



Northern Ireland
Assembly

Official Report (Hansard)

Tuesday 6 October 2020
Volume 131, No 4

Contents

- Assembly Business** 1
- Ministerial Statements**
 - Upcoming Spending Review and Fiscal Flexibilities 2
 - Surge Planning Strategic Framework..... 8
 - Appointment of the Commissioner for Survivors of Institutional Childhood Abuse 20
- Oral Answers to Questions**
 - Infrastructure..... 27
 - Justice..... 36
- Executive Committee Business**
 - The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2020 46
- Private Members' Business**
 - COVID-19: Impact of Restrictions on Workers and the Economy..... 59
 - Terminal Illness 77
- Adjournment**
 - Protecting the Knock Iveagh Historic and Archaeological Site 88

Assembly Members

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Ms Martina (Foyle)
Archibald, Dr Caoimhe (East Londonderry)
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Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
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Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
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Kelly, Gerry (North Belfast)
Kimmins, Ms Liz (Newry and Armagh)
Long, Mrs Naomi (East Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCann, Fra (West Belfast)
McCrossan, Daniel (West Tyrone)
McGlone, Patsy (Mid Ulster)
McGrath, Colin (South Down)
McGuigan, Philip (North Antrim)
McHugh, Maolíosa (West Tyrone)
McIlveen, Miss Michelle (Strangford)
McLaughlin, Ms Sinead (Foyle)
McNulty, Justin (Newry and Armagh)
Mallon, Ms Nichola (North Belfast)
Maskey, Alex (Speaker)
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Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
Stalford, Christopher (South Belfast)
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Northern Ireland Assembly

Tuesday 6 October 2020

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

Members observed two minutes' silence.

Assembly Business

Mr McAleer: On a point of order, Mr Speaker. Minister Poots made a statement yesterday that outlined additional funding for the fishing fleet here. That funding is very welcome for the hard-pressed fishing industry, which has been hugely impacted on by the COVID crisis. The statement was issued as a written statement yesterday morning, yet I note that the Minister was available for the media later in the afternoon.

I suggest that, rather than issue a written statement for such announcements on sitting days, when the Assembly is convened and we are here, it may be more appropriate for the Minister to attend the House in person to make an oral statement so that Members can ask questions and comment on it. I would be grateful if that could be brought to the attention of the Minister and his Department.

Mr Speaker: The Member has made his point. He will know that I have engaged directly with the Executive over a significant period in response, on a number of occasions, to issues raised by members of the Business Committee, other parties' Members and other representatives throughout the Chamber.

I have always pointed out to the Executive, and, indeed, to all Ministers, that, when significant announcements are being made, particularly on plenary sitting days, it is important to respect the conventions and courtesies that need to be afforded to Members.

There is, of course, a balance to be struck in all these matters. I very much welcome, as has the Member, the fact that the written statement was provided to the House in a timely fashion. I have no doubt that the recipients of the funding will welcome the announcement.

There is therefore a balance to be struck on when Members expect Ministers to come to the House. I am on the record as dealing quite well with the matter on behalf of Members and the

House. I do not want to lose sight of the fact, however, that we have been seeing a significant increase in statements and interventions, from all Ministers, being made in the Chamber in recent times.

I acknowledge that, and I appreciate that we are getting a significant increase in business from the Executive to the House, as is appropriate.

The Member has made his point. I will continue to liaise with the Executive, as and when the need occurs, to make sure that the House receives the courtesies and respect that it is entitled to.

Ministerial Statements

Upcoming Spending Review and Fiscal Flexibilities

Mr Speaker: I have received notice from the Minister of Finance that he wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. However, if Members wish to be called, they have to ensure that their name is on the speaking list, but they can do this 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 introductions will not be allowed.

Mr Murphy (The Minister of Finance): This short statement concerns the upcoming Chancellor's spending review and the wider Westminster funding process. My counterparts in Scotland and Wales and I are collectively making statements to our respective legislatures, setting out our expectations for more fiscal flexibility to manage the implications of COVID-19, proper involvement in the spending review so that we can plan for our Budgets, and a fair deal on EU funding.

Members will be aware that, on 23 September, Chancellor Rishi Sunak announced the cancellation of the autumn Budget. This marks a departure from the normal convention of two fiscal statements a year, which provided a degree of certainty to the financial process. While that move in itself was concerning, of greater concern to the Executive is the continued lack of clarity over the upcoming spending review. Since the announcement of the spending review on 21 July, I have been concerned about the omission of a date by which the process would be concluded. The Chancellor spoke about "autumn" but, going by previous Treasury statements, "autumn" can mean anything up to the second week in December.

I will briefly outline why the spending review outcome date is so important to the Executive and the House. The spending review outcome is the first time that we will get an idea of what the overarching Budget envelope will be for the Executive for the coming years. Without that information, it is impossible to plan effectively. The delay in the spending review leads to a

delay in the local Budget process, making it harder for Ministers to plan effectively for the years ahead. This is made all the more acute by the uncertainty around COVID-19. Today, we collectively ask the British Government for urgent clarity around the timing and scope of the spending review. In a period where future implications of COVID-19 are uncertain, it is imperative that the Government provide as much clarity as possible on the spending review process, the outcome and the flexibility that will be afforded to us to respond to COVID-19 in the current year and within our future Budget envelope.

This is not a situation unique to our Executive. The Scottish and Welsh Governments are faced with similar problems in planning for the future. Today, we collectively ask the British Government to provide the full suite of flexibilities that we need to manage the unprecedented ongoing uncertainty that we face. I recognise that, for different devolved Administrations, that might mean different solutions. For the Executive to be able to respond effectively to the impacts of COVID-19 in this year and future years, it will be necessary for us to have flexibility to transfer capital funding into resource budgets. This will allow the Executive the agility that they need to respond to changes that will materially impact on public service provision.

In addition, I call for the Treasury to loosen the restrictions around transferring funding from one year to the next. Under the current rules, any underspend over 0.6% of our resource departmental expenditure limit (DEL) budget or 1.5% of our capital DEL budget is lost to the Executive. That restriction does not encourage good financial management and risks year-end surges of spend as Departments seek to ensure that budgets are maximised. A relaxation of the rules around year-end underspend would allow Departments more flexibility to manage underspends. This is especially relevant in a period when the impact of COVID-19 can lead to a disruption in projects, working practices and supply chains. These are limited and logical requests.

The concerns that I have outlined are further exacerbated by Brexit. Planning for 2021 would be challenging enough without the further uncertainty surrounding Brexit — uncertainty that is within the British Government's gift to clarify. Some three months before the end of the transition period, we do not have the clarity that we need on key issues such as implementing the protocol and replacing EU funding. I have written to the Treasury outlining the costs of implementing the protocol and have

yet to receive confirmation that those costs will be met by the British Government, as they promised. I also await detail on the shared prosperity fund, the much-vaunted replacement for certain EU funding.

The one significant piece of legislation that the British Government have produced recently, the Internal Market Bill, represents a power grab in areas of devolved responsibilities. Our devolution arrangements are underpinned by the Good Friday Agreement, an international treaty, so this is an extremely serious development. Today, we are collectively asking for assurances that the British Government will provide full replacement funding for EU programmes without detriment to devolution. The issues that I have raised today are integral to the Executive's future budget plans and are issues that urgently need to be resolved.

I call on the Chancellor to provide the much-needed certainty that this House requires and that our Scottish and Welsh counterparts need. As Finance Ministers, we represent over 10 million people, and, today, we speak with one voice. We are calling for more fiscal flexibility to manage the implications of COVID-19; we are calling for proper involvement in the spending review so that we can plan our Budgets; and we are calling for lost EU funding to be replaced in full and brought under local control.

In normal times, this uncertainty would not be helpful, but the lack of clarity is further compounded as we deal with COVID and Brexit. The Treasury must urgently provide the clarity that we need. I commend this statement to the House.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for his statement and also for meeting me earlier today to talk about these issues. I think that it is very clear that, as COVID impacts on all of us in Northern Ireland, we need to understand how we have flexibility, and we need to get clarity. Will the Minister commit to working very closely with the Finance Committee to look at the detail and the understanding of this information as it comes through, particularly when it looks to the moving and transferring of moneys within budget, bearing in mind the past record that we have in Northern Ireland on that, and also on the details of the shared prosperity fund?

Finally, as the leader of the Ulster Unionist Party, I welcome the fact that the Minister sees the benefit of being part of the Union and of dealing directly with our Chancellor, who is having to spend a considerable amount of

resource in dealing with the challenges of COVID.

Mr Murphy: I am happy to cooperate, as I have done, with the Finance Committee and provide it with the information that it requires and which we require. The problem is that we do not have that yet. We do not have that certainty around flexibility. Flexibility is always beneficial, but, in the year that we are in, where we not only have uncertainty around COVID and the ability of Departments to spend money that we have supplied to them in the Budget, but we have an additional amount of about £2.2 billion of COVID money, to date, to spend in the financial year, a very significant pressure is placed on Departments to spend, so that type of flexibility would be very helpful. We are not certain yet about what the outcome might look like once we move into the new year, but we want to be prepared to manage any pressures that we have.

We have quite a lot of good words and goodwill about what the shared prosperity fund might look like, but we have no certainty around that at all. We are particularly alarmed by the clause in the Internal Market Bill that suggests that allocating that funding to specific projects here would rest with Whitehall. We have a very clear view, as have Scotland and Wales, and it is the view of our Executive that the shared prosperity fund would be administered and allocated by the Executive through its various Departments and partners, through which we currently allocate EU funding. That must be adhered to.

I will not rise to the point that he made as leader of the Ulster Unionist Party. When we in Sinn Féin get up and talk about these issues, we are accused of politicising COVID, yet we are constantly lectured about the benefits of the precious Union. Let us see how it works out in the time ahead.

Mr Frew: The Minister makes several requests to the Government, none of which I could disagree with, but, when he calls for proper involvement in the spending review, the same could be said of this Assembly and the Finance Committee having proper involvement in the Executive's Budget process. The Department has, over the past few months, proven how agile it can be in delivering and spending additional moneys in year. There is no excuse for the current delay in the Budget process and the lack of detail being provided to the Committee and, indeed, this House. The Minister may be right when he says that he has no idea about what could be in the spending review, but he is always proving that he has no clue about bringing forward a Budget to this

place. When will the Minister publish details on the Budget?

Mr Murphy: I am, perhaps, as confused as most people listening to you may be. I am saying clearly that we do not know what the funding envelope is. We are not absolutely certain whether we are going to have a three-year resource Budget and a four-year capital Budget. We have been told that that is the case, but there are other signals coming out of Treasury to say that that might not be the case.

The Member wants me to provide a Budget in that context. If that is the sort of Budget that he wants, in the hope that we know what we have, it would have to be a made-up Budget. Or, does he want us to pursue Treasury to get the certainty that we need to allow us to plan, hopefully for the next three years for resource and the next four years for capital; to get that as early as we possibly can; in doing so, to go out to consult with his Committee, other Committees and generally on a draft Budget; and to produce the Budget in legislation here in the springtime? That is the normal Budget process. I am not sure why the Member does not understand that; he has been on the Finance Committee for long enough.

10.45 am

Our concern here is to get certainty around the funding envelope. That comes from London. If that certainty is not there, it makes it difficult for us to plan. That is not unique to us; I am having that conversation with the Scottish and Welsh Finance Ministers. They are experiencing exactly the same problems in giving Budget certainty to their own institutions. That is why we are making the statement collectively today.

Mr McHugh: Go raibh maith agat, a Cheann Comhairle agus ba mhaith liom buíochas a thabhairt don Aire as a ráiteas fosta. I thank the Minister for his statement. It is important that the Executive can plan their Budget over a number of years. Is it the Minister's understanding that the Treasury still intends to set a multi-annual Budget of three years for resource and four years for capital?

Mr Murphy: That is certainly our hope. With our own Budget spend, we have operated for the past number of years on annual Budgets. That does not give any long-term certainty, particularly for capital projects. We have significant capital projects here that the Executive want to get on with. They are flagship projects that will make a huge difference to economic recovery and regeneration right

across the region. The certainty that a three-year resource Budget and four-year capital Budget gives us — not only us but industry, construction and all those sectors — is very important. We had been operating on the basis that that was the case. Then, signals came out of Treasury, because there is a confused picture there, that it might not be the case. The other week, I raised that directly with the Chief Secretary to the Treasury. He said that that was the basis on which they were operating, which, I suppose, is certainty of a type, but not the certainty that we want. That is why we intend to engage directly with him — to get that certainty. It is impossible for us to plan ahead if we do not even know the time frame, much less the funding envelope, that we have.

Mr O'Toole: I thank the Minister for coming to the Assembly today. Can he be a little more specific about the two flexibilities for which he seems to be asking? He mentioned in-year flexibility around capital resource, which can also carry forward to spending in the next financial year. First, can he be slightly more specific about what he is actually asking the Treasury for in that regard? Secondly, what specific correspondence has he had with the Chancellor and anyone else in the UK Government about mitigation costs and paying the costs of EU exit?

Mr Murphy: What we want, in the first instance, is for the principle of flexibility to be agreed. We have not had that agreed. At the moment, we do not know the level of flexibility that we might need. Some of that is the conversion of capital to resource and some is the flexibility to extend into the next financial year. Departments are very busy trying to spend out their COVID money and budgets. We have an October monitoring round exercise going on. Of course, we have a January monitoring round scheduled as well. When we get to those stages, I think that we will know the degree of flexibility that we might require to transfer money between capital and resource and to carry over into the next financial year. We will have greater clarity. However, the principle of flexibility is one that we need to establish with Treasury. That is why we are pressing that issue very hard.

I did send a cost for the protocol and EU exit to the Treasury. It said that it would look at the business case for that. I know that DAERA is providing additional figures for some of the costs for which it will have responsibility. The Treasury said that it would meet those costs in full. However, as yet, we have no firm commitment on the costs that we have sent it.

Mr Muir: I thank the Minister for his statement. I fully support all efforts that are being made to ensure that we have the necessary financial firepower here, in this place, to safeguard both lives and livelihoods. If we are granted the measures that are outlined, they will be welcome. However, what efforts are being made to establish a fiscal council? It was a commitment in New Decade, New Approach (NDNA). It is important that there is oversight of Northern Ireland's finances as we enter an even more difficult period over the winter.

Mr Murphy: As I have told the House on a number of occasions, the fiscal council is a New Decade, New Approach commitment, and we will meet it. As with a lot of Departments and the commitments under New Decade, New Approach, things have slipped because of COVID and the necessity for all Departments to focus entirely on meeting the challenges that COVID has presented, but we have already begun again the work on the fiscal council, and I hope to be able to bring a proposition to the Executive on that very soon. I am also looking at the idea of a fiscal commission that can propose things such as additional tax-varying powers for the Assembly, as has happened in Wales and Scotland, and I hope to bring a proposal on both matters in the very near future.

Mr Givan: I welcome the announcement that three Ministers in component parts of the United Kingdom, Scotland, Wales and Northern Ireland, are speaking with one voice on this issue. I have some sympathy with the Minister in seeking certainty and more clarity on the Budget. In doing that, the Minister is asking for more fiscal flexibility in order to manage the implications of COVID-19. How concerned is the Minister that, when seeking greater flexibility to access more schemes, that effort is being undermined when Treasury can look, for example, at the SDLP Minister, who failed to access Treasury funding that would have furloughed staff in Translink and saved the Executive millions of pounds, given that businesses, not least those in the north-west, have been starved of that money and could be accessing that financial support?

Mr Murphy: I will not involve myself in any critique of the Infrastructure Minister's responsibilities. That is a matter for her and her Department.

We are making very general arguments about Budget planning and managing the finances that we have. I will talk again to the Finance Ministers from Scotland and Wales at lunchtime

today, and we have consistently expressed those messages and others to the Treasury. Our concern about that is heightened by the fact that there will now not be a Budget in the autumn. Our concern about EU funding is heightened by the Internal Market Bill, and that is why we felt that we had to speak today with one voice to reinforce the messages that we have been consistently giving. These are very high-level issues that face not only our Administration here but those in Scotland and Wales, and we are trying to press home the need for a broad level of fiscal flexibility in order to assist us in managing our Budgets.

Mr Lynch: Will the Minister give us an indication of the scale of the EU funding and the parts that he is trying to protect?

Mr Murphy: The total scale — this is between 2014 and 2020 — is in the region of €4 billion. Some of that falls under our ongoing PEACE PLUS programme, which takes up what would have been the Peace funding and the INTERREG funding, and the proposition for that is around €650 million. That fund will continue to be delivered locally. The rest of that funding is made up of the replacement of CAP, which goes on until next year, and a range of other EU funding that, I am sure, the Member will be familiar with.

Our concern is that the promise was that we would have full access to that amount — that is, the funding that we previously had — and that we would have the ability to design the programmes for that and to allocate the funding and work with our own local partners in doing so. The intention of the Internal Market Bill seems to take us in a different direction, which is very concerning, and we intend to press that point with the British Government.

Mrs Cameron: I thank the Finance Minister for his statement. Obviously, COVID-19 has created unprecedented challenges for the Budget and particularly for the Health and Economy Departments. The Minister may be aware that the Royal College of Surgeons made a call asking for the ring-fencing of beds in order to allow essential surgery to continue through future waves of COVID-19. What plans does the Minister's Department have, in conjunction with the Health Department, to ensure that the necessary funds are in place to allow that essential surgery to continue and to address waiting lists as we go into the future?

Mr Murphy: The Member will know from previous statements that I have made to the House that we have centrally held £600 million

for the Health Department. It had been making its own assessments of what it needs for its response to the pandemic, and, obviously, that assessment will have increased given the resurgence in the prevalence of COVID in the community. Another element of that was to try to assist in redeveloping and supporting other health services. There is a significant amount of money. This £600 million is on top of, I think, something in the region of £300 million of COVID money that we have already given to the Health Department and the budget that Health got at the end of March, which was obviously the largest departmental budget of all.

There is a significant resource, but I recognise, as the Member will, that Health is recovering from nine years of austerity. It has been deeply and consistently under-resourced, and we are trying to meet that challenge. We have ring-fenced that money, and the Health Department will come forward with its spending plans for that. That £600 million has to be spent within this financial year. If all the money is not required, some will be returned to the centre for distribution elsewhere. It is a significant amount of money on top of the budget that Health has already received.

Ms Dolan: One of the reasons that it has been difficult to provide extra financial support for workers during the COVID crisis is the lack of tax data. Does the Minister agree that, if we had more tax powers and more tax information, we could do more to help our constituents?

Mr Murphy: Should we want to do specific tailored programmes for our workers, we are restricted by the fact that that data is held by HMRC. In order to devise any scheme to assist people with employment costs, we would have to work with HMRC to verify any claim. It is a challenging exercise to get HMRC to do that, specifically for a bespoke scheme. Other Departments have looked at schemes to support employees. We had the furlough scheme, which is due to run out at the end of the month. There is also an employment support scheme, which, in my view, comes nowhere close to approaching the same level of support for employees and employers, and we will see increased redundancies as a result of that. Undoubtedly, the more data to which we have access, the more levers we would have in raising our own finances. We would also be more able to set programmes that are tailored to the needs of the people who live here.

Mr Catney: Thank you for coming to the Chamber, Minister. There has been no guarantee of funding for the employment and

skills support in Northern Ireland that is currently funded by the European social fund. As yet, there is no clarity on how and when that funding will be replaced. What is the Department's understanding, in talking to the affected sectors, of the real pressures that they are under?

Mr Murphy: The Department for the Economy has responsibility for bringing forward propositions on skills and employment. My job, on behalf of the Executive, is to secure funding. That is why it is not only important that we secure the level of funding that would have come here in other circumstances through Europe but important, as we are being taken out of Europe against our wishes, that we have to try to secure that funding. The British Government have promised to replace it in full. We have a unique set of circumstances, which the Member recognises, in the levels of support. We want to target those levels of support for skills, particularly towards younger people in training, apprenticeships and all those things. We need to be able to manage, allocate and administer our own schemes and to make sure that they go to where they are most needed. Those are the key principles. The level of support and the engagement with that sector in devising those plans is a matter for the Department for the Economy.

Mr Nesbitt: Will the Minister clarify exactly whom he envisages taking local control for lost EU funding? Is it the son of the Special EU Programmes Body (SEUPB), the Strategic Investment Board (SIB) or the Minister? As for replacing it in full, were we not told that we would be better off outside the European Union? Does the Minister accept that his position lacks a certain ambition?

