second wave and potentially anticipating a third wave in January, so there will be impact. That impact is not only on their educational development but on their mental health and on their ability to socialise with other children, which seems to be one of the biggest impacts of stopping kids going to school.

I also want to talk about timing. We are now in November, and it is anticipated that the test will take place in January. The initial decision to postpone it was odd, and I appreciate that it was in response to a court hearing or a judicial review. However, what did that delay actually do? We delayed it until after the Christmas period, when children should really be with their families and not be stressed about a test that will happen immediately after the Christmas break. While the delay was somewhat welcome, in some respects it made the issue worse.

The other issue is that the transfer process, whether it involves academic selection or children just moving to a post-primary school, is ongoing. It needs to happen. There are time

frames that the Department of Education and the Education Authority are working towards, and they need to have decisions now. Minister, if you put a process in place in response to a further wave, teachers and parents will have to prepare for that change of policy, as happened with AS and A levels. The ask from this debate is that we have some sort of contingency arrangement so that people can prepare and expect what is coming, rather than creating the stress that seems to have existed with the previous qualifications process.

My last point is on your opportunities, Minister, to be able to do anything. I have spoken with teachers, and they have told me that, despite the autonomy that they have through the boards of governors, they still have to work through Department of Education directives. If you, as Minister, were to issue a ministerial directive, again, caveated by the fact that this is an —

Mr Deputy Speaker (Mr McGlone): Will the Member draw her remarks to a close, please?

Ms Sugden: — extraordinary year, would that stand? Does he have the power to do something about this?

Mr Deputy Speaker (Mr McGlone): As no other Member has indicated that they wish to speak, I call the Minister to respond. He has up to 20 minutes in which to do so.

A Member: *[Inaudible.]*

Mr Weir: I did not catch what was said from a sedentary position.

Thank you for the opportunity to respond to the debate. I thank all those who contributed to it. It is not surprising that the debate has been on a mixture of the specific arrangements of this year with COVID, and while I appreciate that it was not the intention of the Committee to look beyond that, quite a lot of Members went into academic selection. It is inevitable, as Mr Allister said, as the two are inextricably linked. Indeed, there will be a suspicion amongst many of us who are supportive of academic selection that, for many, this is seen as something of an opportunity.

While there will be a divergence of opinion on the issue, and I do not intend to divide the House on the motion, with the permission of the Deputy Speaker, I want to make one comment at the very start. It breaches protocol to mention any particular civil servant, but I suspect that the House will unite around the fact — this may

be the only thing that they unite around in what I have to say — that it is important that I, as Minister, place on record that today marks the last day in Rathgael House of the permanent secretary, Derek Baker. He has contributed greatly throughout his public life to the Civil Service. He has contributed greatly to education, offered wise counsel and has been a steady hand and a steady mind throughout various crises, particularly in the years of the absence of a fully functioning Executive when he gave that leadership. It is important to place on record my thanks and the thanks of the House. Derek is universally respected across the political divide and the full education sector.

Mr O'Dowd: Will the Minister give way?

Mr Weir: I will give way briefly.

Mr O'Dowd: The Minister will appreciate that Derek Baker worked with me when he was deputy permanent secretary, and I concur with the Minister's remarks about him. He was an excellent public servant.

Mr Weir: I thank the Member. It is good to see that working alongside you, John, did not spoil him at any stage. *[Laughter.]* I suspect that that is where the harmony on some of these issues may slightly diverge.

The motion talks about "contingency plans" arising out of the survey. I welcome the survey. It is only fair to point out that there are limitations in any survey, not least this survey. We have to recognise that, by its nature, it is self-selecting. It invited people to log on. There is no doubt that some people will have logged on more than once. Therefore, there will be limitations to what we can draw out of the survey.

It is also the case that those who have concerns over the current situation are a lot more likely, broadly speaking, to engage with a survey than those who are, generally speaking, content with arrangements. However, it belies the range of genuine concerns that are out there. I would be extremely surprised if, in current circumstances, there were no concerns throughout society on a whole range of issues. It is interesting to note that, of those who took part in the survey, 85% of parents said they still intend to enter their children for the test and 88% of young people who responded said they still intend to take the test. However, as I indicated, concerns were raised.

Before I move on to the broader transfer process, including criteria, I will say that parents

raised a number of issues in the report that I want to highlight. Those include concerns about pupils not having enough time to prepare for tests and the possibility of further disruption to schools due to COVID. I understand that both providers have made changes to their test arrangements by allowing extra time for young people to sit the tests. The dates are chosen by the providers. The only direct role for the Department on the dates is ensuring that the tests can be completed, results can be issued and transfer can take place on time.