Mr Murphy: I am going on the statement that was provided that it would be replaced in full. We were told that the contribution that the British Government make to the EU would be a net gain for the British state in what they could give back to public services. Perhaps we were sold a pup — not those of us who voted to remain — when we saw the writing on the side of the bus. If there is more than a replacement in full, I would be very happy. That is the statement that was given about a replacement in full.

The Member asked about who will administer the scheme. We want to ensure that we have the shared prosperity fund, and it will then be up to the Executive to design programmes around it and give it to the appropriate Department to administer. Finance has a role,

and we have a role in relation to the SEUPB, which, as the Member will know, is a cross-border body. The Irish Government, through the Department of Finance and other Departments, have a role in that. It is a specific programme that relates to the Six Counties and the six border counties. The shared prosperity fund will probably be more internal to the North.

In the first instance, we want to ensure the full replacement of funding and the principle that the devolved Administrations are responsible for the design of the programmes, the allocation of the funding and the partnerships. I look forward to our having as broad a range of partnerships as we can with councils and other social partners in designing and administering those programmes.

11.00 am

Dr Archibald: I welcome the Minister's statement today. The Minister referenced the Internal Market Bill. He and the Scottish and Welsh Finance Ministers have already raised concerns about it providing to Westminster financial powers that are over and above those of the Assembly and Executive. What is the Minister's assessment of the impact that the Internal Market Bill will have on our ability to control our spending?

Mr Murphy: The concerns relate to the principle attached to the level of funding. We were told that we would receive that funding in full. The Internal Market Bill gives the British Government powers to administer those schemes. That directly contradicts the commitment as it was understood by Wales, Scotland and us, which was that the devolved Administrations would get that share of the funding, be responsible for designing and administering those programmes, involving the partners that we chose, and that we would target that money to match Executive and Government priorities here. The powers contained in a clause of the Westminster Bill seem to contradict that. That is very worrying not only for us but for Scotland, Wales, as is clear from my ongoing dialogue with their Finance Ministers. We want to ensure that our understanding of the commitment to the devolved Administrations and the funding principle is met by the British Government and that the power to decide these programmes and allocate the funding is not held in Whitehall. That is a clear contravention of what we agreed.

Ms Bradshaw: Minister, will you give us your assessment of how the current situation

impacts on the Department of Health's ability to deliver services, which will be particularly important in the second wave of COVID? Have you started any conversations with Whitehall about funding for the next financial year?

Mr Murphy: The conversations with Whitehall on the spending review will lead to conversations for the next financial year, and, hopefully, the next three years on resource and four years on capital. That is why we want as much clarity as possible. Traditionally, the devolved Administrations have not been involved in the spending review conversations. However, the fact that there is no autumn Budget increases the importance of having early sight of the spending plans, their time frame and the funding envelope that we will operate within. That will give us the clarity to plan in the way that you describe.

I cannot make the assessment because that is for the Department of Health. The Executive had prioritised Health even before COVID became a factor. In discussions on the reinstatement of the Executive, there was agreement from all parties that Health would be a priority. We have done that in the Budget allocation, and, in the COVID allocations, we have added significant money for Health. As I said in an earlier answer, we have £600 million held centrally for Health, and it is assessing how to spend that on the COVID response and ongoing support for other health services. We expect to be able to announce fairly soon how much of that Health requires and whether any of it can be returned to the centre for further allocation.

Mr O'Dowd: I will follow on from Mr Nesbitt's question about the elusive savings that were associated with Brexit. It is now clear that there will be a public administration cost to deal with Brexit. How will the Minister's Department deal with the additional cost associated with Brexit?

Mr Murphy: Our business plan is based on what we estimate to be the cost of our implementing the protocol, and there are costs to implementing that. The Treasury has said that it will meet those costs but has not yet committed to agreeing the figures that we sent to it. DAERA is doing further work on the figures associated with its element of that. You are right: there is a cost of implementing the protocol. Undoubtedly, on this island, there will be a cost to the economy from Brexit itself, which is very hard to quantify until we see the final outcome of those negotiations. The cost could be very severe or less severe but there will be a cost.

Clearly, the promise that Mr Nesbitt referred to of not only having that funding returned but having much more funding to spend across public services here does not seem to have materialised in any dialogue that we have had with the Treasury.

Mr Allister: I suppose that the Treasury is always an easy target for devolved institutions, although there may not always be a matching acknowledgement of the scale of financial assistance, particularly during COVID-19. On the point about the capacity to transfer from capital to resource, is the Minister looking for that only during the COVID-19 emergency or as a long-term change? If it is to be a long-term change, would legislative change be required?

Mr Murphy: It would be more beneficial to make a long-term change, because, as the Member will know from his experience here and as most Members who have been here long enough will know, we get into a situation from January to March where there is kind of a spending surge. Of course, the dynamic behind that is that we do not want to surrender money to Treasury because Departments are criticised for not spending it. It is right that we are asked whether we are spending it on the right things. Are we planning sufficiently, or are we just spending to get rid of the money because we would be criticised for not spending it? Does that have a proper, positive outcome in the long term?

A longer-term flexibility would be beneficial, and we will discuss with Treasury whether that requires legislation. I am happy to take that issue forward. It would be more beneficial to us in the long term. We have a particular situation this year because we have additional money for COVID-19. I have acknowledged in the Chamber how, from an Irish republican perspective, I feel that the COVID-19 allocations from Treasury have been beneficial. I felt that the furlough scheme was very beneficial, as was the loan scheme for businesses. However, we are taxpayers, so, if Treasury is distributing its largesse around those who pay into the British Treasury, we are entitled to some of it. It would be much more beneficial for us to have that capacity in the long term, because we are in a cycle, particularly with annual Budgets, where we end up having a spending splurge at the end of year. That is not good for long-term planning, and it is not good for making the best use of our limited public funding. It would be much better done in the long term. We will explore with Treasury whether that requires legislation.

Mr Speaker: Members, that concludes questions on the statement. I ask Members to take their ease while we prepare the Chamber for the next item on the Order Paper. Thank you.

Surge Planning Strategic Framework

Mr Speaker: I have received notice from the Minister of Health that he wishes to make a statement.

Mr Swann: Thank you, Mr Speaker, for the opportunity to update the House on my Department's surge planning agenda.

Today, I am publishing a new surge planning strategic framework that is intended to set the overarching context for individual trust surge and winter planning. Alongside the framework, I am publishing individual trust surge plans. The coming period is highly uncertain, and the recent increase in COVID-19 cases is deeply concerning and shows that further waves are a continuing threat. How the virus develops in the coming weeks and months will depend on a range of factors, including the future approach to social distancing and population adherence to measures that include washing hands often and well, good respiratory practice and the appropriate use of face coverings.

Given the sheer scale of the unknown, I believe that the health and social care system coped well through the first COVID-19 wave. That was largely because of the public's strong adherence to the measures put in place to counter the spread of the virus, meaning that the impact on services was not as severe as initially feared. Another important factor was attendances at emergency departments reducing significantly during that period, which released capacity to assist with managing the pandemic. That may not be the case in the coming months, particularly as we move into the winter.

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

While the future path of the pandemic is unclear, a second wave, as I have already indicated, will likely coincide with winter pressures. That means that our health and social care system is very likely to face the most challenging winter that it has ever experienced. The planning for the initial surge was carried out at a time when there was limited data available on the pandemic's trajectory. In that context, plans were put in place to deal with an extreme level of surge. As

a result of that planning, every patient requiring treatment for COVID-19 was able to receive it. However, the creation of so much additional capacity had a significant impact on other Health and Social Care (HSC) services. The scale of that impact is outlined in 'Rebuilding Health and Social Care Services: Strategic Framework'.

Sadly, as of yesterday, 584 of our fellow citizens had passed away with COVID-19. No matter how long the pandemic continues, we must never forget that behind every figure was a person who was loved and who is now sorely missed. My sincere condolences go out to the families and loved ones of those who have tragically passed away. Our tribute to them, as a community, must be to ensure that we take all necessary action to minimise the rate of infection and future loss of life. That starts with us all taking personal responsibility for our behaviour and actions in fighting this dreadful virus.

Our nurses, doctors, paramedics, other allied health professionals (AHPs), community pharmacists, care workers, primary care workers and other front-line health and social care workers and carers have bravely and tirelessly put themselves at risk to save the lives of others. Amongst them were those who volunteered to return to work or to leave training temporarily to provide much help and support. I cannot thank our workers enough for that. I know that I can rely on continued commitment from all staff as we begin the task of managing future COVID-19 waves. Having said that, I appreciate that the efforts to date have taken their toll. We must put staff welfare, along with patient safety, at the heart of our efforts to manage services.

As I said in my opening remarks, I am deeply concerned about the increase in the number of infections in recent days and weeks. In parallel with preparing our health and social care services for future COVID-19 waves, I will not hesitate to bring recommendations to the Executive, as I did last week, for a tightening of social-distancing measures, should that be necessary. We all have an important role to play in stopping the spread of the virus. I ask the people of Northern Ireland to maintain adherence to the social-distancing rules, continue to wash their hands often and practise good respiratory hygiene. I know that the vast majority do so, and I cannot overstate the importance of that.

I also urge all Northern Ireland residents who have not already done so to download the StopCOVID NI app. Well in excess of 415,000

people had downloaded the app as of yesterday, and over 5,700 people have received exposure notifications asking them to self-isolate. It is a key plank of our test, trace and protect strategy and a valuable source of up-to-date information. If we all play our part, I am confident that we can defeat the pandemic. In the meantime, my job is to ensure that our health and social care services are prepared to care for anyone who needs treatment or contracts the virus. The publication of the surge planning strategic framework is a key step in ensuring just that.

11.15 am

I will now highlight key aspects of the surge planning strategic framework that I am publishing today. The framework provides the overall structure and parameters within which HSC trusts have developed their individual plans for managing the response to COVID-19 in the event of future waves. The framework highlights important learning from the first wave; sets out the approach to surveillance and modelling; reviews actions to minimise COVID-19 transmission and impact; summarises key regional initiatives to organise health and social care services to facilitate effective service delivery; highlights actions around the key issues of workforce, medicines and testing; and confirms a number of principles for our health and social care trusts to adopt when developing their individual surge plans.

It is important to recognise that Northern Ireland-specific data and modelling will continue to be used to enable efficient planning and to ensure that there is early warning of any impact on health and social care services. Using the available data, combined with surveillance of influenza and other winter diseases, the Chief Medical Officer and the Chief Scientific Adviser will continue to advise the Executive as they consider measures to reduce the R number in the event of a significant and sustained increase in the epidemic. With that approach, the intention is to ensure that the system is equipped to deal with a significant increase in demand, but also to keep the level of demand manageable in order to prevent our health and care services becoming overwhelmed. In order to manage future COVID-19 surges, HSC must be organised and ready to respond. To ensure that services are delivered most effectively in the COVID-19 context, the Department has taken a number of initiatives that adopt regional approaches to service delivery.

A number of key regional initiatives are outlined in the surge planning strategic framework. Those include establishing dedicated centres

for day case and orthopaedic procedures and the establishment of a regional cancer reset cell to oversee the resumption of screening, diagnosis and treatment of cancer patients in clinically safe environments as quickly as possible and to protect those services as much as possible in the event of future potential surges of COVID-19. They also include action to capture learning in relation to care homes to mitigate future transmission of the virus in those settings; the continued availability of the critical care capacity at our first Nightingale facility at Belfast City Hospital; the additional step-down capacity at our second Nightingale facility at Whiteabbey Hospital; a much-expanded testing capacity; and the publication of our Test, Trace, Protect, Support strategy. The Nightingale facilities are particularly relevant for surge planning, and I will say more about my plans next.

The Belfast City Hospital tower block was designated as Northern Ireland's first Nightingale and will maintain additional ICU capacity for future COVID-19 waves. It should be noted that this additional ICU capacity will only be needed in the event of an extreme surge in demand for intensive care. The Belfast City Hospital tower will remain a protected site for cancer and other specialist surgery for as long as possible.

The experience of the first surge identified a role for additional step-down capacity to support flow through hospitals and to ease pressures on the system. Therefore, as Members will know, I have already commissioned work to begin on an additional Nightingale facility on the Whiteabbey Hospital site. That will be an intermediate care facility, providing 100 additional step-down beds, to be operational by December 2020.

Some Members will have heard of the latest report published by the Royal College of Surgeons, which focuses on the delivery of surgery through a second wave. Whilst the report may be largely focused on England it also, importantly, contains the views of surgeons from Northern Ireland. The report is an important contribution at this time, especially as it is coming from clinicians who are working on the front line. I will meet the royal college tomorrow morning, just as I have done on a number of occasions before, and I am quite certain that the report will be discussed then. I have also asked that the report and its recommendations are discussed at tomorrow's meeting of the regional management board.

A particular point that I fully expect will be discussed tomorrow, and which is referenced

on page 22 of the report, is in relation to staffing. The responses from our surgeons highlight the significant impact that workforce shortages are having on the capacity to deliver planned care. That was a problem before COVID and will remain so after COVID, but the pandemic has only exacerbated it. Almost all of the surgeons who responded to the survey specifically mentioned the need for more nursing staff to increase surgical capacity. It is clear that there are no quick fixes and that sustainable, multi-year funding is required. Earlier this year, I was pleased to secure funding to deliver an additional 300 nursing and midwifery undergraduate places in Northern Ireland this year, bringing the total to an all-time high of 1,325. In the meantime, I will continue to do everything that I can to train and entice nurses to work in our HSC system.

I recognise that it may be difficult to find any positives in the situation that we find ourselves in, but we must recognise that the emergency response across primary, community and secondary care services has involved innovative new service-delivery approaches. Our health and social care providers have adopted the use of technology like never before. Although face-to-face consultations will always be necessary in some cases, and, indeed, are valued by clinicians and patients, I am reassured that virtual clinics and telephone triage are widely embedded in primary and secondary care services. We cannot go back to the way in which we delivered services before COVID-19. There is now an opportunity to mainstream the recent innovations, and I am determined that we will take that opportunity.

Of course, we must recognise that the use of technology will not be appropriate in all circumstances, and we must continue to offer face-to-face services where that makes sense for patients and staff alike. Our primary and secondary care providers have also stepped up to collaborate in ways not previously seen. That is best exemplified in the eleven COVID-19 centres that were established as a response to the crisis. We must now build on those experiences to further encourage that collaboration. Innovation, transformation and collaboration will be at the very heart of my approach to managing a second wave.

Before I move on to the trust surge plans, it is important to pay tribute to all the carers who have supported their loved ones through this very difficult time. You have done a fantastic job in a very challenging environment. We must continue to support carers through the coming period, which is likely to be at least as difficult as the last six months. Carers will have a

crucial role to play in continuing to provide support, not only to those whom they care for but also in terms of taking pressure off our hospitals and healthcare workers.

I am announcing today the publication of five individual trust surge plans and the Northern Ireland Ambulance Service surge plan. Those plans all outline initiatives required to respond to additional demand pressures that will arise during the winter and through any subsequent COVID-19 waves. Each plan covers a number of themes to support the HSC system to deliver increased resilience throughout this challenging winter period. The themes include positive patient, service-user and carers' experience; protecting HSC staff; maximising capacity; and promoting safety for patients and staff alike. I have highlighted the key aspects of the surge planning strategic framework and the individual surge plans that I am publishing today. That will ensure that comprehensive plans are in place to address future COVID-19 surges and winter pressures.

Our waiting times were appalling before COVID-19, and, regrettably, they will be even worse after it. That is why I made it clear to my officials and the trusts that restarting services was to be considered a key priority for them. COVID can cause real harm, but so, too, can delayed diagnosis or treatment. Thankfully, through the Herculean efforts of our clinicians and the administrative staff working across our trusts, much progress was made. For instance, from 1 July to 31 August this year, trusts committed, under their planning, to deliver 130,419 outpatient consultations. In fact, they delivered 152,941. Similarly, they aimed to deliver 61,678 diagnostics; they delivered 81,874.

I do not underestimate for one moment the damage that COVID-19 has inflicted. That is why I said that I wanted any and all possible sources of additional capacity to be utilised, including capacity in the independent sector. From the onset of the pandemic, trusts have been using theatre sessions, including for both general anaesthetic lists and local anaesthetic lists, to allow many hundreds of the most urgent and time-critical patients to proceed as quickly as possible.

When I established the management board for rebuilding HSC services in June, I also tasked it with incrementally increasing HSC service capacity as quickly as possible across all programmes of care. The management board is currently overseeing 28 work streams. It is clear that huge efforts are under way to rebuild services. I do not underestimate either the scale

of the challenge or the needs of patients who unfortunately have had their treatment delayed.

The next set of trust three-month rebuild plans were originally intended to be published at this time, covering the period October to December. However, given the perilous and developing situation that we now find ourselves in, I feel that we have no choice but to hold back the publication of the latest plans. However, let me reassure Members that, just because the publication of the plans may be paused, that does not for one moment suggest that the efforts of our clinicians to support patients have been paused. Even with the prevailing COVID situation, I expect that the rebuilding effort will, of course, continue, as far as that is possible. I will also keep the publication of the rebuild plans under ongoing review. That said, it must be recognised that the recent rapid increase in COVID-19 infections is likely to unavoidably impact on the capacity of our health system to maintain delivery of mainstream services.

I intend to publish tomorrow a policy statement setting out important plans for rebuilding and stabilising cancer services. While we have greatly improved our cancer treatment services with increasing numbers of patients surviving cancer for longer periods, regrettably, our waiting times for diagnosis and treatment have been deteriorating in recent years. HSC cancer services, primarily oncology, have been under pressure for some years. There are a number of reasons for the existing pressures, including staff vacancies and sickness absence. In addition, the service is being supported by single-handed practitioners and locums, which makes it vulnerable.

Unfortunately, the impact of COVID-19 on the health and social care system has also been profound. The continued need to adhere to social distancing and the level of use of personal protective equipment (PPE) not required before the pandemic have all contributed. While every effort has been made by the HSC trusts to prioritise both red-flag and urgent patient referrals, it will require some time to return those services to delivering the full available capacity.

Alongside the development of the new cancer strategy, healthcare commissioners, professional staff and the trusts have been working to produce short- and medium-term plans to rebuild and stabilise cancer services. Both oncology and haematology services are under unprecedented pressure as a result of the continued growth in demand for services and the adverse impact of the COVID-19 pandemic. It is essential that we invest now to

create sustainable teams that can provide high quality and timely care.

The aim of those plans is to take immediate action to increase capacity and ensure that the services are sustained over the weeks and months ahead as we face the potential for a second wave of COVID-19. The rebuilding plan for cancer services contains 17 actions to maximise available capacity across all cancer services. The immediate need is to rebuild services following the COVID-19 first wave and maintain service delivery for red-flag and urgent referrals for the year ahead. The estimated investment for the rebuilding plan is £2.5 million revenue recurrent and £151,000 capital.

The oncology and haematology stabilisation plans are focused on filling medical, nursing and allied health professional vacancies, investing in new ways of working and creating new navigator posts to support the continued delivery of virtual clinics. The overall estimated cost of the oncology stabilisation plan is £8.73 million over two years. The overall estimated cost of the haematology stabilisation plan is £3.63 million also over two years. While this work will initially be supported through COVID funding, it is important to note that these are not short-term actions. The Executive have agreed that this investment will be rolled out across two years through to March 2022 and be recurrently funded from 2022-23.

There is an urgent need to rebuild cancer services, and these plans complement one another by providing a strong base for the long-term implementation plan that underpins the cancer strategy that is called for in the 'New Decade, New Approach' document.

11.30 am

Mr Speaker, in conclusion, be in no doubt that we are confronted with a huge and daunting challenge. We must, as a system, try to rebuild services, manage the ongoing COVID-19 pandemic, embed innovation and transformation, address winter pressures and plan for the future all at the same time. We demonstrated during the first COVID-19 wave, despite the limited time to prepare, that we are up for the challenge. It is due to the dedication of all our health and social care staff that anyone who has contracted this terrible virus has had access to the best possible care. I am determined that that will continue to be the case.

I am immensely proud of all our health and social care staff. I will say this to them: you

responded selflessly and with conviction to the first COVID-19 wave. The period that we are now facing is likely to be hugely challenging, but I have no doubt that our HSC staff will again respond positively to the challenge. It will be critical to adopt a flexible approach in order to ensure that mainstream health and social care service delivery is maximised as far as possible. Our ability to protect mainstream health and social care services will, at least in part, be determined by everyone responding positively in order to control the spread of the virus. I urge everyone across the community to go that extra mile this winter by following the guidance on infection prevention and to not let our guard slip.

I assure the House that I will bring to bear all the leadership and encouragement that I can offer as we move through what will undoubtedly be an increasingly testing period for health and social care. Mr Speaker, I commend the 'Surge Planning Strategic Framework' and trust surge plans to the House.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, Minister, for coming to the Assembly to make the statement and for taking the time to meet me and the Deputy Chair earlier to discuss Health issues.

I join you in offering condolences to all who have suffered the loss of loved ones as a result of this horrible virus. I also recognise that, hopefully, we are in a different place this time. While we face a very worrying situation, we have an active test-and-trace system in place. It is crucial that it keeps pace with demand in the time ahead and meets the challenges that it is facing. I also hope that we are in a different place with PPE. I welcome the ongoing work on the dedicated day-case and orthopaedic centres and the commitment to protect services from shutdown as much as possible while recognising that there are issues with orthopaedics in the Western Trust.

Minister, the Committee has heard that one of the key differences in places that have fared better than here in suppressing the virus is the availability of isolation facilities to provide people, such as those in high multiple-occupancy houses or younger people, with support where they find it difficult to isolate at home or to return home to isolate. Is the Minister willing to look into that? It may be something that we can improve upon.

Can the Minister tell us more about what is different for care homes this time around and what plans are in place to ensure, for example,

safe discharge from hospital into what we recognise as the very vulnerable setting of care homes?

Mr Swann: I again thank the Chair for his and his Committee's support through what has been a challenging time. We do not have bespoke provision in Northern Ireland for anyone who has to self-isolate, but as I said when we met earlier, that is a conversation that I am willing to have with the Communities Minister to see what can be done.

One of the provisions of our Nightingale step-down facility in Whiteabbey, when it is opened, will allow those who are transferring from hospital settings to have another facility to go to that will separate them from mainstream hospital provision but that will also prevent them having to go into care home settings.

On the specifics of transfers from hospitals to care homes, paragraph 27 of the latest version of the care homes guidance states:

"All patients being discharged from hospital to a care home should be tested for COVID-19, ideally this test will be done 48 hours prior to discharge. In addition those patients/residents who are entering a care home through another route (e.g. from home or from a supported living service) should be tested in advance of their entry in to the care home. Ideally this test will also be done 48 hours prior to entry into the care home."

That is to make sure that anybody who is entering a care home has been tested and that the self-isolation does take place, as suggested.

The Member asks what we have learned about care homes. The rapid learning initiative, which is a piece of work on care homes that is led by the Chief Nursing Officer, identified a number of issues that we have learned from and picked up on. They relate to PPE, bringing GPs into care homes, virtual assessments and virtual wards. There has been a lot of good work there. One of our strengthening tools is our testing of care homes — not just residents but staff. The Chair will be aware that yesterday's figures showed that we have 28 care homes with positive, supported patients. Of those 28, 24 were identified through our testing programme, which picked up residents or staff who may have been asymptomatic. Through that testing programme, we have been able to identify those staff members and residents quickly, and get them isolated. That provides an added protection to ensure that we do not see the

number or intensity of outbreaks that we saw in the first surge.

Mrs Cameron: I thank the Minister of Health for his statement. He mentioned workforce shortages as a key problem. Will he update the House on the retention of those recruited from retirement etc earlier in the year and on any further plans to address recruitment in the short term?

Mr Swann: Again, the Member hits on the crucial issue. We can open as many beds, wards and facilities as we want, but, if trained staff are not available to facilitate delivery and care, it is pointless. It was a challenge. When this place came back on 11 January, the Member will recall that one of our first achievements was to bring our nurses and healthcare workers off the picket line. At that point, we thought that an additional 300 nursing and midwifery places a year for the next three years was a big achievement. We know now, however, that we already have more than 2,000 nursing vacancies in our healthcare system. There is a lot of work to be done. Much work has been done in investing in the staff that we currently have, but more needs to be done to make sure that we can attract staff from elsewhere and encourage the staff whom we have to stay.

One of my challenges as Minister is to make the HSC an employer of choice. It is a challenge at this time of the year — it is a challenge at any time of the year — and, during the COVID pandemic, it has been particularly challenging. However, as I said, the dedication and commitment that I have seen from our healthcare workforce — nurses, doctors, community pharmacy, porters, healthcare workers, cleaners, canteen workers — is above any commitment that we could possibly ask for. We should be proud of the dedication with which they have delivered; as Minister, I am definitely proud of that.

Mr McNulty: I thank the Minister for his statement and for his steady leadership throughout the pandemic. Everybody in the health and social care service, and everyone else, recognises the confidence that he gives them through his steady guidance. Will the Minister comment on the recommendation from the Royal College of Surgeons about ring-fencing beds? Will he confirm that emergency surgery will return to Daisy Hill on the resumption of the ED in the coming weeks?

Mr Swann: I welcome the proposal from the Royal College of Surgeons about ring-fencing

beds and staff for elective surgery. When I first took up post, long before COVID, one of the challenges was the recruitment of theatre nurses and their specific skills set, because they are needed. That is still a challenge. As I said, I am looking forward to discussing the proposals in more detail when I meet the Royal College of Surgeons again tomorrow. I have had regular engagement with the college. My decisions to implement day cases and orthopaedic surgery centres, and to manage those services on a regional basis, are entirely consistent with the direction of the royal college proposals. As I said, I will ask the regional management board to consider the proposals from the Royal College of Surgeons tomorrow. As I said earlier, during July and August, our trusts exceeded the planned inpatient and day-case procedures set out in their phase 2 rebuild plans. A total of just over 7,500 procedures was planned, and, in fact, almost 10,400 procedures were delivered. That was more than the number planned and more than we had estimated that we could do. That increase is welcome, but it only starts to eat into our waiting lists.

I do not have the detail on the specifics of Daisy Hill in front of me. I am sure that, if the Member refers to the trust's rebuilding plans and surge plans, he will find that included there. If not, I will get the Member an update.

Mr Chambers: My thoughts today are with all the families affected by this dreadful virus. Will the Minister comment on whether there was any engagement with the key stakeholders in advance of today's publication of the framework? Will he give a commitment that the framework, as well as the individual trust surge plans, will be kept under constant review and that all decisions will be heavily informed by the views of clinicians working on the ground?

Mr Swann: I give the Member those reassurances. These are living documents; they are not tablets of stone, given what we have seen over the past few months. We have also seen the ability of our health and social care system to react and change. Many in the House and outside it never thought it possible that it could be so flexible.

I was challenged about the level of engagement in previous documents. Given the speed at which the virus is spreading, it is imperative that we plan now for the surges and the winter pressures. Despite the need to move swiftly, I felt that it was important to engage with key stakeholders on the surge planning strategic framework. I therefore initiated a very short engagement exercise with key stakeholders, which included our trade union colleagues,

professional colleges and bodies, the HSC arm's-length body chairs and the voluntary and community sector service users. That was done through our transformation advisory board members.

I thank all the stakeholders for their valuable input, which informed the surge planning strategic framework that was published today and changed some of what had been in our initial framework. In total, 18 responses were received as part of that exercise. In the past, I have given commitments to the House and to the Committee that I would engage. We have engaged, and I am thankful for the productive engagement that those stakeholders had with us in preparing this strategic framework.

Ms Bradshaw: Are you confident that the £600 million allocated to dealing with the additional pressures and needs arising from COVID will be enough to cover this new surge plan? What new treatments are to be introduced now that we know more about how the virus affects the body?

Mr Swann: I thank the Member for her question. I caught some of the commitment from the Finance Minister earlier. The £600 million has to be spent in this financial year, so I am content that it covers all the financial asks that we know we can deliver. There is no point in overbidding and not being able to spend in this financial year. Sorry, what was the last part, Paula?

Ms Bradshaw: What new treatments will be introduced through allied health professionals because we now know more about how the virus affects the body?

Mr Swann: There is now a new medical definition of long COVID, which is the after-effects. What we are seeing with this virus is that it is not solely respiratory; it affects the blood circulation system and can even result in mobility issues. So, the more we learn about this virus, the greater the challenge across our entire health and social care system. Our allied health professionals are taking a lead on recuperation to get people back on their feet and build their muscle strength.

We have also identified a need for support from our mental health facilities and practitioners. We know that this virus will have a long-term, detrimental impact on the mental health of anyone who contracts it and on the populace of Northern Ireland. That is why I was extremely keen that we built a section on COVID-19 into our mental health strategic plan. That will lead

to a 10-year plan. The mental health challenges that COVID will present in our general population will not be sorted through a short-term plan. It will be a long-term commitment and will require long-term dedication. That is what we are looking to in learning about how this virus affects the general physical and mental well-being of our population.

11.45 am

Mr Givan: The Minister's statement makes reference to the appropriate use of face coverings. Is that an indication that the Minister is concerned that face masks have provided a false sense of security for some people, which has undermined the social-distancing and regular handwashing messages, and that there needs to be an appropriate use if they are to be effective?

Furthermore, the Minister will be aware of what happened in the Republic of Ireland and the breakdown between the Government and the Chief Medical Officer. Observers have commented on the number of occasions when our Chief Medical Officer and our Chief Scientific Adviser have made public recommendations that they want the Executive to implement. What measures is the Minister taking to ensure that we do not have a repeat in the Northern Ireland Executive of what has happened in the Republic of Ireland, which is damaging to everybody involved?

Mr Swann: I will take the Member's second point first. When the Chief Medical Officer and the Chief Scientific Adviser speak, they do so with the authority of their office and with their scientific and medical experience. However, they are always caveated, and I think that they are always measured and say that any decision is for the Executive to take. So, they make recommendations — those recommendations are made to me and to all my Executive colleagues — and we have a very good working relationship and understanding as to what needs to be done and what is done in the best interests of Northern Ireland across the piece.

Our Chief Medical Officer and our Chief Scientific Adviser also bring to the table an understanding of the economic and societal impacts of their health recommendations, and they take a balanced and professional approach. Their input is something that we in Northern Ireland should value. I cannot see, at any stage, where we would end up with the divergence that we seem to see between some in the Irish Republic's Government and their medical professionals. That is because we have

a truly exceptional team in our Chief Medical Officer and Chief Scientific Adviser and the way that they carry out their professional duties and provide advice and guidance to the Executive as a whole.

The Member asked about the appropriate use of face coverings. Some people have reasons, whether medical or psychological, for not wearing them. However, I would like to see an increased use of face coverings in the appropriate settings, and, indeed, in all settings. We should encourage and regulate more in those areas where we do not see compliance with face coverings where they should be worn. I specifically mean in the retail sector. That is because, as we go into this second wave, we need to do all that we can to support the most vulnerable and those who need that extra bit of protection that we can give, and do that by wearing face coverings in the appropriate settings.

Ms Kimmins: I thank the Minister for coming this morning and welcome his comprehensive statement. I commend the significant work that has been done thus far. Going back to the response to COVID-19, the Minister will be aware of the concerns about the relocation of Daisy Hill's emergency department. It is very welcome and positive that it is coming back on 19 October, as a lot of work has been done on it. In my experience as a representative for Newry for almost seven years, we have always had to fight for the retention of services in Daisy Hill Hospital. So, naturally, any move to make changes causes concern in the community, and we work very hard to allay those fears. However, as the Member for Newry and Armagh said, there have been concerns about the future of emergency surgery in Daisy Hill.

I am fresh out of a meeting this morning with the chief executive of the Southern Trust, so I can answer the Member's question: emergency surgeries are returning on 19 October.

Mr Deputy Speaker (Mr McGlone): Does the Member have a question?

Ms Kimmins: Yes, I am just getting to it.

Correspondence was issued on 22 September stating that emergency surgeries would not be returning, and that is where the concern has come from. However, this is a short-term plan, so can the Department of Health give assurances that it is committed, in the longer term, to ensuring that the acute surgery service in Daisy Hill will not be downgraded?

Mr Swann: I have given previous commitments. I am glad that you gave that date; I did not have it, and it is a welcome commitment. What we are seeing with regard to the surge planning and the three-month building plans of that commitment is that the emergency surgery has started and will be there in the step phase.

We cannot provide a long-term commitment to any service at this minute in time while and until we get through COVID. One of the things that I have always done as Minister, whether on supplies of PPE or anything else, is not to give a commitment that I cannot stand over. I therefore cannot give the Member that commitment, but I will ensure that we will do all that we can to retain those services, where they are safe to be retained and need to be retained. I hope that the Member takes me at my word: I will not give any commitments that I cannot stand over, and I will not do that to the Member.

No matter where we are now, one of the things that I know is that we do not have a large enough footprint for hospital provision in Northern Ireland to do what we need to do safely, when social distancing and the need for distancing for people who are waiting, getting surgeries and all the rest of it are taken into account. I am using every footprint that I have in my Health and Social Care system. That is why we have used the Whiteabbey facility as the second Nightingale facility. It was already in our ownership and care, so it made sense to redevelop it as our second Nightingale facility.

Mr Robinson: What is the importance of "Hands. Face. Space" in helping to keep health services open as we move through this horrible pandemic? We are now in the second horrific wave of the virus, so could a testing centre be set up somewhere in East Londonderry?

Mr Swann: "Hands. Face. Space" is the message that we have been putting out. Every member of the Health Committee, we in the Department of Health and every healthcare professional has been pushing that message and asking every member of the population in Northern Ireland to maintain and observe good hand hygiene, to wear a face covering — I see that the Member is wearing one — and to give space, which is the social distance that we should maintain at all times: the recommended 2 metres. By following those simple steps, we will prevent the spread of COVID-19. COVID-19 does not spread itself: we spread it. By observing the simple steps of "Hands. Face. Space", we can prevent the spread of COVID-19.

The Member asked about the establishment of a testing centre in East Londonderry. We have a number of fixed-base testing centres, as well as mobile testing units that we can move around Northern Ireland where we see large-scale incidences of COVID-19 outbreaks. I know that the Member will be aware that one of our districts with the lowest expansion in the number of positive cases in Northern Ireland is the Causeway Coast and Glens Borough Council, which is part of the area that he represents. I would rather that we maintained a low number of COVID outbreaks among the residents of that area by following "Hands. Face. Space" — I think that I got that right — rather than needing to put in a testing facility. The residents of the Member's constituency are doing what they are meant to do. I encourage them to do more, and, in that way, we will not need a testing facility in East Londonderry.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis ar maidin agus as a chuid freagraí ar maidin chomh maith. I thank the Minister for the statement this morning and his answers so far. Will he commit to supporting Health and Social Care staff, particularly those who may be absent from work while ill with COVID-related illness? Can he ensure that they will get their full wages rather than just statutory sick pay?

Mr Swann: That is something that we have looked at in the past. The Member will be aware that it was one of the steps that we put in place for care home and domiciliary care staff. It was part of the package of support that we gave to providers — even to the independent providers — so that we could ensure that financial pressures did not make anyone in a care home or domiciliary care setting who had contracted COVID go back to work. We provided the ability for them to supplement their statutory sick pay so that there was no financial incentive or need for them to return to work and they could take the 14 days to self-isolate and, if they received a positive test, make sure that they did not spread COVID. That supplementary support measure is still there. It expires at the end of this month, but, as we go into the second phase, it is definitely something that I will seek to continue and ask for financial support to do. It is an important and vital tool in our box to prevent the spread of COVID-19 among a critical but undervalued workforce.

Mr Catney: Will the Minister confirm that our track-and-trace system runs on something a little more robust than Microsoft Excel so as to avoid any mistakes being recorded?

Mr Swann: The Member is slightly confusing two scenarios. He is referring to the number of positive cases across the water that were being recorded through a testing system and then manually transferred onto another system. I did not know that Excel runs out when you get to a certain number of cells. Our test, trace and protect system, which is held in the public health system, is developing a bespoke software package. If I am not correct on this I will get back to the Member, but I was originally led to believe that the initial software package was the same as one used for a hotel booking system because it allowed our test, trace and protect staff to follow through contacts and make use of contacts. It has moved on a wee bit from that. I do not think that our test, trace and protect system relies on Excel spreadsheets, although I am sure that that is a pretty robust system for anybody that needs to use it.

Mr Nesbitt: The Minister concluded his statement by urging everyone in the community to go the extra mile with regard to the pandemic. I am sure that I am not the only MLA whose inbox has seen a recent spike in correspondence from what we might call "pandemic deniers". What is the Minister's message to those people?

Mr Swann: I have rehearsed my message to those individuals many times. They must think about their message and the damage that it does by undermining the health message that we put out and the one that comes from this place. Every person who hears their message and does not wear a face covering, does not wash their hands and does not practice good respiratory hygiene has the chance of contracting COVID-19, spreading it and putting additional pressures on our health and social care system. Those additional pressures mean more nurses having to wear additional PPE, more pressure on our ICU beds and more pressure on our doctors and start to challenge the delivery of our health service across the whole system. I ask those who think that it is smart or clever to put out that denial to think of the adverse impacts of their actions on the general public of Northern Ireland, particularly the most vulnerable and those who, like me, are asking everyone who can follow the guidance of good respiratory hygiene, good hand hygiene and social distancing to do so.

Mr Easton: In his statement, the Minister mentioned the StopCOVID NI app and said that over 400,000 people had downloaded it. What more can he do to encourage more people to

download the app? It is an essential tool for tackling the COVID-19 pandemic.

Mr Swann: There is ongoing development of that app, what it contains and the additional information that is contained on it. One of the biggest steps that we have taken recently happened in the last week. Working with the Commissioner for Children and Young People, we were able to facilitate the app being downloaded by under-18s, which opened it up to a completely different tranche of people in Northern Ireland. That is why we went from 380,000 downloads at the end of last week to over 415,000 at the start of this week. We are seeing a new generation downloading it and seeing the advantage that it brings.

It is not a new innovation for the app, but one of its key abilities is that it can work across the border.

We have seen that come to fruition and provide benefit in recent weeks, when we have seen in the region of 1,300 identification keys coming from the Republic into Northern Ireland and 1,200 from Northern Ireland going to Republic of Ireland residents. The interoperability that enables our app to work in both jurisdictions is a key strength that stands us in good stead in Northern Ireland.

12.00 noon

Ms Rogan: I, too, thank the Minister for his statement. Will he list the local groups, staff, trade unions and other organisations that his Department consulted when the decision was made to downgrade the A&E department of Downe Hospital in my constituency of South Down?

Mr Swann: That is not something that I have prepared for, Mr Deputy Speaker. It is moving away from the topic.

With regard to the emergency department in the Downe Hospital, I know that a statement was released by the South Eastern Health and Social Care Trust last night that stated:

"Since the end of July 2020 ... we have had further staffing challenges. Therefore, it is now clear that we are no longer able to fully restore the emergency services provided pre-Covid-19 at this time. However, the Trust recognises the need to improve access to urgent and emergency care services for the local population in the Down area."

From 19 October 2020, as the next phase of rebuilding urgent and emergency care services, a consultant-led Urgent Care Centre will open in the Downe Hospital's Emergency Department. This will operate from 8am-6pm, Monday - Friday on an appointment only basis, with nurse-led minor injuries services continuing at weekends from 9am to 5pm."

There will be a contact telephone number. The statement continues:

"Those contacting the service will be triaged and offered an appointment within the urgent care service or directed to the most appropriate service."

It is not that it is being removed but that the next step is being taken to rebuild it by initiating that consultant-led urgent care centre, which will operate from Monday to Friday.

Ms Sheerin: I thank the Minister for his statement and answers. What steps will he take to work with his counterparts in the South to ensure that the COVID surge plan will prevent spread of the virus, particularly in border regions?

Mr Swann: The Member may not be aware, but her party colleague, junior Minister Declan Kearney, and I met at the North/South Ministerial Council in health format on Friday. That was one of the issues that we covered, not only the surge plan but the understanding on both sides of the border of where and how we counter and challenge COVID. That could be through, as I said, the interoperability of our app but also greater understanding, as we see the spread of the virus on both sides of the border, in the Derry City and Strabane District Council area and in Donegal, where we see the same rates of increase and incidence of spread, should that be from community transmission as well.

There has been good working not just between me and my ministerial counterpart in the Republic of Ireland but between our Chief Medical Officers, Chief Scientific Advisers and our public health agencies. There is a good understanding of what we are doing. A memorandum of understanding formalises that engagement on information. There is now a request that our public health agencies work more closely together to identify outbreaks and the causes of the outbreaks that we have seen in border regions.

Mr O'Toole: I am pleased to see that my colleague is back, next to me. Daniel McCrossan will, I am sure, ask a question in a second.

I echo what Emma Rogan said about South Down. People there will be keen to get clarity about whether Downe Hospital moves back to having an emergency department.

Thank you, Minister, for your update. I have two questions. First, it is referred to in the surge plan, but are you completely confident that we have an adequate supply of ventilators inside and outside Nightingale for the months to come? Secondly, can you give clarity on the provision of flu jabs? Are you confident about supply across Northern Ireland for vulnerable people and particularly for HSC staff?