5.15 pm

It is also that the tests are not an overall standard that must be met. The tests assess literacy and numeracy skills, which are core to the Key Stage 2 curriculum. Concern has also been expressed that some children may not have access to computers or home-based support if they miss school. Where this happens, schools will have contingency plans for remote learning that reflect the needs of pupils, so a number of measures have already been taken. There is the provision of IT devices to pupils in three phases: the identification of existing devices that are owned by schools, the purchase of the 3,600 additional laptops, and the purchase of 8,000 additional Chromebooks for distribution to pupils who are assessed, by the EA and schools, as those who are most in need. That includes P7 pupils, who have also

Ms Armstrong: Thank you very much, Minister, for giving way. I had not realised that school equipment, such as laptops, was being used for this purpose in particular. Does the Minister agree that Engage funding is allowed to be used by primary schools for this purpose?

Mr Weir: First of all, the Member is conflating two particular issues. This is not in relation to the Engage programme; this is regarding IT equipment. I have said that pupils across the board have, according to prioritised years, been able to access direct equipment, and that has been something that is irrespective of whether the child is doing the test or whether they are in a different year. However, it is one of the mitigations that has been put in place.

Mr Lyttle: Will the Minister briefly give way?

Mr Weir: Very briefly, because I have a number of things that I want to get through.

Mr Lyttle: Straightforward question, Minister: how many of those devices have been provided to P7 pupils?

Mr Weir: I do not have that figure to hand, but I am sure that we can get that for you.

Additionally, we have worked with BT to ensure a range of 2,500 Mi-Fi devices, which have mobile connectivity, and we have provided 8,300 Wi-Fi vouchers for disadvantaged children. More generally, the C2k education system supports online access to school services in a way that I puts us in a better position than some other jurisdictions. At present, significant elements of the service can be accessed remotely. All users have access to C2k's secure online learning cloud from home, and they will be addressed by myschoolportal.co.uk.

Nobody is suggesting that any form of remote learning is the ideal situation, and that is why it is important that we have face-to-face teaching. However, there are provisions that are put within the system. Mention has been made of the Engage programme and, in that context, £11.2 million has been made available and allocated to schools. It is up to individual schools, according to the budget that they have, as to how that is directly used, so there is no direction from the Department as to how to do that. Indeed, this is about the point that Members have referred to with the various levels of academic catch-up. Additionally, some other schemes have been put in place.

Safety has been mentioned. We anticipate that a range of measures will be put in, but I will come to those in a moment. However, the setting of admissions criteria is, in particular, a matter for the boards of governors of individual schools. The Education (Northern Ireland) Order 1997 provides the legal power for setting admissions to the boards of governors, not to my Department. A Member asked why that is being allowed. In part, because it is the law and, indeed, I would be in legal breach if I was to move away from that. My Department can and does publish guidance on the post-primary admissions process, which schools have to give regard to, and recommends what schools should and should not use, but it remains for individual boards of governors to define the criteria that they wish to use to select children for admission.

One of the concerns that parents will have will be about the safety measures that are put in place. First of all, let us put this in context. We are saying, "Can safety arrangements be made on particular days on which, roughly speaking, about 10,000 pupils will actually be sitting tests?" We should also realise that, in the school system, about a third of a million children come through the school gates every

single day. So, can provision be made to ensure that there is adequate safety for children? Yes, it can, and that is by way of a range of measures. While, ultimately, that is the responsibility of the schools concerned and the testing organisations, a range of arrangements have been put to the organisations to ensure that there is safety. We are talking about a staggered arrival in school groups and bubbles and hand sanitisation on arrival to buildings and classrooms. Indeed, this can be — I will outline a number of these — a precursor to what will actually happen with examinations, because the public health arrangements will, on this occasion, be the same as will be happening on a daily basis.

There will therefore be the option of face coverings for pupils. Pupils will be seated in class bubbles, which are 2 metres apart. There will be a range of handwashing arrangements. There will be no food on site. Centre heads will have oversight of arrivals of pupils in bubbles; will ensure that no parents or visitors are directly on school grounds while tests are taking place; and will ensure that school gates are closed to parents and visitors while tests are taking place. There will be an explanation of arrangements to pupils and oversight of staff and pupils. There will be oversight where pupils are wearing face coverings. Indeed, a wide range of measures will be in place: supervision; maintenance of a safe distance when checking examination numbers; encouragement of frequent handwashing; supervision of class bubbles; and social distancing in the classroom.

Arrangements are being made for around 10,000 pupils on those particular occasions. I should point out that there is a slight inaccuracy when we talk about the potential for five tests. The PPTC offers two tests, the second of which is essentially for those who have missed the first test. Around 1,000 pupils will do both tests.