Mr Swann: Since March 2020, the critical care network has procured 180 intensive care ventilators and 24 advanced patient transport ventilators to supplement our existing devices in treating our patients. Of those orders, 124 ventilators have been received, allocated and commissioned for use in HSC trusts. The remaining 80 ventilators are awaited from the supplier and are expected at the end of this month. In addition to that, 145 non-invasive ventilator devices have been procured for use by respiratory services in the region, as well as 300 high-flow oxygen devices. Each trust has identified local surge plans to meet additional surge demand for COVID-19 and non-COVID-19 patients, and the regional inventory of 348 invasive ventilator devices, which includes the 80 expected by the end of October, exceeds the current anticipated demand. While equipment will not be a limiting factor in the provision of critical care to patients in Northern Ireland, there is considerable stress on limited staffing resources, and there is no room for complacency.

Last year, 2019-2020, 670,000 flu vaccine doses were administered in Northern Ireland. Over 1 million doses have been procured for this year's programme in order to meet anticipated increased demand for eligible groups and to allow for the vaccination of additional priority groups. The amount procured for Northern Ireland this year is the maximum amount available to order to date, given global demand for the flu vaccines. The target groups — the current groups eligible for free flu vaccination — are everyone aged 65 and over, pregnant women, those aged under 65 in clinical at-risk groups, those in receipt of a carer's allowance or those who are a main carer or the carer of an elderly or disabled person whose welfare may be at risk if the carer falls ill,

all children aged two to four, all primary-school pupils and front-line health and social care workers. The delivery of the flu vaccine to our health and social care system has started. A number of peer vaccinators have been trained and are already delivering the flu vaccine across the health and social care system.

Mr Deputy Speaker (Mr McGlone): I call Daniel McCrossan, and I wish the Member well. It is good to see him back.

Mr McCrossan: Thank you, Mr Deputy Speaker. It is good to be back. It has been a long few weeks.

As the Minister knows, in the wider community, there is some speculation among those who have difficulty with the testing system. Can he provide assurances to the public and the House on how accurate the tests are?

Mr Swann: I welcome the Member back.

In an earlier question, Mr Nesbitt asked what I could say to those who deny that COVID is real and say that it is a hoax or a myth. I will ask the Member to update us later, in some shape or form, on whether what he went through felt like a hoax, a conspiracy or a myth. Anybody whom I have spoken to who has come through COVID-19, any family that has lost someone due to it or any member of our Health and Social Care staff who has treated somebody with it knows that it is not a hoax.

We use a number of tests. I do not have the details of the specificity or reproducibility of the tests with me, but I can provide them to the Member, because that question has been asked on a number of occasions. Different tests are used in different locations. I will get that to the Member in writing. I wish him well and welcome him back to the House.

Mr Allister: I join in welcoming back Mr McCrossan.

I do not, for a moment, downplay the threat of COVID, nor do I diminish the fact that 584 people have died. However, I am also conscious that, in the first six months of this year, 2,302 people died from cancer, and who knows how many deaths have been hastened by the delays in cancer treatments? For those last six months, the Department has basically been caught in the headlights of COVID. When we reach a point where the Royal College of Surgeons has to say that we need to ring-fence staff and facilities for necessary surgical procedures etc, does that at all suggest to the

Minister that the medical advice that he has been relying on and that has caused the Royal College of Surgeons to have to make that point has been somewhat flawed?

Mr Swann: No, I do not, because the Royal College of Surgeons has been part of the medical advice that we have received. The Royal College of Surgeons has representatives who sit on the rebuilding board as well, and I meet them regularly. The point that it has made about ring-fencing beds and staff is about protecting those staff, beds and facilities from COVID and ensuring that we can continue with the surgery that we have started. The ring-fencing of beds and staff is an ask that the Royal College of Surgeons has been making for a long time.

The Member will know that our health and social care system is already badly bruised and scarred by COVID, but it is picking itself up and, once again, is ready to care for all of us, despite the immense pressures on the staff. When I hear the call from the Royal College of Surgeons, it is not a surprise to me. I have engaged with it, and it has carried forward that message about protection. We looked to the elective day-care centres in Lagan Valley and established the orthopaedic centres so that we could create facilities that are COVID-neutral. They will never be COVID-free — we can never guarantee that — but that is why we are taking those steps.

Regarding my statement, the Member will note the announcement that I will publish the cancer strategy tomorrow, which will deal with haematology and oncology. We know that we have to address those and to get on top of them on a regional basis and that we should no longer deal with them in the way that we were across trusts.

Ms Sugden: The recent rise in the rate of infection should give us all cause for concern, not least so that we do not overwhelm the NHS and prevent care being given to the most vulnerable who are suffering from the effects of COVID-19 or, indeed, any other illness. Minister, I appreciate your attention to accessibility to Health and Social Care services for other illnesses, but there is a lesson that we learned from the first wave — you expressed concern about it — about the limited number of people accessing services that they should be accessing. I am concerned that that will be compounded in a second wave.

I have constituents coming into my office and begging me for appointments and telling me, at a time when they cannot afford to do it because

there is a chance that they are at risk of losing their job, that they will pay privately for their child to see a doctor whom they should be able to access on the NHS. How do we genuinely address that? It is not good enough to say that you should call your GP and wait on the phone all day long only to be told, "Go to A&E if it is an emergency". That is the experience that my constituents have.

To follow on from Mr Allister's point, we need to look after those who are suffering the effects of COVID-19 — of course we do — but we also need to look after those who are suffering the effects of other illnesses because those illnesses are ruining people's life just as much as this virus.

Mr Swann: I thank the Member for her comments. As I said, I listened to the Finance Minister's statement before I came into the House. He spoke of nine years of underinvestment in the health service. I used that line in the House when I took over as Health Minister. We are now reaping the shock of that underinvestment, where we do not have the number of beds, we do not have the number of staff and we do not have the access to the health service that we, as a population in Northern Ireland, deserve. We do not have a health service that our staff working in it deserve, because of that structural, long-term underinvestment. This place has a place in and a responsibility to bring to bear on that.

When we talk about access to other services, it is because we have in the region of, I think, over 2,000 nursing vacancies. We have GP vacancies that we cannot fill. We are looking to invest in that through the medical centre at Magee and the nurse training places that we are bringing forward, but there is no doubt that we do not have the number of people in our health service that we need to make it readily accessible.

I say to the Member's constituents that that is not a service that I want them to experience. I want their GPs to be as open and as accessible to them as possible. I am working with the Royal College of General Practitioners and the British Medical Association's general practitioners committee. They have issued statements and have encouraged their members to be as open as they can and to access as many patients as they can.

12.15 pm

To counter that, I have also heard the example of a mother who phoned the GP about her

child, the GP referred them to a COVID centre because they had COVID symptoms, but the mother did not want to take her child there in case they caught COVID. As we go through the pandemic, education is needed on the different avenues that are being opened up to ensure that people access healthcare provision when and where they need it. There is a large job of work to be done by the Department and the medical professions to ensure that people get access. It is not good enough and needs to be better. It is one of the things that, as Minister, I have tried to do. The pandemic has set us back quite a bit. However, through the support of the House and the Executive, we can get a health service that has been invested in and of which we can and should be proud.

Mr Deputy Speaker (Mr McGlone): That concludes questions on the Minister's statement. Members may take their ease while we prepare for the next item of business.

(Mr Speaker in the Chair)

Appointment of the Commissioner for Survivors of Institutional Childhood Abuse

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

Mrs O'Neill (The deputy First Minister): The First Minister and I are pleased to announce that we have appointed Fiona Ryan as Commissioner for Survivors of Institutional Childhood Abuse (COSICA). The appointment is for a five-year term. Fiona Ryan will take up the position from 14 December 2020.

COSICA is established under the Historical Institutional Abuse Act 2019. The commissioner's principal aim in exercising functions under the Act is to:

"promote the interests of any person who suffered abuse while a child and while resident in an institution at some time between 1922 and 1995".

Fiona Ryan brings a wealth of experience in working with and understanding the needs of victims and survivors of trauma. She is currently the chief executive of the domestic violence charity Sonas and is also a member of the monitoring committee of the national strategy on domestic, sexual and gender-based violence in the South.

The appointment of a statutory Commissioner for Survivors of Institutional Childhood Abuse is a hugely significant day for all those who have been so terribly impacted. Our thoughts are with those who have suffered greatly.

As Members will be aware, the Historical Institutional Abuse Act 2019 was enacted in November 2019. Prompt action was taken to establish the Historical Institutional Abuse Redress Board, which opened for applications on 31 March. Some seven weeks later, the first compensation payments were made within the timescale that was set out by the president of the redress board. That was a significant milestone for victims and survivors, who are now starting to receive the compensation that is long overdue to them. As of 30 September, 579 applications had been received, 156 of which were from people who participated in the Hart inquiry. Panellists have made determinations totalling £4.144 million and paid out a total of £2.55 million.

We want to acknowledge Brendan McAllister's important work as interim advocate in promoting the interests of victims and survivors, including putting forward the views of victims on improvements to the legislation and advising on procedures for the redress board.

The pain and suffering of victims and survivors of historical institutional abuse can never be erased. This appointment is one further critical step in the implementation of the Hart inquiry recommendations. Important work remains, in the form of an apology and a memorial, as well as important steps such as the implementation of support services for victims and survivors and raising awareness of the redress scheme. We look forward to working with Fiona as she takes up this critical and sensitive role.

Mr Beattie (The Deputy Chairperson of the Committee for The Executive Office): I thank the Ministers for their statement on an extremely important issue on which we have to move forward, and I thank them for the detail in that statement, particularly about where we have progressed those cases in regard to redress. It is important that we know that it is moving forward.

I note that Fiona Ryan will take over on 14 December, yet correspondence with Brendan McAllister said that he is leaving in mid-October. Therefore, will the Ministers address that issue and confirm that the new COSICA will try to re-engage with all the HIA groups, given the disengagement of some?

Mrs O'Neill: I thank the Member for his question. Yes, Ms Ryan is required to work a period of notice, which is why the appointment will not be until 14 December, but we look forward to her taking up that appointment. It has always been the intention of the interim advocate to continue to provide representation to victims and survivors until we have the new person in post. However, officials will work with the advocate on the level of input required as we work our way through the weeks ahead until Ms Ryan takes up her permanent post. Today certainly represents a new chapter and allows us, as a joint office, to make this very significant appointment. Hopefully, the significance of getting this permanent position in place will not go unnoticed among victims and survivors, and the victims' voices being heard must be at the heart of all of that.

Mr Stalford: Today marks an important milestone. Mr Nesbitt and I might be the only original members of the old OFMDFM Committee who are still on the Executive Office Committee. This has been a long time coming. I remember sitting with some of the victims at the launch of the Hart inquiry. Promises were made, and we have an absolute obligation to see them fulfilled.

This is one part of the package, and it is very welcome. Another part of the package is securing funding for the compensation scheme, and we have very wide estimates of how much that will cost. What update has the deputy First Minister had from the religious organisations that were entrusted with the care of children on the scale of the contribution that they anticipate making to such a compensation scheme?

Mrs O'Neill: I thank the Member for his question. I concur that this has been a long journey. Elected representatives have worked with and supported the victims, and I commend them on all the work that has been done for many years to get us to this point. The heart of all this is to always remember that these are people who have been hurt and wronged by many institutions. It is really important that everybody plays their part in allowing us to respond to the needs and requests of victims.

The role of the other institutions is crucial, and there have been a number of engagements with the different institutions on the issue of redress. From your Committee experience, you will know that the current estimates for financial redress range from £149 million to a central estimate of £402 million up to an even higher estimate of £668 million at the upper end. We intend to hold a round-table meeting with the institutions to progress this and to make sure

that every single redress is made and that we progress all the other issues, including that fulsome apology, the memorial and the other things that were identified. As joint First Ministers, we are determined to make sure that this work is done with speed.

Ms Dillon: First, I welcome today's announcement, and I look forward to meeting Fiona Ryan, when she is in post, to have a conversation with her about how she will engage with victims and survivors. That is a vital element in all of this, and the joint First Minister has already outlined how important that is. It cannot be overemphasised. We know that some groups had difficulties with the interim advocate.

I hope that Fiona Ryan will engage and build a good relationship with victims and survivors.

Will the joint First Minister accept that today's appointment has been a long time coming? Will she join with me in commending the victims and survivors in their campaign for truth, justice and public acknowledgement? Will she also agree with me that the engagement and support that we have talked about with victims and survivors will be vital in terms of the memorial, the acknowledgement and what will be put in place by way of an apology? That will be important, not only to the victims and survivors who are still with us but to the families of the victims and survivors who have passed. It is also important for those who have no interest in compensation but who absolutely want an acknowledgement of what has happened to them or to a loved one who has passed.

Mrs O'Neill: I thank the Member for her question. This is a hugely significant milestone in the journey for victims and survivors. It is testimony to their efforts, finding their voice and exposing the horrors of institutional abuse that I am here today as joint head of Government making this announcement.

Everyone in the House will agree that historical institutional abuse should never have happened; it was wrong on so many levels. Trust was breached and children were violated. It is a sad reality that so many children went through this experience and were forced to spend their lives carrying an unimaginable burden for such a long time. We recognise that thousands of children were robbed of their childhood and forced to carry this burden through their lives. It is appalling. They were failed by a system that was supposed to protect them and which even, on many occasions, turned a blind eye to what was happening. It

covered up systemic abuse. We need to take this opportunity to learn the hard lessons that need to be learned about what happened in those institutions and make a pledge that it will never happen again.

As the Member said, redress has been far too long coming. We pay tribute to all the victims and survivors of childhood institutional abuse, to their collective will, and to their determination and resilience over many years. It is on days like this that we turn to those who have lost their lives. Our thoughts are with their families. Collectively, across the House, and, indeed, in wider society, we need to support and empower victims to move forward and to assist them in rebuilding their lives.

With the First Minister, I am committed to ensure that all victims and survivors get the acknowledgment, the advocacy and the redress that they deserve. Today's appointment carries forward that work and will begin to progress some of the things that are still outstanding. This is a significant day as Fiona Ryan embarks upon her work, working with victims, being the voice for victims and making sure that they will never be silenced again. We should never forget that, in the midst of all this, it has been the encouragement, the tenacity and the resilience of the victims and survivors that has brought us to this stage.

Mr O'Toole: Like everyone else, I welcome this appointment. It is overdue, particularly for the thousands of people who had to endure appalling suffering at the hands of various institutions. I ask the deputy First Minister about the staffing support that Fiona Ryan will have. It is right and welcome that this appointment has been made. Other appointments at the TEO, as we know, have not been made. What staffing support will she have in order to be the best possible advocate for victims?

Mrs O'Neill: I thank the Member for his questions. A lot of work done has been done on the staff available to the interim advocate. We have an obligation to look at the work that is being done, and the incoming commissioner will have an opinion on what the additional needs are. We need to make sure that the commissioner is supported in the best possible way, with the full resources that she requires in order to support victims. If we are marking this as a milestone, as a new beginning and as an opportunity to address outstanding issues, I want to ensure that the commissioner has all the support that she requires. A number of staff who have supported the interim advocate will transfer over to her. I cannot recall the number,

but I am happy to provide it to the Member in writing.

12.30 pm

Ms Bradshaw: I welcome today's appointment, although I am disappointed that Survivors and Victims of Institutional Abuse (SAVIA) and, I presume, other victims' groups were not advised of the appointment in advance of the press statement.

Will the new commissioner have any remit to provide support and advocacy to unmarried mothers who suffered abuse in mother-and-baby homes or to children who were abused by clerics in non-institutional settings?

Mrs O'Neill: We thought it appropriate to come to the House to make a statement of this significant nature, and, of course, we will engage with the victims and survivors to make sure that they are fully briefed on its outworking.

To be clear, the role of the commissioner is to be responsible for a number of identified areas, of which the Member will be aware. For example, the commissioner is responsible for appointing a panel of persons, all of whom are victims and survivors, the function of which will be to provide a forum for consultation and discussion with victims and survivors. That panel will be known as the advisory panel.

She will also be responsible for providing advice on matters concerning the interests of victims and survivors and for taking reasonable steps to ensure that victims and survivors are made aware of the functions of the commissioner, her location and the ways in which they can communicate directly with her. She will also undertake or commission research into matters concerning the interests of victims and survivors and encourage the provision and coordination of provision of relevant services to victims and survivors. She will also make arrangements for publicising the role of the redress board; monitor the operation of the redress board; and establish or make arrangements to establish a panel of solicitors, the members of which the commissioner is satisfied have the necessary expertise to provide legal advice and assistance on applications and appeals.

The Member will also be aware that, for those victims who fell outside the Hart recommendations, an interdepartmental group has been established, under Judith Gillespie, to look at all the people who still need to be supported and a way forward found for them.

We look forward to that group coming forward with recommendations on what we can do next. Its work is ongoing. It is a cross-Executive and interdepartmental working group. You will understand that the Department of Health is the lead Department for the work on mother-and-baby homes and the Magdalene laundries, and that is also an ongoing piece of work.

Mr Robinson: I thank the Ministers for their statement. Will the commissioner have the ability to suggest new legislation if, while discharging her duties, she finds that that would be helpful to carrying out the very important duties that will be bestowed on her?

Mrs O'Neill: I thank the Member for his question. I set out previously the remit of the commissioner. At its core, her remit is to be the voice of victims, to listen to victims, to engage and represent them and to make sure that they have confidence and faith in the Office of the Commissioner for Survivors of Institutional Childhood Abuse to address their needs. When it comes to making legislative changes, or anything else that is required, we will listen. Our door will be open to working with the commissioner. Our door will be open to making whatever necessary arrangements are required, legislative or otherwise. We say this very clearly to victims and survivors today: your voice will always be heard, you will never be silenced again, and this Executive will make sure that we leave no stone unturned in assisting you and the commissioner on the way forward.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for the statement this morning. Can she advise why this appointment is not coming into effect until 14 December?

Mrs O'Neill: I thank the Member for his question. We were keen for Ms Ryan to take up her post very quickly, but she has current employment and has to work her notice. That is the only reason for the delay. Otherwise, we would have her in place today.

The significance of today should not be lost. This is a significant public appointment that we are delighted to make. We hope that this long-awaited appointment is something that the victims will see as a step forward and a milestone in their journey.

Mr Clarke: Like others, I welcome the fact that we have got to this stage. I am sure that many thought the day would never come when there would be an appointment. We all welcome the

fact that Fiona has been appointed to the post. However, given the difficulties around the interim advocate, does the deputy First Minister believe that Fiona is the right person for the job and that she will have the confidence of victims and survivors?

Mrs O'Neill: Today is not about the interim advocate; today is about the new commissioner coming into place. Today is about a new beginning or a new chapter. Today is about giving hope that, finally, things are being done and that the needs of victims and survivors are being addressed insofar as we have this permanent appointment.

The joint head of Government, Arlene Foster, and I interviewed a panel of candidates. We are very satisfied that the appointment that we made is the right appointment. Clearly, there will be a period in which to build confidence and to gain the confidence of victims and survivors, and work will be done to build those relationships. Ms Ryan certainly demonstrated to us that that is what she is about. She has a wealth of experience working with people who have experienced trauma across a whole range of areas. That is a testament, and it will stand to her in her role as commissioner. We wish her well, and we wish to see the relationship flourish between her and the victims and survivors.

Ms Anderson: Thank you, Minister, for your statement. Like Christopher Stalford, I was in the Assembly when the institutional abuse inquiry was launched. In fact, I had the privilege of being one of the two junior Ministers who launched the inquiry for the late Martin McGuinness and for Peter Robinson, so I welcome today's announcement. As we all know, the victims have been on a long journey. I hope that Fiona Ryan will take to her new post. I am sure that SAVIA, the other north-west survivors' groups and the other victims' groups will all work well together as they go forward. Minister, you said that a number of applicants had already applied. Can you give us some more information on the level of redress payment that has been made to date?

Mrs O'Neill: I thank the Member for her question. As I said, the redress board opened for applications on 31 March, and we were delighted that, seven weeks later, the first compensation payments were made within the timescale set out by the president. We know that numerous victims and survivors are now starting to receive their long overdue compensation. The latest figures we have are that, at 30 September, 579 applications had

been received, 156 of which were from people who participated in the Hart inquiry. Panels have made determinations totalling £4.1 million and paid out a total of £2.6 million. We are very grateful to the president of the Historical Institutional Abuse Redress Board for continuing the prompt payment of compensation and the assessment of applications and to the solicitors and groups that are supporting the applicants through that difficult process.