A range of contingencies will therefore be put in place. The motion calls on me:

"to outline contingency plans for post-primary arrangements."

If that means that the Assembly wishes me to detail the admissions criteria that will be used should entrance test scores not be available, I am not in a position to do that, because the legal responsibility for setting admissions criteria lies with boards of governors. I cannot set the criteria that are used by schools.

Mr Lyttle: Will the Minister give way briefly?

Mr Weir: I will give way briefly, yes.

Mr Lyttle: Law has been enacted in the Assembly during the COVID-19 crisis that has suspended statutory duties towards kids with special educational needs. Are you not the Minister of Education? Can you not change the law?

Mr Weir: Frankly, I will not be changing primary legislation. I cannot do it on that basis. That would be a quick way to judicial review.

Let us take a look. Schools' boards of governors have got the right to use academic selection or not to use it. That right has been used successfully for both. On this occasion, a number of schools have indicated that they will not use academic selection on a one-year basis. I believe that Mr McNulty referred to this, but, in the press statement that they released to say that they were not going to use academic selection, what those schools revealed about the criteria that they intend to use is that they will draw largely on their existing criteria, which prioritise the children of existing teachers at the school; those who have a sibling at the school; and those for whom it depends on an accident of birth, by which I mean that it is an all-boys or all-girls school and depends on whether they have a brother or a sister. In some cases, it will depend on whether their parents went to that school. If we are truly looking for a more egalitarian society, schools are certainly entitled to use their own criteria, but I have to say that a system in which selection for grammar school is done by a form of hereditary right is not one that strikes me as being more equal than what exists at present.

Let us cut to the heart of the issue. It is perfectly reasonable to make an argument essentially for comprehensive education. I cannot remember whether it was Mr McCrossan or Mr McNulty who said that, from day one, the SDLP has opposed academic selection. I perfectly accept that. It is a perfectly reasonable position to take. The party opposite has also been fairly clear for many years about where it stands on academic selection. First, if we simply go down the route of abolishing academic selection, what we will have —

A Member: Will the Minister give way?

Mr Weir: No. I want to get through some things. I will not make the same mistake that Mr O'Toole made with me.

The position with academic selection is that, if we were simply to abolish the right to have it,

notwithstanding the fact that that would require changes in law, we would have a largely comprehensive system, but it would operate largely as it does in England, with a small percentage of students at fee-paying public schools. Again, I challenge anybody to say that that is a fairer position. It is, however, at least a reasonable enough position to put forward, and one that some parties have put forward for many years.

What is not the case is that we can have academic selection without transfer tests.

There is no adequate level of information that allows comparisons between pupils that can allow academic selection without transfer tests. We have to face reality: if we abolish or stop transfer tests, we are not using academic selection. That is a logical construct.

If we do not use academic selection, we destroy the basis on which grammar schools exist. There is a perfectly reasonable argument for saying, "Abolish academic selection and have an entirely comprehensive system". That is, at least, a fair and valid argument. What cannot be made is an argument that says, "Abolish transfer tests, abolish academic selection, but we are very much in favour of the grammar school system". That is, at best, intellectual gymnastics; it is dancing on the head of a pin. It is intellectually dishonest.

I have a lot more faith in those like Clare Bailey in the Green Party who say, "Abolish academic selection. Let us have an entirely comprehensive system. Let us not have grammar schools". However, let us not pretend that you support grammar schools while abolishing academic selection. It is simply —

Mr Lyttle: Will the Minister give way?

Mr Weir: Yes, I will give way.

Mr Lyttle: He is targeting that at me without saying so and accusing me of intellectual dishonesty, which is an absolute disgrace, given the topic under discussion.

There are non-selective grammar schools in Northern Ireland. How does that square with what he says? This is not about schools; this is about educating children. For the avoidance of doubt, the Alliance Party is absolutely clear: we do not think that academic selection is fair or necessary. Can you move on to saying what the contingency plan is here rather than making bizarre attacks on me?

Mr Weir: Interestingly enough, I never actually mentioned the Member. It seems to have hit a bit of a sore point.

You cannot have your cake and eat it. If you want to have grammar schools, you have to have academic selection; if you have academic selection, you have to have transfer tests. There is no point in trying to pretend that that magic circle can be squared.

Ms Sugden: I thank the Minister for giving way. There is a primary school in my constituency that does not have standardised tests. They believe that enough data exists to ensure a form of academic selection without having the transfer test, to the extent that his permanent secretary, before the Minister's appointment, visited the school and commissioned a report on it. Is that something that the Minister wishes to comment on?

Mr Weir: When you are judging whether all schools at primary level are doing everything like for like, are holding data like for like, are doing internal testing like for like, the reality is that, in any school, selection will happen. Let us not kid ourselves: selection will happen in the system whether we like it or not. The only issue is that, whatever the flaws in the current system, it is largely based, for grammar schools, on academic selection. If we move to a situation in which you cannot, ultimately, compare pupils like for like — we are certainly not in that position — you cannot have academic selection. That is the simple reality.

Mr McNulty: I thank the Minister for giving way. It is unfair to characterise the criteria being employed by the Newry schools and the Kilkeel school as anything other than egalitarian.

Mr Weir: I have no doubt that the Member will, rightly, want to defend the schools in his area. To be fair to them, I do not think that they have finalised their position, but they said in their proposals that they would base their selection largely on their existing criteria. Four out of five of those in at least four of the schools and, I think, three out of four or five in the other school centre on the links that a person has to the school through their family.

Mr McNulty: That is one criterion.

Mr Weir: No, the Member is wrong in relation to that. In at least a number of cases, it is about whether your parents went to the school; whether your sibling went to the school; whether, indeed, you are the oldest child or it depends on how your brother or sister got on;

and whether you are the son or daughter of a teacher at the school. All those criteria are directly linked to personal circumstances. They have nothing at all to do with academic ability, so let us not pretend otherwise. Those schools have a perfect right to do that, and I have indicated to them that, if that is the position for this year, legally that counts not as a development proposal. They are entitled to use those criteria, but I find it difficult to justify how that is in any way fair.

We will make sure that all actions are taken to ensure that transfer tests are done in line with public health criteria. No one has anything to fear from transfer tests. There is no doubt — we will come back to it — that there is a fundamental divide in the Assembly and society as a whole on academic selection that will not be sorted out today.

5.30 pm

Mr Deputy Speaker (Mr McGlone): I ask the Minister to draw his remarks to a close.

Mr Weir: On that basis, I await the verbal punishment beating from the Chair of the Committee.

Mr Deputy Speaker (Mr McGlone): I call the Chair of the Committee, Mr Chris Lyttle. You will have up to 10 minutes to wind on the debate.

Mr Lyttle: Thank you, Mr Deputy Speaker. I will begin by speaking as the Chairperson of the Education Committee. On behalf of the Committee, I thank the 8,500 respondents to our online post-primary transfer survey and the Education Minister and Assembly Members for contributing to this important debate. I pay tribute to the courage and public service of the teaching and non-teaching staff in schools across Northern Ireland. The Education Committee thanks you and will continue to support you.

The Education Committee online survey and the motion are about the safe and fair post-primary transfer of thousands of 10- and 11-year-old children during this year's global public health pandemic. The responses to the survey merit close consideration. One of the clearest responses was the rejection of the decision supported by the Education Minister to delay the AQE and PPTC examinations until immediately after the two-week non-school-based Christmas break. The Education Minister —

Mr Weir: Will the Member give way?

Mr Lyttle: I am happy to, if you do not take too long.

Mr Weir: I will be brief. Remember: we are able to facilitate transfer. The choice of dates and the change to it is legally of the two organisations: I have not chosen to delay on that basis. However, I can ensure that the transfer takes place within the proper time frame on those dates.

Mr Lyttle: OK. The Education Minister therefore ought to reflect on what the public rejection of that approach says about the decision-making to date on the matter.

There may be some variance of opinion in the Assembly on post-primary transfer testing in 2021 and in the future, although I think that there is more of a consensus here than some want to accept. The Education Committee online survey has, at the very least, demonstrated a serious concern for post-primary transfer testing this year, a need for further urgent consideration of the matter and a clear demand from parents and teachers for reform of post-primary transfer arrangements. The Education Minister's approach of doing nothing is clearly at odds with that demand.

Regrettably, the collapse of the Executive for three years during this mandate has prevented the Education Committee from showing leadership on the issue and restarting its inquiry into the matter. The educational underachievement panel and independent review of education must therefore consider post-primary transfer reform and how we build an integrated education system to deliver equal educational opportunity for all.

Ms Dillon: I thank the Member for taking an intervention. First, can I highlight that we are no wiser as to the contingency plans? Maybe it was the Minister's generosity in taking interventions, but I am no wiser as to what the contingency plans are in the event that there is a lockdown and the tests cannot go ahead.

Will the Member agree that we have had inquiries, reports and so much information to tell us that academic selection is bad for our children that we could bury ourselves and every school in the Six Counties underneath it? We now need to take action.