Ms McLaughlin: Thank you, Minister, for today's statement. The appointment is very welcome and long overdue, and I am absolutely delighted that we are at this juncture. We realise that the commissioner's remit is to be the representative voice of victims, but we also know that the families of victims of abuse have suffered greatly as well. Will the commissioner have any remit to support the wider families, not just the victims and survivors?

Mrs O'Neill: The commissioner's job is, obviously, to be the voice of victims, to listen to them very carefully and to communicate to Government and make sure that their interests are taken on board. I have no doubt that that will also include the support circle around victims.

The issue of support services is being looked at, and the interim advocate brought forward a number of recommendations. We need to continue to make sure that all the support services required are in place. I know that the interim advocate looked at what further support could be provided. Service provision for victims and survivors is needed around, for example, specialist services, in line with the recommendations in the Hart report. The interim advocate put in place, with the Victims and Survivors Service, an interim personal support service that offers a listening ear and access to emotional support and counselling. That can be accessed via the interim advocate's office or independently. In the meantime, officials are looking at how they can expedite preparations to make sure that the commissioner will have a key input into the services that are needed, including those for families.

Mr Nesbitt: I welcome the Minister's statement, as it is both very positive and an extremely significant point on this journey. As Mr Stalford reminded us, it was the OFMDFM Committee of the day that scrutinised the legislation that set up the Hart inquiry.

We were all very conscious that it was open only to victims who were abused in an institutional setting and that there were many other victims — perhaps of the same abusers — who did not have access to Hart, not because of the nature of the abuse, but because of the location where it occurred. I hope that the Minister will agree that there is an equality issue here. Further to what she said about Judith Gillespie and the interdepartmental group, can she expand on the terms of reference and the indicative timeline for reporting, please?

Mrs O'Neill: Again, it is important to send a strong message to victims and survivors that no one will be left out, that they will never be silenced and that their voice will be heard in the Assembly and the Executive. I do not have the direct terms of reference for the interdepartmental working group with me, but I am happy to provide them to the Member. Clearly, the role of the interdepartmental working group is to consider evidence relating to all those matters and to make recommendations to the Executive. We look forward to getting the recommendations. I will respond to the Member in writing about the time frame for the interdepartmental working group.

Alongside that is the work in the Department of Health on mother-and-baby homes and Magdalene laundries. No victim and survivor should be left behind. We have an obligation to make sure that we progress all that work in as speedy a manner as possible. We must allow victims and survivors to get to the point where they have the fullness of all the recommendations that were made by Hart for an apology, redress and memorial. I want the Executive to deliver, as a matter of urgency, all the things that are significantly important to victims and survivors.

Ms Dolan: Does the Minister regard the HIA apology as a public acknowledgement of the wrongdoing suffered in institutions?

Mrs O'Neill: Yes. The delivery of an apology and public acknowledgement of the harm and wrongdoing will be another significant milestone for victims and survivors. The sooner we can get to that point, the better. We know that a significant body of work has been done through the interim advocate. The interim advocate has worked with the victims and survivors group to look at international best practice.

It is important that, whenever we deliver the apology, it is delivered correctly and appropriately and that it meets the needs of the

victims and survivors. I believe that, over the course of the next short number of weeks, we will have a meeting to discuss the apology. I hope to be able to come to the Assembly to update colleagues on that. The delivery of an apology is a significant and fundamental part of the Hart recommendations, and the Executive are determined to do that.

Mr McCrossan: I thank the Ministers for their statement. This is a significant announcement and, as has been said, one that is long overdue. I commend the victims, who have stood strong through very difficult times and have suffered continuously over the years. This will come as welcome news to the victims. I wish Ms Ryan well in the difficult and challenging job that lies ahead.

Minister, given the number of people, is there any intention to increase the office budget, as additional staffing would help? I know you touched on that earlier, but can you give an assurance to those affected that there will be no barrier to the resources necessary to support the commissioner in her vital and necessary work?

Mrs O'Neill: We are determined to support the commissioner in her work, and budgets will be worked out in line with the needs of the office, the needs of victims and what we can do to support them. I thank you for your acknowledgement that this is a day for the victims and survivors; they have brought us to this point. I am glad to be here today as joint head of Government and able to make this announcement, but I recognise that it has been a long time coming. This is a significant day. I thank all the victims and survivors for everything they have done to get us to this point. They have shown tenacity, courage and resilience for many years in the face of adversity. It is right that we are making this announcement today, and I am glad that we are at this point. However, we have a few more things to do, not least the apology and the memorial. I want to get us to that point, alongside all the other work that needs to happen for the people who do not fall under the terms of the Hart inquiry.

12.45 pm

Mr Allister: I trust that this will prove a more successful appointment than that of the interim commissioner. Arising from the disastrous breakdown between many of the victims and the interim commissioner, what lessons have been learned and what mechanisms are in

place to deal with such a situation should it, unfortunately, arise again?

Mrs O'Neill: Let us hope that today is a new beginning and that, when Ms Ryan comes into post as the commissioner, the relationship between her and the victims flourishes. Today is not about yesterday or the interim advocate; it is very much about how we support victims and survivors in the period ahead. That is what I am focused on and that is what I want us to do. We need to have a situation where all victims feel that they have a place and a voice that is directly communicated to us in the Executive. That is what we are determined to do. This is a hugely significant day. Let us assist victims and survivors to look to the future and help them to rebuild. Let us deliver on the commitments that were made in the Hart report, and let us make sure that we are continually looking forward and assisting them in all that they do.

Ms Sugden: I welcome the appointment, and I appreciate that both Ministers have announced it in the House today; that is an important and significant statement to make. I am also impressed by Ms Ryan's background, not least her experience in the field of domestic abuse. Institutional abuse is comparable with domestic abuse, not least because it is an abuse of trust by the people who should have been protecting those children. The compensation will go some way towards acknowledging the wrongdoings against those individuals, but there is significant trauma there, and, in order for them to heal, we need to put more resources into addressing that trauma for them. Will they be able to access resources such as counselling or legal services through the commission?

Mrs O'Neill: As I said in response to an earlier question, the interim advocate has been looking at the support services that are there, at what is missing and at what needs to be replaced. The resource conversation will follow the identification of need. Clearly, that is something that we all want to prioritise. We know that it is a hugely emotive area of work. We want to give a firm commitment today that we will be as responsive as we possibly can be in order to support the needs of victims and survivors as those are identified by the commissioner.

Mr Speaker: That concludes questions on the statement. I ask Members to take their ease for a few minutes while we prepare for the next item of business. I remind Members that during this interval it is important to maintain the social-distancing rules and stay 2 metres apart.

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

Mr Principal Deputy Speaker: Order, Members. The original intention was that this element of the sitting would go until 1.30 pm, but we are running ahead of ourselves with time. I have been told that, unfortunately, the statement that the junior Minister intends to make runs to 24 pages of text, and we now have fewer than seven minutes to 1.00 pm. It is my intention, by leave of the House, to suspend the sitting. The next item of business will be Question Time with the Minister for Infrastructure. The business from the Executive Office will be dispatched at 3.30 pm, as originally intended. The sitting is suspended.

The sitting was suspended at 12.53 pm.

On resuming (Mr Speaker in the Chair) —

2.00 pm

Oral Answers to Questions

Infrastructure

Public Transport: Decarbonisation

1. **Mr McGuigan** asked the Minister for Infrastructure for an update on progress made on the decarbonisation of public transport. (AQO 818/17-22)

Ms Mallon (The Minister for Infrastructure): Tackling the climate emergency is the single biggest global challenge that we face. As Infrastructure Minister, I have made addressing climate change one of my key priorities. I am focused on delivering clean public transport and active travel options to build connectivity, reduce emissions and promote health and well-being for all.

Earlier this year, I announced Translink's procurement of three hydrogen buses, which will see the first hydrogen buses and the first hydrogen refuelling station in Ireland. It is anticipated that those vehicles will go into service later this year. In addition, I have committed £55 million capital funding in line with the commitments in 'New Decade, New Approach' (NDNA) for the purchase of 100 zero-emission vehicles by Translink over the next two years. The vehicles will include 80 battery electric buses and 20 hydrogen fuel cell buses. It is anticipated that the new buses will go into service in Belfast and Derry in spring 2022.

I assure the Member that I am ambitious and committed to delivering on the decarbonisation of public transport. I recognise that, collectively with my Executive colleagues and Assembly Members, we can deliver lasting change for our communities. However, to make the change that we desire, we need to invest in infrastructure now for the future. I recognise that investment in infrastructure is not an end in itself. It is about people and place. It is about unlocking our economic potential and protecting our valuable environment to transform and connect lives. It is about improving health and well-being for all our communities across the North.

Mr McGuigan: I welcome the Minister's answer and her commitment. In the midst of a climate

emergency in which transport is one of the biggest contributors to carbon emissions, we need to embrace fully sustainable transport methods. How will the Department's upcoming regional strategic transport network plan help efforts to decarbonise the transport sector? May we also have an update on the £30 million for low-carbon buses that was announced in June?

Ms Mallon: I thank the Member for his question. In the regional transport plans, we are developing our road and public transport network. For me, that is an important component of decarbonisation. As the Member said, I have invested £30 million this year in low-emission and zero-emission buses. As I said, we have three hydrogen buses — the first in Ireland — to come online before the end of this year, along with the first hydrogen refuelling station. I am also keen to work with Translink so that we can see decarbonisation across our bus and rail network. I look forward to working with the Member and others to realise that.

Mr Storey: Following a meeting that we had with Wrightbus in my North Antrim constituency, the Minister will be aware of the importance of the issue to that company. Given the importance of hydrogen, what undertakings and information can the Minister give us on discussions that she has had with the UK Government about drawing down our share of the money that was allocated for zero-emission buses? Will she also give a commitment to ensure that the matter goes right across the Executive — it is for not only her Department but the Department for the Economy and other Ministers — so that we get an outcome rather than just proposals and plans?

Ms Mallon: I thank the Member for his question. As I said in my initial response, we have tangibly and pragmatically moved this forward with the procurement of the three hydrogen buses. As you said, this is a commitment in 'New Decade, New Approach'. I am in very regular contact with the British Government to remind them of their commitments and the compelling need to honour those.

You are absolutely right about discussions with Executive colleagues: zero carbon is an ambition for the entire Executive.

Just yesterday, I met the Finance, AERA and Economy Ministers to talk about the opportunities that we have across public transport, our waste water infrastructure — right across our public services — to advance that whole agenda, given our ambitious zero-carbon

emissions targets and the importance of the pressing climate emergency facing all of us.

Mr Butler: Minister, in your answer to Mr McGuigan question, you mentioned the active travel initiative. You have shown great leadership in that respect. Will you outline any conversations that you have had with councils on planning matters, particularly area planning, and tell us how we, you and your Department can partner with councils to ensure that this is embedded right down to community and societal level?

Ms Mallon: I thank the Member for his question. The active travel agenda is important to me and hugely important for public health and climate action. We really have a wonderful opportunity now. Yes, we have the challenges of COVID and Brexit, but we also have renewed momentum among communities to embrace active travel. We also have the development of the local development plans in councils. Now is an opportune moment to work in partnership with all the councils and local communities. In my Department, my walking and cycling champion is in close contact and engagement with all the councils, which is why we were able to advance the park-and-ride schemes, and we are working closely with them to realise active travel projects across Northern Ireland.

Mrs D Kelly: Minister, will you provide an update on your Department's work to tackle climate change and tell us how you hope to green our infrastructure, including public transport?

Ms Mallon: I thank the Member for her question. I am committed to doing what I can in my Department, working with Executive colleagues, councils and communities, to tackle the climate emergency. I am struck by the way in which we as a community in Northern Ireland have rallied together in our response to the COVID crisis, and I think that we will see that impetus. It is important that we encourage everyone to realise the pressing emergency of the climate crisis that faces us.

We are trying to do what we can on public transport. You will know that I have requested a short, sharp external review of the York Street interchange project — an important strategic project to which I am very committed — but I want to ensure that it is inclusive of communities, sits well with all our current strategic plans and plays a key role in tackling the climate emergency. I want to embed that approach across the Department. so that we see things in terms of a green recovery in every

aspect, certainly, of the Department for Infrastructure and, I would hope, of the Executive.

Mr Speaker: Members, question 14 has been withdrawn.

Belfast to Dublin High-speed Rail Line and All-island Rail Network

2. **Mr G Kelly** asked the Minister for Infrastructure for an update on the feasibility study for a high-speed Belfast to Dublin rail line. (AQO 819/17-22)

7. **Mr McNulty** asked the Minister for Infrastructure for an update on her plans for an all-island rail network. (AQO 824/17-22)

Ms Mallon: Mr Speaker, with your permission, I will group questions 2 and 7.

In line with the commitments in 'New Decade, New Approach', I have begun early discussions with Minister Ryan on a feasibility study of a potential high-speed rail connection North and South, as we seek to create a spine of connectivity on the island. The intention of a feasibility study will be to provide a high-level analysis of the potential of high- and higher-speed rail to support the wider outcomes and priorities of the Irish Government and the Northern Ireland Executive. It will allow for the consideration of options from the electrification of existing lines to bring maximum speed up to approximately 120 mph to the development of a new high-speed connection on the corridor. Work is ongoing, and I intend to engage with my counterpart, Minister Ryan, to discuss the project further at tomorrow's North/South Ministerial Council (NSMC) transport sectoral meeting.

On improving the all-Ireland rail network, I am committed to improving transport links for the benefit of our economy and communities across our island. Improving connectivity between the North and South is a key priority for me in providing increased social inclusion, enhanced economic opportunities and an improved environment for all our citizens. I firmly believe that rail is an untapped opportunity, with multiple benefits, that can play a crucial part in our future, and I look forward to making progress with our colleagues in the Irish Government.

Mr G Kelly: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answers. I agree with a number of the things

that she said. I agree that the need to improve North/South connectivity starts with North/South transport connections, to promote regionally balanced growth and address the effects of partition on the island's infrastructure. However, last week or the week before, Bus Éireann suspended the bus service from Dublin to Belfast indefinitely. Since the Minister is meeting her counterpart in Dublin, will she raise that issue to try to reverse that decision?

Ms Mallon: I thank the Member for his question. He raises an important point. I was informed by Minister Ryan's office on Saturday 26 September that the Bus Éireann board would be recommending the indefinite suspension of the Belfast-Dublin service. I assure the Member that I am committed to securing island-wide services between Belfast and Dublin and will discuss the matter with Minister Ryan at tomorrow's 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 impact on passengers.

Mr McNulty: What support is required from across the Executive to deliver on all-island rail that will help to enhance our all-Ireland economy?

Ms Mallon: I thank the Member for his question. As he knows, I am determined to make progress on island-wide connectivity. In the face of Brexit and economic turbulence, the case for all-island connectivity has never been stronger. Rail is a crucial part of the jigsaw for growing connectivity north to south and enhancing our island economy. I am pleased to say that I have been working closely with Minister Ryan, and we have discussed how we can progress this important area. While we are in regular contact, I am delighted to be meeting him formally tomorrow at the sectoral meeting on transport.

The Member asks a valid question on the required support for all-island rail. Across the globe, we see investment in critical infrastructure as a means to help communities build towards recovery. With the economic strain here, the climate emergency, COVID-19 and Brexit, we need to make strategic choices to enhance our economy and to connect our communities. I will, of course, need funding, but, given our commitments in 'New Decade, New Approach' to delivering change and investing in infrastructure, I hope that my Executive colleagues will support the delivery that our communities need.

Miss McIlveen: With regard to developing Northern Ireland's regional connectivity, the European superhighway across the North Channel is central to accessing our largest market but is also the most expensive sea crossing in western Europe. The A77 and the A75, which it connects to, are probably amongst the worst roads in Scotland. What work is the Minister and her Department doing to reduce costs and to secure Scottish or national Government investment in order to address that?

Ms Mallon: I thank the Member for her question. It is an issue that spans Departments. My officials are working with their counterparts in Scotland, and I am in close contact with Michael Matheson, my ministerial counterpart, because we recognise the strategic importance of that connection. Of course, I will continue to press the British Government to ensure that we get the required investment to allow us to get the road upgrades and the connectivity required to support our economy and to connect our communities.

Mrs Barton: The Minister talked about North/South connectivity: has any thought been given to east-west connectivity and, perhaps, an investigation of rail transport towards Dungannon and on to Enniskillen?

Ms Mallon: I am very mindful of east-west connectivity. As I have said on the Floor of the Assembly, one of the positives of COVID-19 and something from which I have benefited is the close engagement that has taken place with ministerial counterparts across these islands. I have developed a positive working relationship with Michael Matheson in Scotland, my counterpart in Wales and Grant Shapps in the Department for Transport, although, at times, it is fractious. I do not want to lose that engagement; I want to build on it. It is particularly important in the face of Brexit.

I am very ambitious for our rail opportunities. The difficulty that I will face is my ambition being curtailed by a lack of investment and funding. Public transport, like all organisations, has suffered hugely as a result of COVID-19, with a dramatic drop in passenger numbers and, therefore, income. The battle for me is to secure the necessary investment to protect our existing public transport network. However, I assure the Member that my ambitions do not stop there. I want to see rail connectivity pushed across Northern Ireland. I want to see public transport as a cornerstone of the Executive's economic and climate action strategy.

Mr Speaker: I call Jim Allister.

Mr Allister: Miss McIlveen raised my issue. I am content.

2.15 pm

Car Cruises: Portrush and Portstewart

3. **Mr M Bradley** asked the Minister for Infrastructure what discussions she has had with the PSNI in relation to car cruises in Portrush and Portstewart. (AQO 820/17-22)

Ms Mallon: As the Minister responsible for promoting and improving road safety, I want to work actively with all partners to reduce the number of deaths and serious injuries on our roads. As such, I have regular discussions with the PSNI about road safety, and I am acutely aware of the ongoing road safety concerns relating to car cruises in Portrush and Portstewart.

I recognise that local residents are extremely concerned about the adverse effects caused by vehicles speeding and from noise pollution in the area. My officials have had discussions with both the PSNI and Causeway Coast and Glens Borough Council about those events, and I understand that a further multi-agency meeting is to be arranged.

Members may also be interested to know that the Department is progressing legislation to extend existing traffic-calming measures on Lansdowne Road in Portrush. That will introduce some additional traffic-calming humps to address some of the concerns about speeding in Portrush.

The Driver and Vehicle Agency (DVA) provided technical support during a multi-agency enforcement operation in Portrush and Portstewart on 30 August 2020, which coincided with a recent car cruise event. During the operation, police escorted 14 modified cars to Coleraine vehicle test centre, where each vehicle was thoroughly examined by an enforcement officer using the agency's vehicle test equipment. Results from those inspections revealed that 12 vehicles — 85% — were found to be non-compliant with construction and use requirements to varying degrees and that four were found to be in such dangerous condition that they could not continue to be used on a public road. Overall, 12 vehicles were subject to immediate prohibition action owing to varying road safety critical defects, with several drivers

informed that they would be reported, with a view to prosecution by police.

Mr M Bradley: I thank the Minister for her response. I have had those detailed conversations with the local PSNI and am aware of the figures. Is she prepared to work with a multi-agency task force perhaps to look at ways in which to close off the promenade during those peak times, with Saturdays and Sundays being the worst?

Ms Mallon: I know that the Member has been working very hard on the issue locally. The police can and do close roads in Portstewart and Portrush when they have concerns about public safety. We need to be clear, however, that that is not really the solution, as we want all drivers to use the road and to have respect for all. I can assure him that my officials have attended the multi-agency meetings to date and will engage with all the partner organisations to try to address that issue and local residents' concerns.

Dr Archibald: Similar to Mr Bradley, I am in regular contact with the PSNI about those events annually. The Minister touched on how she is addressing issues to do with congestion and speeding. Is she also looking into the air pollution that comes with those issues?

Ms Mallon: I very much am. I see the problem as having multiple layers, and we need to take a comprehensive approach to it. Tackling the issue of modifications to exhausts and the dangerous condition that a number of the vehicles are in will help with that. Doing what we can to ensure that drivers are not gathering in large numbers and revving their engines is also an important component, and we will continue to work with all elected representatives, including the council, with the PSNI and with local communities to try to get the situation under control.

Ms Hunter: I welcome the fact that the Minister has been very helpful by agreeing to ensure that traffic-calming measures will be progressed. I am grateful that she recognises the stress that some boy-racer enthusiasts have caused my constituents. Will she provide an update on the traffic-calming measures that will assist in stopping cruising and speeding?