Mr Lyttle: I wholeheartedly agree; indeed, the last of those reports investigating links between attainment and deprivation was commissioned

by the joint Office of the First Minister and deputy First Minister. It clearly recommended reform of post-primary transfer, and, yet, delivery on that has not taken place.

I will now speak in my capacity as an Alliance MLA and turn to the contributions to the debate. I will start with the Minister of Education. He has accused some of us who have expressed concern on the issue of being opportunistic. That is disgraceful. Two thirds of 8,500 people have expressed legitimate and serious concerns on the matter.

He legitimately raised the issue of the survey's limitations. Of course, all surveys will have limitations. The question is this: what has he and the Department of Education, with its sizeable resources when compared with those of the Education Committee, done to engage with parents, teachers, children and young people on the issue?

The Minister referenced, as did some of his colleagues, that 85% of respondents said that they will still sit the tests. He failed to acknowledge, however, that 46% of that 85% stated, in response to the survey, that they are doing so because they feel as though they have no other choice.

Mr Carroll: I thank the Member for giving way. Does he share my concern that the Minister's approach, maybe to himself sometimes, in his constant obsession towards solecism and attacks towards me are a reflection of a Minister who is not confident with his disastrous handling of the education system throughout the pandemic?

Mr Lyttle: We need to engage respectfully with each other on the issue. It is regrettable when the debate descends below respectful engagement. Even though opinions differ, there are points of engagement, and I really wish that the Assembly and the Education Committee, if it has time, would engage substantively on the issue and take views from all MLAs and all concerned parties. At the end of the day, that is at the heart of what the survey was about.

The Minister referenced mitigations that he put in place to address educational inequality during lockdown, but, in my opinion, there was a lack of specificity. He referenced laptops and Chromebooks, and yet, in a debate today on post-primary transfer, he cannot specify how much of that resource has found its way to primary 7 children.

He referenced the Education Order that provides that schools' boards of governors set the admissions criteria. As I said in an intervention, the Assembly and the Executive have enacted exceptional changes in law during this time. We have changed the fabric of our way of life, so to say that he cannot intervene in those ways is, I think, an abdication of responsibility.

The Minister referenced safety measures — limited safety measures — such as masks, handwashing, no food and entrance arrangements. My colleague Kellie Armstrong asked some extremely legitimate questions about what advice he has sought and received from the Public Health Agency and the Minister of Health on the risks involved in bringing together that number of children, outside their bubble, in order to sit four transfer tests in January and February. I ask this: if there are Members of the House who have loved ones in shielding circumstances, how would they feel about sending them into the circumstances that the Minister is planning to support in January and February?

The Minister responded to the issue of the admissions criteria being used by other schools that have courageously decided to postpone the use of academic selection in this transfer-test year. His Department has a circular for all grant-aided schools on admissions criteria. What has he done to lead on the non-academic criteria that are being used by schools? I have not heard a substantive proposal from him on what the non-academic criteria ought to look like. Yet, his Department has a circular on what the criteria should like, one of which is having a sibling at the school. The circular recommends against going beyond that in terms of family relations, but there are criteria there.

The Minister then attacks me, as he has become prone to doing, in relation to intellectual dishonesty. Well, that is a new one that I have heard. The Alliance Party is clear: we are against selective schools. It is my understanding that grammar education is an approach to education, not a system of academic selection. As I said in my opening —.

Mr O'Dowd: I thank the Member for giving way. He is quite correct: "grammar" is a managerial term in education that is set out in law. The term "comprehensive" has become a dirty word in education, because, in England, comprehensive schools were not properly politically led from the top and were not properly invested in. Comprehensive education is a good form of education when properly led and properly funded.

Mr Lyttle: I thank the Member for his intervention. As I said in my opening remarks, I do not think that it is edifying or a serious response to this important matter to go down the route of using rhetoric.

I regret that I am out of time and cannot reference the many substantive contributions throughout the debate. There has been an attempt to describe this as a fractious or divisive issue, yet Members from many of the political parties who contributed to the debate were of one voice. That one voice is fairly clear to me: it cannot be fair for the Education Minister to allow private transfer test —

Mr Deputy Speaker (Mr McGlone): I ask the Member to draw his remarks to a close, please.

Mr Lyttle: — providers to set the tests in January and February for admission to post-primary schools. I hope that the Minister takes action to put alternative contingency plans in place.

Question put and agreed to.

Resolved:

That this Assembly takes note of the feedback to the Committee for Education's online survey into post-primary transfer testing and calls on the Minister of Education to outline contingency plans for post-primary arrangements.

Adjourned at 5.41 pm.

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