Ms Mallon: As I have outlined, my Department is progressing legislation to extend existing traffic-calming measures on Lansdowne Road in Portrush. The scheme will consist of the following measures: one set of speed cushions on Causeway View between the junctions of

Lansdowne Crescent and Princess Street; and two sets of speed cushions on Lower Lansdowne Road. The proposal was advertised earlier this year, and there were no objections. I recognise how concerning this situation is for residents, and I am pleased that the scheme is planned to be in place this financial year.

Ms Sugden: I thank my constituency colleague, Mr Bradley, for raising this issue in the House. It is an issue that all MLAs have been contacted about. I appreciate the Minister saying that it is not just an Infrastructure issue, but that it is a multi-agency issue. In fact, it is an interdepartmental issue, because this ultimately gave rise to quite serious antisocial behaviour, which culminated in quite a serious and significant event that led to the promenade being closed. I have a concern that we may face this again at other times of the year. Will the Minister work with the Minister of Justice to look at this as an antisocial behaviour issue, and to see what measures she can add to that to mitigate this happening again?

Ms Mallon: I thank the Member for her question. I place on record my appreciation to local representatives of all parties who have been representing their constituents concerning this issue. They have also been very much in solution mode as well, so they are representing their constituents' concerns while coming up with practical ideas about how we can work together to address this. My officials have attended the multi-agency meeting — I know that the PSNI was there, but I do not know whether there were any representatives from the Department of Justice. However, a partnership approach is the right approach in this instance, and my officials will work across all Departments and with all statutory agencies to try to address this and to bring peace of mind and a better quality of life to the residents who are affected.

A2 Buncrana Road: Update

4. **Mr Middleton** asked the Minister for Infrastructure for an update on the progress of the A2 Buncrana Road scheme. (AQO 821/17-22)

Ms Mallon: In June, I announced my commitment to fund the continued development of a number of strategic road improvement schemes, including the A2 Buncrana Road, as part of my plan to aid economic recovery and community transformation while addressing regional imbalance. As is consistent with my wider priorities, I am committed to ensuring that this scheme is future-proofed and that it will

help to stimulate the green recovery. My Department will continue to progress the A2 Buncrana Road scheme in line with my objectives, which include improving transport links, road safety and traffic progression, and contributing to the regeneration of the area while maintaining the environment and achieving value for money.

Earlier this year, I met local business owners in the area, and I have committed to exploring what options can be looked at in the light of their concerns. I am keen to work in partnership with the community to deliver positive change for the north-west. I hope to be in a position to decide upon the progression to the next stage, which includes the publication of the draft statutory orders for consultation, by mid-2021.

Mr Middleton: I thank the Minister for her response. I recently met local businesses, and they put across the position that there is potential for 300 jobs to be lost if the development plan is not adjusted. Unfortunately, they have been met with the rejection of those proposals by some of the officials. Will the Minister intervene to ensure that those 300 jobs are protected and that the concerns of those businesses are upheld?

Ms Mallon: I thank the Member for his supplementary question. As I have said, I met local businesses on the Buncrana Road earlier this year to directly hear their views and concerns. I have asked my officials to continue discussions with all the stakeholders over the coming months, while progressing the scheme's development. That is, in particular, to ensure that it meets my objectives, but also so that we work to try to address the concerns that are being expressed locally.

Ms Anderson: Minister, you will know that I have spoken to you about this matter at the Committee, I have written to you on it, I have raised questions and, like Gary Middleton, I have also met some of the retailers. I will ask you the question again, because they are not convinced that Roads Service is really taking them seriously enough in that they need modifications to the original plan. We all support the A2 Buncrana Road; it is vitally important for the city to unlock its potential. So, Minister, I think that is important that you send them a signal that you are listening — I know that you are listening to them — and that the modification of the road will definitely be taken into account in the context of New Decade, New Approach and co-design. Nothing about us without us.

Ms Mallon: I thank the Member for her question. As I said, I specifically wanted to meet the local business owners earlier this year to hear directly, in a face-to-face meeting, the concerns that they have. I have said very clearly to my officials that they need to be engaging and working with local stakeholders. I have said all along, since I took up this post, that we need to work in partnership: local people know what works best. Obviously, I have strategic priorities in my Department, and there are a number of measures that we need to meet to ensure value for money, but we get to the right place and get better outcomes when we all work together. So, I can assure you that I will continue to listen, and I have asked my officials to continue to engage directly so that we can work forward together.

Ms Hunter: Martina raised my issue, so I am content.

Mr Speaker: OK, thank you.

Translink: Financial Support

5. **Mr Muir** asked the Minister for Infrastructure what financial support will be required by Translink during the remainder of 2020-21 if current service provision is retained and passenger numbers remain suppressed. (AQO 822/17-22)

Ms Mallon: First, I stress that securing the financial future of our public transport network remains a priority for me as we respond to the pandemic and develop sustainable ways of connecting people and communities to opportunities.

My Department's estimate of the financial support that is required by Translink for the remainder of the current financial year is £20 million, and it will continue to bid for the shortfall. That sum takes into account the planned efficiencies identified by Translink in response to COVID-19 as well as the most up-to-date picture of customer demand. We must also recognise that reduced passenger numbers do not automatically mean a similar reduction in the level of costs for the company.

Translink continues to play a vital role in ensuring that our citizens can continue to access their jobs, education and essential services, and I want to be clear that that funding is necessary if we want Translink to continue to provide that service. Protecting a publicly owned public transport network, safeguarding jobs and ensuring that there is a network that is accessible for all and based on need, not solely

on profit, remains my priority, and it is one that I know all my Executive colleagues share, given the renewed commitment that I recently secured to ensure that the network is protected and funded.

Mr Muir: I thank the Minister for her response. I declare an interest, as I was previously an employee of Translink. Significant funds have been allocated across the water to train-operating companies, bus operators and Transport for London. That money came across to Northern Ireland as Barnett consequentials. Does the Minister not agree that the failure to pass that support on to Translink will have a devastating impact on local communities and our efforts to tackle climate change?

Ms Mallon: In short, I fully agree with the comments and analysis from the Member. On my desk, I have a very high pile of correspondence from all political parties, asking for additional services, additional train halts and an extension of rail lines. I wish that I was in a position to be able to grant them all. As I said, Translink is facing a hugely difficult situation as a result of COVID, and, as the Member rightly said, we have seen, right across these islands, that Governments have recognised that and recognised the importance of public transport to connecting people and tackling the climate emergency. There is also a social justice element because so many people cannot afford cars and are wholly reliant on our public transport network. So, I will continue to make the case at the Executive and very much look forward to the continued support of the Member in that regard.

Mr Boylan: Is the transport network meeting the general demand of the public? I ask that in the context of rural areas, because there could be a reduction in services in those areas.

Ms Mallon: From the onset of COVID, I agreed to a reduction in services. However, throughout the COVID crisis, we have constantly reviewed passenger demand and ensured that we have services on standby to enable social distancing across the network. If the Member has concerns about a particular rural service, I am happy to take them away and look at them. We have been increasing our services across Northern Ireland in line with our risk assessment, the public health advice and the regulations from the Executive. The Member will also know that Translink has put on an additional 500 buses to make sure that we can transport our schoolchildren safely to and from school.

Mr Speaker: I call Paul Frew; there are seconds left.

Mr Frew: Thank you. Was it not a monumental error, and therefore a matter of regret to the Minister, to not put in place the apparatus to furlough Translink staff? Has the Department calculated how much the furlough scheme could have saved Translink?

Ms Mallon: In short, Translink did furlough staff. Translink also provided a very detailed analysis of the scoping potential for furloughing, which was shared with and accepted by the Finance Minister and Executive colleagues.

I know that the issue causes great hurt to Translink staff. As one person said to me, "Every Thursday, people stood clapping for front-line workers". Translink was at the forefront of the fight against COVID, making sure that essential workers were getting to and from work, going over and beyond. They find it deeply hurtful that, throughout that, people were calling for them to be furloughed when it was clear that the furloughing apparatus did not apply in that instance.

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

2.30 pm

Connectivity Review: Priorities

T1. **Mr Nesbitt** asked the Minister for Infrastructure to outline her likely priorities when she engages with the Prime Minister's new connectivity review, which is to be led by Sir Peter Hendy. (AQT 481/17-22)

Ms Mallon: I thank the Member for his question. I look forward to engaging with Boris Johnson on the connectivity review because there has been no consultation, certainly not with me as the Infrastructure Minister in our devolved region.

I am clear about the connectivity review. Connectivity is hugely important, but the British Government signed up to a number of commitments within 'New Decade, New Approach' that they have yet to honour. At a recent meeting with Minister Walker, I offered to send again that list of commitments to ensure that the British Government honour them. There are key strategic infrastructure projects right across Northern Ireland that would really transform lives. That is where we should put our investment, not into a £20 billion vanity bridge

between Northern Ireland and Scotland that none of us wants.

Mr Nesbitt: I thank the Minister for her answer. Can the Minister tell us what, according to her road engineers, the top-three pinch points in the Northern Ireland roads network are and her intentions for easing those pressures?

Ms Mallon: Within the Programme for Government and 'New Decade, New Approach' are strategic infrastructure projects that we all signed up to: the A5, A6 and A1. We have also had significant and systematic underinvestment in our water and waste water infrastructure. In Northern Ireland, we now have more than 100 locations where we are at or just beyond development capacity. If we believe in building homes for families and in growing our economy, we must invest in our water and waste water infrastructure. That is imperative.

Driving Tests: Backlog

T2. **Mr Chambers** asked the Minister for Infrastructure, given that before the online booking system went live yesterday, there was at least a seven-week waiting list for a practical driving test and that, this morning, over 730 people were queuing for over 20 minutes even to get on to the website to book a test, when the Driver and Vehicle Agency (DVA) will deal with the backlog in driving tests and provide a service that meets the needs of the community. (AQT 482/17-22)

Ms Mallon: I thank the Member for his question. He raises an important issue.

There has been high demand for driving test bookings since the service reopened to all customers after being shut down for several months due to the Executive's regulations to prevent the spread of COVID-19. Thousands of driving tests have been booked for October to December. Those include bookings for priority groups, those who had tests cancelled, and the new tests. The queueing software has worked well and has prevented the system from crashing, which we saw happen in England. Slots have been released across all test centres up to the end of December. Today, the DVA released further slots from January. The DVA will be incrementally releasing additional slots for November and December when staffing availability is confirmed, as it continues to recruit more examiners to increase testing capacity as quickly as possible.

Mr Chambers: Thank you, Minister, for your answer. There is a large number of experienced

driving instructors in the private and public sectors, many of whom can train and test to an even more advanced driving level. I am sure that you fully appreciate the disruption that delays are causing to individuals and the economy. Will you consider bringing in urgent temporary measures to enable additional testing at once?

Ms Mallon: Yes. I want to assure the Member that the DVA has been taking steps in that regard. It has already recruited three additional examiners. We are in the process of recruiting 12 temporary vehicle examiners and an additional 12 permanent vehicle examiners. The purpose of that is to free up our dual-role examiners to carry out additional driving tests.

I understand the disruption that this is causing, but I also have to be honest with people. This is a high-demand service that was shut for five to six months. We have put in measures around the call system, and we put in the queueing system. We compare, at this moment in time anyway, although it is a fast-changing situation, favourably with other parts of these islands. In the Republic of Ireland, for example, there is an eight-month waiting list for a practical driving test. These are very difficult times, but I assure you that the DVA is doing what it can to resume its services safely and as quickly as possible.

Driving Tests: Backlog

T3. **Ms Bunting** asked the Minister for Infrastructure what lessons have been learned in relation to driving tests over the past number of days, given that she said previously that lessons would be learned from events in GB. (AQT 483/17-22)

Ms Mallon: As I said, in England the system crashed when it went online because of the volume of calls. In anticipating and trying to learn from that, my officials have been very closely engaged with the DVLA in England. We procured a queueing system to ensure that it would be able to cope. I am pleased to say that that is happening. As I said, we have been in a very significant recruitment process to bring in additional examiners. We are also exploring how we can provide tests in the evenings and on Sundays, but I have to caveat that with the need to ensure that the road safety conditions are paramount, because this is about teaching people to drive safely on all our roads.

Ms Bunting: I thank the Minister for her answer, but the truth is that a few additional slots are not going to sort out the problem. There is a backlog of around 23,000 cases.

People wait for hours to get to the front of the queue only to be told that all the slots are gone. Will the Minister tell us why the system went online prior to the published date? Why were some people able to get test dates through their instructor in advance of the system opening? It all seems a bit 'Animal Farm'.

Ms Mallon: I do not accept the figure of 23,000 cases. I have heard it cited a number of times, and I am keen to see the evidential basis for it. As I said, it is a high-demand service. When you close a service for five to six months, there will be difficulties. Trying to get a restaurant booked is difficult, and trying to get an appointment at a dentist or a GP is difficult.

The official reopening of online booking services for driving tests was scheduled for 8.00 am on 5 October. That was the time that the link to the driving test booking service was activated on the nidirect front page. However, Capita completed its testing of the system at around 8.00 pm and removed the restrictions on the system that had been put in place for key workers and those who had tests cancelled due to lockdown. We now know that a number of customers managed to access the system from this point, although, inadvertently, that eased some of the pressure on the service the following morning.

MOT Validity Certificates

T4. **Mr Lunn** asked the Minister for Infrastructure what action she is taking to remind motorists of their obligation, particularly for insurance purposes, to maintain their vehicle in a roadworthy condition, given that although MOT validity certificates for cars that are more than four years old were extended for 12 months, it appears that there was no written communication with car owners to confirm that. (AQT 484/17-22)

Ms Mallon: At the beginning of the process, temporary exemption certificates (TECs) were posted in hard copy, but, given their volume and the need to try to have a smooth and efficient process, we moved to an automated system. I know that that has proven difficult for some people. I think that it was Paula Bradley of the DUP who raised it as a particular issue for older citizens, so we have been engaging with Age NI and other sector groups in order to help with the communication about the automated system.

There is a DVLA website labelled "Check the MOT status of a vehicle". Anyone can go on that to see the MOT and TEC status of their

vehicle. I encourage Members to encourage their constituents to do so. The Member makes a very important point. Responsibility for the safety of a vehicle rests with the owner at all times. I ask Members to help me in trying continually to convey that message to the public.

Mr Lunn: I thank the Minister for her answer. The solution to all this would be to bring the backlog of MOT tests up to date. Has the Minister considered extending the opening hours of MOT centres, perhaps to include Sunday opening? Has she even considered licensing private garages to conduct MOT-type tests, as they do across the water?

Ms Mallon: The use of private garages is not possible under our legislation. I confirm that 14 test centres are up and running. The centre in Belfast, which is about to become operational, was handed back as a COVID testing centre, and the lifts are being installed as we speak. I hope that, within the next week, that centre will be live. That will help with the additional capacity that the Member seeks for his constituents.

Comber Greenway: Investment

T5. **Mr Newton** asked the Minister for Infrastructure what plans she has to invest in and upgrade the Comber greenway from the Holywood Arches to the Billy Neill playing fields, albeit that he welcomes her decision to invest £2.8 million in greenways and recognises that the Comber greenway encounters problems at the boundary between Lisburn and Castlereagh City Council and Ards and North Down Borough Council. (AQT 485/17-22)

Ms Mallon: I thank the Member for his question. He is a champion for the Comber greenway in his constituency, and I welcome his support for the development of greenways more generally. I remember the Adjournment debate that the Member secured in March, and it was in light of that and of wider considerations of the benefits of greenways that I have found myself in the position where I am trying to support them. We wrote to all the councils to ask them for proposals in order to invest the capital moneys that we have in this financial year. I am very much in the hands of councils.

I know that the Member has a particular interest around lighting of the Comber greenway, and I have asked my officials to look into that. That will necessitate bat-friendly lighting and neighbourhood consultation. It is key to work in partnership with the councils, which have a

much wider remit than me on this matter. I assure the Member that I am keen to do what I can to support the Comber greenway and the advancement of greenways across the North.

Mr Newton: That is, indeed, encouraging. I remind the Minister that Belfast City Council and Lisburn and Castlereagh City Council voted unanimously in favour of the development of that stretch of the Comber greenway. Will the Minister indicate when she might invest in that stretch?

Ms Mallon: I have made an allocation this year. I hope to be in a position to provide further support to other greenways in the next financial year. We have asked councils that were not in a position for us to be able to invest capital moneys this year to provide us with their proposals so that we can advance and progress through to delivery next year. Of course, that will be subject to funding, but I hope to be able to advance this agenda while I am the Minister for Infrastructure.

Driving Tests

T6. **Ms Rogan** asked the Minister for Infrastructure, given that a lot of people depend on driving for essential journeys, including getting to work, and deserve to have proper access to important services such as driving tests, why our services were not better prepared to recommence. (AQT 486/17-22)

Ms Mallon: Driving tests have recommenced. They commenced for priority groups several weeks ago. The system went live this week for new driving tests, because we had worked through key priority workers and those who had had their tests cancelled, which, I think, was the right and fair approach. As I said in response to a number of questions from Members, this is a high-demand service that was shut for five to six months. However, as I hope that I have demonstrated, in procuring the queuing system for the online service, by the fact that we are recruiting 27 vehicle examiners and by exploring additional capacity through evening and weekend testing, we recognise that this is a really important issue, that we are doing what we can to minimise disruption while making sure that we adhere to all the risk assessments that we have carried out, that we adhere to the public health advice and, of course, that we adhere to the Executive's regulations.

Ms Rogan: My question has been answered, and I have no further questions.

“Boris Bridge”

T7. **Mr Buckley** asked the Minister for Infrastructure whether she will approach the proposal for a “Boris bridge” with an open mind and realise the true potential that such a bridge could bring to the economy in Northern Ireland, particularly because, although, in May 1994, the Euro tunnel was officially opened, connecting mainland France with mainland United Kingdom, a feat of engineering and a game changer for trade and connectivity, she this week sadly branded a studied plan for a potential “Boris bridge” a publicity stunt. (AQT 487/17-22)

Ms Mallon: I thank the Member for his question. If there were an endless pot of money and if we had strategic investment in our strategic infrastructure network, I would be happy to look at this. The reality is that this bridge is estimated to cost £20 billion, and there are huge questions over its engineering possibilities. We have to look at the person who is proposing it. He has a long list of vanity bridges that he has never been able to get off the ground. So, yes, I am open to all key strategic projects, but I remind the British Government and the Prime Minister that he has given commitments around New Decade, New Approach and that he absolutely must honour those.

Mr Speaker: You may ask a supplementary question in the final seconds, Mr Buckley.

Mr Buckley: There were sceptics in 1994 for the Euro bridge. I have no doubt that they are here today in the Chamber, but there are people who want to see a feasibility study for such a bridge and the recognition of the potential of that for the economy. I ask the Minister to engage proactively with the community and the transport sector on how this project could go forward.

2.45 pm

Ms Mallon: I recognise that the project has support among a number of people and do not want to be disrespectful of that, but imagine what we could do with £20 billion. The Member is proactive in representing his constituents and seeking advancements to and progress on infrastructure in his constituency that I support and would like to do more on. We look at what we could do on the road network. We have spoken about the need to decarbonise public transport. Those are priorities. I would not like to be in a position where we were squandering — yes, I said, “squandering” — £20 billion on a

bridge that neither the Scottish Minister nor I as Infrastructure Minister see as a number-one priority.

Mr Speaker: Time is up. Members may take their ease for a moment or two while we prepare the Chamber.

Justice

Vulnerable Prisoners: Care Review

1. **Mr Lynch** asked the Minister of Justice for an update on the review of care of vulnerable people in prison. (AQO 833/17-22)

Mrs Long (The Minister of Justice): The care of vulnerable people is paramount and is taken very seriously across the justice system. It is particularly important in the context of the work of the Northern Ireland Prison Service as we seek to care for and support a significant number of people with complex and challenging health needs who find themselves in custody.

In answering a similar question in February 2020, I indicated that the Regulation and Quality Improvement Authority (RQIA) had been asked to undertake the review and would report by September 2020. Unfortunately, as a result of the pressures caused by the developing pandemic, it was not possible for the review to be completed. My Department and the Department of Health continue to work with the RQIA to complete the review, with delivery of the final report now expected in May 2021. Although I regret that the announced review of vulnerable people in custody has not taken place, by working closely with the South Eastern Trust — our healthcare provider — the Prison Service has made significant progress in improving support for people who are at risk.

Mr Lynch: I thank the Minister for her answer. As the Minister said, she indicated at the beginning of the year that her intention was to discuss the care of vulnerable people in prison. Can she now commit to taking that important work forward as a priority with her counterpart, the Minister of Health?

Mrs Long: I can, indeed, commit to its being a priority. It would have happened by September but for the fact that COVID meant that the RQIA, as the Member will understand, was repurposed and refocused to assist with the health crisis. We are working with the RQIA to ensure that the review takes place.

We have, however, delivered a lot in the interim. We have a joint suicide and self-harm risk management strategy and a joint management of substance misuse in custody strategy. We are reviewing our Supporting Prisoners at Risk (SPAR) procedures. That has resulted in the delivery of a new person-centred approach that aims to support someone through a period of crisis or distress as well as addressing the root causes. We now have well-being hubs in each of the prisons that provide therapeutic environments for people in care who need the trust's mental health teams. We also have specific therapeutic spaces in each of the establishments to provide multidisciplinary support to people at risk. Therefore, it is a priority. We are making progress, but I still want to see the review done by the RQIA as quickly as possible.

Mr Beattie: A death in custody is unusual; two deaths in 10 days is extremely rare. Our thoughts are with the families of those who have died. Does the Minister think that it was acceptable that the Assembly and Justice Committee found out about the second death via social media and whistle-blowers, especially in light of the fact that I had raised the issue of chronic understaffing of night custody officers?

Mrs Long: I want to unpick some of the issues in the question. First, every death in custody is not just unusual; it is a tragedy. A family is grieving as a result of that death in custody, and it is our practice in the Northern Ireland Prison Service to liaise carefully with families on public announcements. In the case of the second death, it was at the request of the family that no public announcement was made, and that was respected. However, in both cases, the deaths, as you would expect, were reported immediately to the Prisoner Ombudsman, the coroner and the PSNI, and a full investigation will happen of each of those deaths in custody. It is crucial that people do not make pre-emptive or prejudging statements on a death in custody when the nature of that death has not yet been investigated or established.

With respect to the specific and unrelated issue of staffing in the prison, I assure the Member that the governor and the senior management team scrutinise staffing figures daily, including night-staff deployment, and redeploy staff where necessary. That process ensures that adequate numbers are on duty at all times, and I can confirm that there were adequate numbers — the full complement — in all residential areas of the prisons on the nights when those tragic incidents took place.

Sexual Offences Convictions: Legislative Error

2. **Ms Dillon** asked the Minister of Justice what measures will be put in place to support the 17 victims of sexual offences recently informed by the Public Prosecution Service that their assailants' convictions are to be set aside as a result of a legislative error. (AQO 834/17-22)

10. **Mr Chambers** asked the Minister of Justice, following the Public Prosecution Service announcement that the convictions of 15 individuals for certain sexual offences are to be set aside as a result of a legislative error, what actions have been taken to ensure that a similar case does not arise in the future. (AQO 842/17-22)

Mrs Long: Mr Speaker, with your permission, I will answer questions 2 and 10 together.

First, I want to say again how much I regret that this incident happened and apologise to the victims of these offences for any additional trauma that they have suffered as a consequence. I realise how difficult it must be to accept that the convictions of those who committed these crimes against them will be rescinded and how difficult it is to hear these issues being discussed in the public domain. My priority throughout has been to ensure that the victims are protected as much as possible from further distress, and, once I was made aware of how the Public Prosecution Service (PPS) intended to proceed, I sought assurance from the director that support would be in place when victims were informed about the intention to set aside the convictions and would continue for as long as is necessary, once victims had had time to absorb and consider the information. The director provided that assurance and advised that he had engaged the services of Victim Support and Nexus, and I am grateful to both for their assistance during this period.

My officials have had regular meetings with colleagues in the PPS in 2020 to understand what went wrong. Further meetings will take place in the coming months to take stock and consider what actions are necessary to ensure that the lessons learned from the current situation are applied going forward. As part of that approach, I have tasked a senior lawyer in the Department to develop a quality-assurance check mechanism that will be built into processes involved in developing policy and drafting provisions for future legislation. I have also spoken with the Director of Public Prosecutions, and we have agreed that a joint

system review will be formed between the PPS and DOJ to take forward work in that regard.

Ms Dillon: I thank the Minister for her answer and for coming to the House last week. Some further questions arose out of that. You gave us quite a good update last week, but do you have an update on how many of the cases will involve re-prosecutions and how many will not, if you have those figures, particularly relating to those who are on the sex offenders register?

Mrs Long: You will appreciate that re-prosecution is not a matter for my Department; it is a matter for the PPS. It is too early, at this stage, to judge whether there will be re-prosecutions in all or some of the cases. The PPS is liaising with the victims to take on board their views, and it will look at the evidence and what impact it has on the protection of public safety. That is one of the core issues that the PPS will have to consider as it reaches its decisions. However, as I explained last week, there are certain protections in place with respect to public safety, so the fact that the convictions have been overturned does not mean that they will not turn up, for example, on Access NI checks. It will simply, first of all, be put through the filter of the senior police officer responsible for responding to those checks.

Mr Chambers: Minister, have your officials actually met any of the victims? Has the Minister met them, or does she have any plans to do so in the future?

Mrs Long: My officials have not met the victims. They have been contacted by the Director of Public Prosecutions and his team, and that is appropriate, as it was their decision to prosecute the cases. If any victims wish to speak to me, I am, of course, willing to meet them, as I am all victims. However, I would certainly not wish to impose on them any further trauma or debate around the issues, if, perhaps, some of them simply have now acknowledged that the error happened and do not wish to discuss it further. We have to proceed sensitively on the issues, but, if a victim wishes to meet me or my officials, I am more than happy to do so.

Ms McLaughlin: What measures has the Minister put in place to ensure that no perverse compensations are made available to those convicted under the legislative error?

Mrs Long: We noted last week that it would be my intention that, if anyone were to seek compensation for their conviction, the

Department would resist robustly. These are not flawed convictions; these are robust convictions. Many of them — I think at least half of them — are the result of guilty pleas. There is no question here about the validity of the convictions. This is simply about the court in which the case was taken forward. We would not be willing to consider lightly any claim for compensation, and we would resist it.

Individuals may be entitled to reclaim other payments that they may have made. We have said that we will indemnify the victims of those crimes against having to repay any compensation. They are relatively small amounts of money, but, nevertheless, the indignity would be significant, were we to expect any victims to repay, given that none of this is their fault. We will indemnify any victim where there is an attempt to reclaim that money. However, there is no clarity that that would be the case in any of the cases at this stage.

Mr Frew: I thank the Minister for her very clear statement last week on the issue. In that statement, the Minister said that it was some three months between her Department knowing about the issue and her knowing. Will the Minister clear up for the House whether she had any inkling or received any sort of briefing before she was informed, or was she kept completely in the dark for three months?

Mrs Long: Last week, I set out clearly the timeline of when I was informed, when the Department was informed and of what it was informed. I have nothing to add to that statement today. It is important for Members to understand that there may on occasion be issues that arise in the Department where someone thinks that there may be a problem or is concerned that there is a problem. It is important that we allow people to do that investigatory work so that, when they come to the Minister, they come with the full picture, and I think that that is what officials were seeking to do.

What I want to have in the Department and in the justice system more widely is a system in which people feel free to come forward and raise issues if they have concerns and in which they can raise issues with the Minister if they are concerned that there may have been errors or faults. What we want from all of this is to have a justice system that is responsive and is properly held to account. Creating that culture of accountability is hugely important, but it involves allowing staff to do their job without constantly feeling that someone is breathing down their neck.

Ms S Bradley: Will the Minister accept that there is now a duty on her to take action to preserve any documentation or evidence that was used during the original convictions, should prosecutions have to occur?

Mrs Long: One of the key documents that will be preserved is the court record from the original trials, where people will have pleaded guilty or where evidence will have been presented. There may not be a huge amount of other evidence available. Some of the cases date back to 1973. We have to be realistic about what will and will not be available. There has been no suggestion, however, from the DPP that a lack of evidence would be an issue in deciding whether to re prosecute the cases.

Mr Speaker: I call Stewart Dickson.

Mr Dickson: For question number 13 or for a supplementary?

Mr Speaker: A supplementary.

Mr Dickson: Thank you very much, Mr Speaker.

Minister, you had a meeting with the PPS about the situation. What assurances have you received that that error or errors like it will not reoccur?

Mrs Long: There are two things that we need to do out of this. The first is to put the victims in the situation first and ensure that every resource that they need is available in order for them to cope with what has happened. The second is to look robustly at the system.

3.00 pm

This was a unique error that we have not seen happen anywhere else in the system. However, that is not to say that it is not possible that there are other errors, because this is a human error and these things happen. The important issue is how we respond to it. Part of that response is that we will work with the Director of Public Prosecutions to review all of those changes in legislation and make sure that, where saving provisions are necessary, those are in place and learn, going forward, so that this is not repeated. In fairness to the Chamber, its presence and scrutinising role is possibly the best safeguard against what happened in that particular case in 2008. At that time, we were not here and able to do that work as an Assembly in terms of justice. Committees' role in looking carefully clause by clause at

legislation, asking questions and scrutinising how things are taken forward is absolutely critical to avoid a repeat.

Prison Service: COVID-19 Recovery Plan

Prisons: COVID-19

3. **Mr Middleton** asked the Minister of Justice for an update on the Northern Ireland Prison Service COVID-19 recovery plan. (AQO 835/17-22)

14. **Mr Clarke** asked the Minister of Justice to outline the changes made in prisons as a result of COVID-19. (AQO 846/17-22)

Mrs Long: Mr Speaker, with your permission, I will answer questions 3 and 14 together.

Ensuring the safe operation of custodial environments is a top priority for my Department. The Northern Ireland Prison Service has followed the advice of the Public Health Agency and worked closely with the South Eastern Health and Social Care Trust to implement an extensive range of precautionary measures in March this year. Those measures included the suspension of in-person visits, forms of temporary release, significantly restricting access to prison establishments and the introduction of house-based routines to support social distancing.

Further to those specific measures, there are robust arrangements in place for the isolation of individuals committed to custody or who become symptomatic. The Northern Ireland Prison Service also has well-developed and embedded procedures for prisoners and staff to be tested for COVID-19. Prisons also have extensive arrangements for the supply and appropriate use of PPE and for handwashing. All of this work has been supported by regular communication about the risks of infection and how they can be mitigated. Advice about handwashing — catch it, kill it, bin it — and social distancing is widely displayed and reinforced at establishment level and service-wide.

On 3 July, the Prison Service formally initiated its operational recovery plan. Through that plan, the measures introduced will be incrementally and gradually relaxed, provided that the risk posed by the virus does not alter and impact on those plans.

Mr Middleton: I thank the Minister for her answer. Minister, what preparations are you taking around sickness absence within Prison Service staff and the potential longer-term complications arising from those recovering from COVID-19?

Mrs Long: Absence was a consideration at the height of the pandemic in the spring and may well become a consideration again. We took a number of measures at that time, including additional payments and additional hours worked, but we have to be realistic in how we manage our resource, so we will be responsive to any changes in attendance at work. A number of our prison officers fall into the vulnerable category and we need to recognise that, in addition to a significant cohort of people within the prison system who are also vulnerable.

A lot of work is being done to ensure that we have the proper staff complement. There have been recent recruitments to Prison Service and we continue to work forward with that as new people are brought into the service. We hope that that will help alleviate some of those concerns.

Mr Clarke: Minister, in your response, you referred to some of the restrictions on visits and such like because of COVID. With regard to visits and protestors outside, has the Prison Service done enough to bring that to an end, as opposed to putting additional burden on the service?

Mrs Long: First and foremost, the policing of protests outside the prison is not a matter for the Prison Service, it is a matter for the PSNI. Prison Service worked, at all times, with the police with regard to the protest. If the Member is referring to the protest within the prison, I believe that the Prison Service acted proportionately, as it has done throughout the COVID crisis, in ensuring that those who return to prison from outside, whether from a hospital — in this case it was Craigavon Area Hospital, where there had been a spike in COVID — or from the general public, go through a period of isolation to ensure that we keep the prison population safe and free from COVID-19. Given what has happened in other residential environments, and, indeed, other prisons across these islands, it is to the credit of the Prison Service that we have only had one case detected in prison, and that was in the isolation unit that was doing the job for which it was designed.

Serious Crime Act 2007: Section 44

4. **Mr G Kelly** asked the Minister of Justice whether the use of section 44 of the Serious Crime Act 2007 is only intended for serious crime. (AQO 836/17-22)

Mrs Long: While the short title of the Act is the Serious Crime Act 2007, its provisions are not limited to dealing with serious crime offences, though that is the purpose. That is the case particularly in Part 2 of the Act, which introduced offences of encouraging and assisting crime. Section 44 falls under Part 2 of the Act. Section 44 of the Serious Crime Act 2007 created the offence of intentionally encouraging or assisting an offence. It sets out what a person must do to commit the offence and provides a further definition of what is meant by "intention". Its application is across the spectrum of criminal offences and is not intended only for serious crime.

Mr G Kelly: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers so far. She may have anticipated what my next question is about. As she said, the purpose of the Act, as the name suggests, is to deal with serious and organised crime offences. While I know that she cannot talk about any particular case, let me just say that, for background, the PSNI used the Act on five occasions in response to the Black Lives Matter protests on 6 June in Derry and Belfast, and that caused a lot of consternation. I may have said this already, but if I did not, I obviously have to say that I am member of the Policing Board. Minister, based on the answer that you have given and the example I have used, do you believe that it is either proportionate or appropriate to use serious crime legislation for peaceful protests or anything like that?

Mrs Long: The issue is about not only whether a protest is peaceful but whether it is lawful, and that was the point in question. Given the ongoing investigations by the ombudsman and by the Policing Board, and given that those cases are, potentially, still before the courts, it would not be appropriate for me to comment on the specific use of the offence. I am aware of the comments of the Director of Public Prosecutions in the press today about the use of the offence. It would be best for all of us to wait on the outcome of the investigations in order to judge that. I can speak only to the legislation, and whilst the legislation is the Serious Crime Act, the sections of the Act that were used are not solely for use in dealing with serious crime; they can be applied across a range of other offences.

Mr Givan: We know that the Minister has been tasked with looking at enhancing enforcement powers around the COVID regulations. Will she refer to that section as part of her consideration of the issues?

Mrs Long: To correct the record, I volunteered to look at the issue of serious offences because, like all my Executive colleagues, I want to play an active role in ensuring that we are able to deal with the issue in a timely way. We will not necessarily be referring to that offence, but it does point to an issue, and that is about differentiating between those who, in good faith, embark on activities believing them to be organised by someone in a way that complies with the regulations and those who organise activities and fail to comply with the regulations. The burden ought to lie more on those who organise events inappropriately and without having due regard, than on those who, perhaps, attend in the false confidence that they are attending an event that is safe and secure. We want to look at the penalties not just for individual infractions but for those who organise events or manage facilities and do not have due regard to the regulations.

Prisons: Segregation Costs

5. **Mr Nesbitt** asked the Minister of Justice to outline the costs of a segregated prison system. (AQO 837/17-22)

Mrs Long: It is important to understand that the management of separation in our prisons is complex, challenging and, at times, dangerous. Therefore, I want to begin by paying tribute to the staff of the Northern Ireland Prison Service for the commitment and courage that they demonstrate every day working on our behalf.

If a prisoner, whether sentenced or on remand, applies for and subsequently meets the criteria for separation set by the Secretary of State for Northern Ireland, the Prison Service is required to hold that individual in accommodation apart from the other prisoners at that establishment. We currently have 42 adult male prisoners in Maghaberry — 19 loyalists and 23 dissident republicans — accommodated on four landings in Bush and Roe houses. Three dissident republican female prisoners are held on one landing in Fern House at Hydebank Wood.

It costs the Prison Service in excess of £2 million per annum to operate separation at Maghaberry. We expect annual running costs at Hydebank to be in the region of £330,000. Irrespective of whether we agree with the concept of separation, it is vital that the

landings are appropriately staffed and security is commensurate with the level of risk that the Prison Service is required to manage.

Mr Nesbitt: I thank the Minister for that answer. A fortnight ago, she told me in the Chamber that she would support an end to segregation but that the matter lies with the Northern Ireland Office. I will quote her:

"It is not my duty to direct the Secretary of State." — [Official Report (Hansard), 22 September 2020, p35, col 2].

Does she understand that nobody was asking her to direct the Secretary of State but just questioning why, if she is in favour of an end to segregation, she has not had the conversation with the Secretary of State?

Mrs Long: First and foremost, with all due respect to the Member, he is not aware of what conversations I have or have not had with anyone. He did not ask that question, and I did not answer it.

The separated regime exists because conditions in wider society create a need for that regime. Bringing about an end to the separated regime depends on our collective success at tackling paramilitarism, criminality and organised crime. The Executive have an action plan that they are implementing and have committed to extending the programme of work that we are using to build resilience in individuals and communities. It is vital that we also provide the political leadership to enable that change to happen.

The Prison Service has a range of commitments under that action plan, and those are important in their own right, but it cannot address the wider and underlying conditions that will depend on the success of the overall action plan. The focus and priority in our prisons has been on keeping people safe throughout the COVID-19 pandemic. That is what we have done, and I pay tribute to the staff for their work on that. There is a commitment to reviewing the operation of separation under the tackling paramilitarism programme. That will be taken forward when possible, but the focus for now is on managing the risks to prisons from COVID-19.

Mr Dickson: Minister, I am sure that you agree, as would every right-thinking person, that the sooner we end segregation and bring about the circumstances to end it, the better. That can be done only through tackling paramilitarism and other criminal activities like that in our

communities. However, there are other issues that we need to deal with in order to deal with segregation in our community. We have segregation in education, housing, teacher training and other things. Some of those might be easier asks, but it is important that we all work together to end segregation in our prisons.

Mrs Long: Our prisons are a microcosm of the society in which we live. If we want to tackle separation in the prison system, we need to tackle segregation outside the prison system. All of us have a role to play in that, not just me as the Minister. However, if leadership is required in these areas, I will not be found wanting. That is why I have set up the political advisory group for the tackling paramilitarism programme. We have had our first meeting. We intend to meet again. We will be driving this forward, hopefully, with collective political engagement, but it has to be a collective response. I have to put first the safety and security of those in the prison; not just those in the separated regime, but the rest of the prisoners as well.

Ms Dolan: Can the Minister outline her plans for wider and more comprehensive reform of the overall prison system?

Mrs Long: The Member will be aware that Prisons 2020 has just about reached its expiry date. While a huge amount of good work has been achieved under that, we are now in the process of looking at the next phase of improvement. We are constantly trying to improve support for prisoners and accommodation in prisons and to make investment in our prison system, particularly on the rehabilitation issues, that will allow people to rejoin society and play a constructive and productive role when they exit prison. I believe that that should be the focus of what we look at in our prisons, because being successful in rehabilitating prisoners is the best way to prevent further victims of crime.

Mr Allister: Minister, none of us needs to be reminded of how tight finances are, particularly during COVID. Am I to understand from a written answer that you gave me that £482,000 was spent on preparing landing 4 in Fern House for three women republican prisoners and that the annual ongoing resource cost will be £355,000? Have we really got things into the proportion that they should be in, in these times?

3.15 pm

Mrs Long: Like the Member, I am very concerned about the cost of separation in the prison system. The previous separated unit at Hydebank is now a mother-and-baby unit, and the interim accommodation that was being used was not considered suitable from a security perspective. Consequently, landing 4 in Fern House was identified as a discrete and more secure facility. Extensive work was required, at a cost of approximately £482,000, to repurpose the unit, and the work had to be completed within a two-week period. Structural, electrical and mechanical work were all required to enhance security, and it is right that we ensure that an adequate and appropriate level of security is in place to manage the challenges that are presented by separation and by particular prisoners.

Unlike Maghaberry, Hydebank is not a category A prison, but the risks that are presented by those who do not recognise the legitimacy of their imprisonment are no less significant at Hydebank than they are at Maghaberry, and it is right that we should invest in that.

However, I reassure Members that, despite all that expenditure, less than £6,000 was spent on cell furniture, soft furnishings and a recreation room. It is right that the Prison Service should provide modern, decent and fit-for-purpose accommodation. I visited the unit in order to ensure that that is what we have done. This is not, in any shape or form, about luxury or preferential treatment; it is about decency and security and managing a very difficult environment professionally, competently and humanely.

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

Policing Board: Ministerial Power of Removal

T1. **Mr Chambers** asked the Minister of Justice, in the light of the fact that, under the Police (Northern Ireland) Act 2000, she has the power to remove a member of the Northern Ireland Policing Board, whether there is anything in that Act that compels her to await the outcome of internal action by the Policing Board before she can consider or exercise those powers of removal, particularly because, under its standing orders, the Policing Board is dealing with a complaint against Mr Gerry Kelly MLA, one of its board members, either by informal resolution by the vice chair or, if that cannot be achieved, by referral to the chair. (AQT 491/17-22)

Mrs Long: I have to put my position on that issue on record. I found Mr Kelly's comments to be offensive and inappropriate, and I ask that he reaffirm his commitment to non-violence and exclusively peaceful and democratic means, consistent with his responsibilities as a member of the Northern Ireland Policing Board and as a Member of the House.

Any investigation into whether Mr Kelly is in breach of the Policing Board's code of conduct is a matter for the board in the first instance. I am aware of the powers that are available to me under the Police (Northern Ireland) Act 2000 to remove members of the Policing Board, and, should the matter come before me, I will give it careful consideration. However, as Minister of Justice, I have to stand for due process, and it would be wrong for me to make decisions precipitately before the due process has been followed.

Mr Chambers: With respect, is it not the case that, in fact, you have moved outside due process by calling on Mr Kelly to reaffirm his commitment to peaceful means? The Policing Board's code of conduct appears to be silent on the actions that the board can take. Public confidence in the board has been seriously undermined. Will the Minister consider dealing with the situation as a matter of urgency?

Mrs Long: No, I do not believe that I have gone outside due process. Every single one of us in the House has a duty to call on all Members to respect the rule of law, to be temperate in their exchanges and to be sensitive to victims. I do not believe that that in any way precludes any decisions that will be made by the Policing Board. I await the outcome of the board's deliberations on the matter, and, when they are brought to me, they will get the due consideration and regard that they deserve.

COVID Regulations: Penalties

T2. **Miss McIlveen** asked the Minister of Justice for her assessment of the appropriateness and effectiveness of penalties for breaches of COVID regulations. (AQT 492/17-22)

Mrs Long: Penalties are currently under review. Quite frankly, it is hard to judge whether the distribution of penalties is what drives people's behaviour or whether it is people's genuine concern for their family, their friends and their community. I rather believe that it is the latter. At the beginning of the COVID crisis, we saw people acting in extraordinary ways,

making huge sacrifices to protect their family, community and loved ones. By using the four Es — engaging, educating, encouraging and enforcing — we are helping people to continue to comply with the regulations. As with any law, there must be some enforcement, which must be fit for purpose. The review that I am undertaking with Executive colleagues this week will look very carefully at that issue and make recommendations to the Executive in due course.

Miss McIlveen: I appreciate the Minister's response. Given the extent and scale of some of the breaches to date and the lead role that the junior Ministers are playing on the ministerial-led group on compliance and enforcement, will the Minister outline the extent of her personal commitment, and that of her officials, to the work of that group?

Mrs Long: My senior officials sit on the group and contribute to the discussions. I raise these issues on my biweekly calls with the Chief Constable to ensure that there is good policing input. I have to remind Members constantly that it is not only the police who are responsible for enforcement but councils have a role. I offered to take forward the review of the penalties as a separate piece of work. I will bring the recommendations to the Executive in due course, hopefully in advance of this Thursday's Executive meeting. It is important that all members of the Executive are committed to that.

It should be noted that the police, councils and others are looking at a different model of how they take forward these issues under civil contingencies legislation, which would probably transfer responsibility for leadership on the issue to Health as it wishes to be tasked, from a Health perspective, with the duties that it undertakes as they do not sit comfortably in the Justice sphere.

Face Coverings: Fines

T3. **Mr Boylan** asked the Minister of Justice for her assessment of the imposition of fines in relation to people not wearing face coverings and to state whether the regulations concerning masks have been sufficiently enforced. (AQT 493/17-22)

Mrs Long: There is a danger in thinking that, because there have been no fines on an issue, there has been no activity around it. That is a flawed narrative. The police make many thousands of interventions with people in an average week; they speak to people, ask them

to wear a mask, explain the importance of it and explain the regulations. The vast majority of people who are able to do so comply. The fact that we are not handing out fines is not that unusual; there has not been a significant number of fines across GB, either. It is quite a difficult area for the police to enforce. There are sensitivities in terms of people's underlying health conditions that may make it difficult for them to wear masks. There can be complications in determining the age of an individual and whether they should be wearing a mask in different circumstances. It is incumbent on all of us to show leadership. By showing leadership, we show that we recognise the importance of wearing a face covering when we are in closed circumstances and where we may find social distancing being breached. By showing people that we do not see the wearing of face coverings as in some way emasculating or as a pointless exercise, we can demonstrate leadership in the community and, hopefully, encourage others to take their responsibilities in that regard equally as seriously.

Mr Boylan: I thank the Minister for that response. There have been disturbing reports about unacceptable abuse towards workers, particularly shopworkers, who have played a vital role throughout the pandemic. Will the Minister give assurances that such unacceptable abuse will not be tolerated by her Department and the criminal justice system?

Mrs Long: I think that we have all witnessed people being less than gracious when they have been asked to put on a mask in a shop, a restaurant or wherever they may be by the people who have gone out every day throughout the pandemic and served the community in order to keep things ticking over. Anyone who gets abusive towards staff risks exactly the same penalty as they would at any other time. Engagement has to be civil. If people have good reason not to wear a mask, there is nothing to preclude them from making that clear without getting into altercations with shopworkers. We have been clear that, although the police do not have the resources to be in every shop or on every bus, train or street corner, they have the resources to respond when people are being abusive, are creating a disturbance or being intimidating or threatening towards members of the public. I hope that shopworkers have the confidence to phone the police in those circumstances. I am sure that they would get a speedy response.

Antisocial Behaviour

T4. **Ms Bailey** asked the Minister of Justice to outline the membership of the antisocial behaviour delivery group that is led by her Department. (AQT 494/17-22)

Mrs Long: The cross-departmental, multi-agency group brings together officials from local government, the Department for Communities, my Department and, I think, the Executive Office. I will write to the Member with the full detail of its membership and complement. The group's work is hugely important in tackling antisocial behaviour (ASB). We clearly have issues around how we tackle that. Those issues have been multiplied by COVID but they pre-exist it. We have been working on that in respect of an antisocial behaviour strategy and how we might implement better procedures.

Ms Bailey: Will the Minister let us know how many times the group has met to date and whether the strategy will be published so that we can see it in the form of a report?

Mrs Long: As regards an update on the review, there will be an opportunity for people to see an outcome. In the review of ASB legislation, we are engaging with stakeholders, including colleagues across other Departments, to gather evidence and discuss what changes, if any, should be made to the legislation. However, non-legislative measures and any structures to allow for partnership and collaborative working are also being considered. It is a Programme for Government commitment to review ASB legislation. I have to say that the momentum for that has been heavily influenced by disorder in the Holylands linked to on-street drinking.

In April 2018, the DOJ undertook a public consultation. Since the publication of the response document in December 2019, we have been taking this forward in respect of how we will gather and share evidence. The first meeting of the delivery group to progress the work was held in July, the second meeting in August, and plans are in place for monthly meetings. Any legislative change spanning a number of Departments is unlikely to be commenced within this mandate. However, as I said, there is an opportunity for us to take this work through via non-legislative measures. An update on the work will be with the Justice Committee in the new year.

Sentencing Review NI: Update

T5. **Mr Sheehan** asked the Minister of Justice, given that, last week, her Department published a summary of the responses to the sentencing review consultation, to outline her next steps and to advise when she thinks this can be turned into an action plan. (AQT 495/17-22)

Mrs Long: First, I want to thank, and put on record my appreciation of, everyone who responded to that consultation. We often hear sentencing, sentencing structures and so on being debated. It is hugely important that, when people get the opportunity to give us their feedback, they do so.

For me, when reviewing the consultation document, the number of responses around road traffic deaths was stark. I think that that was largely as a result of the incredible campaign by Enda Dolan's parents to focus attention on that element of the consultation. However, we had some very thought-provoking responses throughout the consultation. There will be an opportunity for us to take that forward. I am considering those responses. We will then move on to see whether changes need to be made to the sentencing framework or whether, in the interim, non-legislative measures can be taken forward to ensure that people feel that the time and energy that they invested in the consultation is repaid in the out-turn.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. Given that a number of issues were not included in the consultation, such as sentencing in respect of drugs and car theft, does the Minister believe that the consultation went far enough to address the lack of public confidence in sentencing policy?

Mrs Long: I will say a couple of things in response to that. First, the sentencing review did not indicate a lack of confidence in sentencing policy. There is sometimes a lack of understanding of sentencing policy. That needs to be addressed by Members as much as by anyone else so that, when they communicate sentencing, they understand the detail of the sentences and how they are arrived at.

I have been on a steep learning curve with respect to sentencing over the last eight months.

3.30 pm

It will be hugely important to look not only at the issues covered in the sentencing review but at other issues that may be raised as we take it forward and when it comes to, for example, legislation. Others may want to feed into that, including Members, and they will have ample opportunity to do so through the Justice Committee or, indeed, through me directly.

PSNI: 101 Reporting System

T6. **Mr M Bradley** asked the Minister of Justice whether she agrees that the PSNI's 101 reporting system needs an urgent overall. (AQT 496/17-22)

Mrs Long: The operation of the 101 system is an operational matter for the Chief Constable and the Policing Board to take forward. It would not be appropriate for me to comment on it.

Mr M Bradley: The reason that I ask is that I receive regular complaints from constituents, who feel like criminals when they try to report incidents, especially incidents of a sensitive nature. They also feel that some of the operators who answer the calls hang up because they do not know what geographical area the complainant is speaking about. It is an urgent matter that needs to be addressed.

Mrs Long: If the Member wants to write to me, I would be more than happy to pass that concern on to the Chief Constable for him to look at it in due course.

Mr Speaker: I can let Catherine Kelly ask a very short question.

Domestic Abuse and Family Proceedings Bill

T7. **Ms C Kelly** asked the Minister of Justice to give a timeline for the completion of the passage of the Domestic Abuse and Family Proceedings Bill, given that the Justice Committee is due to conclude Committee Stage in the next fortnight. (AQT 497/17-22)

Mrs Long: First, I want to thank the Justice Committee again. The Bill is a weighty piece of legislation, and some significant improvements have been made to it through the Committee system. That is why scrutiny is so important.

I will meet the Chair and the Deputy Chair of the Committee shortly, not just to look at the scheduling of Consideration Stage and Further Consideration Stage of that Bill but to discuss other legislation that we hope to introduce to

the Assembly over the autumn. It is also, of course, a matter for the House, through the Speaker, to schedule business. Perhaps, having heard your plea for us to do it quickly, Mr Speaker will be minded to accommodate that.

Mr Speaker: Unfortunately, time is up, so we cannot explore that matter any further at the moment. *[Laughter.]*

Mr Nesbitt: On a point of order, Mr Speaker. When I asked the Justice Minister about the conversations that she had had with the Secretary of State, she said that I did not know what conversations she had had because I had not asked that question. The Hansard report of 22 September makes it clear:

"I ask again, what steps is the Minister taking to address this issue?" — [Official Report (Hansard), 22 September 2020, p35, col 2].

I did ask the question. Having a conversation is taking a step.

Mr Speaker: OK. The Member has made his point. I will review the Hansard report in due course.

Mrs Long: Further to that point of order, I am happy to clarify that now if it would be helpful.

Mr Speaker: Very briefly, please.

Mrs Long: I do not believe that having a conversation is taking action. I believe that having a conversation and exploring the issues is not a step towards action; it is simply that: a conversation. I was not asked whether I had had any conversations.

Mr Speaker: OK. Your remarks have been noted. Thank you very much.

Members should take their ease while we prepare the Chamber.

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

Executive Committee Business

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: Before we proceed to the motion on the statutory rule (SR), I want to say two things. First, on a personal note, I thank all the Members of the House who contacted me during my recent illness. It was very much appreciated. I also want to record in Hansard my appreciation for the Member for South Antrim for ordering me to the hospital to ensure that I got the necessary medical treatment.

Secondly, the statutory rule that we are about to consider relates to the opening of soft-play areas. If you want to talk about Funky Monkeys in Dundonald, that is fine. If you want to talk about Coco's in Newcastle, that is grand. If you want to have a general discussion about coronavirus and how the Government are handling it, not so good. I ask Members please to direct their comments to the content of the statutory rule.

Mr Kearney (Junior Minister, The Executive Office): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

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

Mr Kearney: May I just note your opening remarks, a Phríomh-LeasCheann Comhairle? They offer very timely and appropriate guidance on the progress of the debate.

The motion before the Assembly relates to the amendment (No. 3) regulations to the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations. Members will recall that the (No. 2) regulations were made on 23 July. They revoked and replaced the original health protection regulations, including all the previous amendments made to them. The (No. 2)

regulations required the closure of certain businesses, services and premises listed in the schedule, except for limited permitted uses.

Prior to the motion before us today, the (No. 2) regulations were subject to a number of amendment regulations, some of which have already been laid in the Assembly by the Health Minister. The first amendments to the (No. 2) regulations were made on 7 August. Those allowed certain venues to reopen under specified circumstances, including theatres or concert halls for rehearsals or live recordings without an audience. Nightclubs, conference halls, conference facilities and soft-play areas remained subject to closure, however.

The amendment (No. 3) regulations, which are the specific and singular focus of today's debate, removed soft-play areas from those businesses, service providers and premises subject to closure and allowed them to reopen on 14 September. The decision to exempt soft-play areas from closure was agreed on the basis of the most up-to-date medical and scientific evidence at the time and on the stipulation that all relevant public health guidance and mitigating measures be implemented in advance of reopening.

The Executive considered the reopening of soft-play areas to provide the balance in retaining livelihoods in the sector, whilst improving family life. It is hoped that restoring a sense of normality for children, as well as providing them with a controlled space in which to develop their social skills, will help to increase their well-being. That amendment followed the reopening of other key spaces for children, which was catered for in the original revisions to the regulations in July 2020. Those included summer schemes and playgrounds. The decision to reopen soft-play areas came into effect over three weeks ago, and much has changed since then.

Ní mór dúinn ár machnamh a dhéanamh ar an rún atá os ár gcomhair i dtaca leis na cúrsaí reatha is déanaí. Caithfimid an comhthéacs reatha a chur san áireamh i gcónaí. It is therefore important to consider the motion in the context of recent developments. As has been repeatedly emphasised in these debates, we need to take account of context at all times, and levels of community transmission, continuous scientific analysis and due regard for societal and economic recovery are all relevant to the context in which decisions need to be understood and agreed. Over the past week, in the context of stable testing, there has been a marked increase in new positive cases, along with a progressive rise in COVID-19 hospital

patients, which are now close to 25% of peak levels during wave 1. The R number is clearly above 1 for new cases and hospital admissions, and has been for a number of weeks.

The First Minister made a statement to the Assembly last Tuesday. Since then, there has been a further increase in the daily number of people testing positive. Yesterday, the number was 616, and today that number is 669. Unfortunately, there has also been further deaths, bringing the death toll to 585. Yesterday, there were 64 COVID patients in hospitals across the North. Today, there are 85, with 13 in intensive care. The current number of confirmed cases in the South of Ireland is 38,549. Throughout Ireland, a total of 53,908 confirmed cases have been recorded. To date, 2,395 deaths have been caused by the virus throughout the island.

From the outset, the behaviour and pathway of the pandemic has been similar across Ireland. However, levels of community transmission and confirmed cases of infection in the North have remained as a factor of that island-wide pattern. That, however, has now changed. Tá athrú ollmhór ann anois, agus tá cúrsaí ag dul in olcas ó thuaidh. Notwithstanding the deteriorating situation in the South, it is deeply alarming to note that, per head of population, the levels of community transmission and infection in this jurisdiction now exceed what is happening there. Our power-sharing Executive have discussed that new, disturbing context. It is recognised by every Minister that we have entered a new and dangerous phase of this health emergency. All Ministers from our five main parties are agreed that this changing situation requires us to reset our regional Government's approach to tackling COVID-19 in the coming period.

Evidence from the test, trace and protect programme tells us that a significant number of COVID cases are being acquired through household contacts and informal interactions within the community. In response to that, further restrictions have been imposed on gatherings in domestic settings — initially on a postcode basis, and then extended to all households. They were brought into effect through amendment No. 4 to the No. 2 regulations. Restrictions imposed on indoor venues were then extended to outdoor venues through amendment No. 6 on 28 September.

Members will also be aware of the restricted opening hours for hospitality venues. A closing time of 11.00 pm has been applied to the hospitality sector with effect from last Thursday. Those measures were brought into effect

through amendment No. 7 to the regulations on 1 October and will be debated by the Assembly shortly. Most recently, additional restrictions have been placed on those who live and work in the Derry City and Strabane council area. None of those decisions has been taken lightly, and they have been based on the latest scientific evidence and advice, but the escalating situation in Donegal and the Derry City and Strabane council area gives us all great cause for concern.

While attending the North/South Ministerial Council (NSMC) sectoral meeting on health last Friday, I emphasised the need to ensure that all the required capacities in testing, PPE, ICU and bed capacity were available in this subregion of the island. It reinforces the need for increased North/South coordination and, indeed, a two-island approach.

Measann an Feidhmeannas go bhfuil na srianta sin riachtanach agus in ord agus in eagar. Ní mór dúinn feidhmiú le tras-seoladh na paidéime seo a shárú. The Executive consider those measures to be necessary and proportionate. We must act now to curb the transmission of the virus. I assure Members that those measures will be in place for only as long as it is considered necessary.

Once it is safe, the restrictions will be eased in line with advice from our Chief Medical Officer (CMO) and our Chief Scientific Adviser (CSA).

3.45 pm

All of this shows that the landscape today is quite different from when the amendment on soft-play areas was made. For example, on 10 September, when the Executive made the decision, 599 individuals had tested positive in the previous seven days. Yesterday, that figure was 3,630, which is an increase of over 500%. Therefore, in recognition of the challenges for soft-play areas, the Executive published guidance on 28 September. That guidance informed the owners and operators of the ongoing legal restrictions and requirements. It also offered advice for businesses, including the steps that they can take to reopen and operate in a manner that minimises the risk of transmission. We encourage all soft-play areas to consider that guidance and advice carefully and to be particularly vigilant at this time.

This is a challenging time for us all. All Executive Ministers from our five main parties are agreed on the need for increased unity of purpose and integrated modes of working. The danger of this new unfolding context should not

be underestimated. We will have to rely on new levels of community and political resilience in the time ahead. That will place new demands on all levels of government. As political representatives from all parties, we will each need to be focused on what actually matters regarding our fight back against COVID-19 in the Assembly Chamber, in our scrutiny Committees, at Executive meetings and in separate working structures with our partner agencies. In the coming weeks and months, we will all have to play our role in a whole-of-government and whole-of-society effort to help to suppress the virus. We have demonstrated before that we can do it. Ní neart go cur le chéile. I am confident that we will do so again.

Molaim an rún agus na rialacháin don Tionól. I commend the regulations to the Assembly.

Mr Allister: On a point of order, Mr Principal Deputy Speaker. In the light of your opening remarks that Members would be restricted in their comments, and, now, in the light of the fact that eight of the 10 minutes of the junior Minister's speech would have been, on any construction, in breach of that ruling, can you now revisit it and advise the House that we will all have the same latitude in context in regard to these regulations?

Mr Principal Deputy Speaker: Yes.

Mr Beattie (The Deputy Chairperson of the Committee for The Executive Office): There has been much debate about amendments to the COVID-19 regulations and the impact that the easing of restrictions has on the R rate, and, more recently, we have seen the introduction of tougher restrictions in an effort to bring the R rate down and maximise public health. The Committee has discussed issues around the lifting of restrictions but does not have the responsibility for scrutinising the legislation. The statutory responsibility for that lies with the Health Committee, and I am sure that the Chair will provide detailed commentary in due course. In summary, the Committee for the Executive Office welcomes the lifting of restrictions when the time is right but encourages, in the strongest terms, compliance with those restrictions that remain in place to help in the fight against the spread of the virus.

I will now make a few comments as an Ulster Unionist Party MLA. COVID-19 remains unpredictable. I am giving this statement, here and now, instead of the Chair of the Committee because of COVID and because he is self-isolating. That just shows you that it is in every walk of life, and I wish Colin all the very best.

However, there are some in our society who are simply not taking it seriously. Like the proverbial drunk driver, they will do nothing until there is a fatality, and when there is a fatality, it is far too late.

We talk about easing restrictions, as we are now, in soft-play areas. It is important to ease some of those restrictions. Soft-play areas are not just places for children to socialise with other children; such play aids physical and mental development and their well-being as they mature. Soft-play areas, such as Peter Pan's Neverland in Portadown, are among the most comprehensive and safe ways for kids to develop, so it is right that we look to see how we can open up places like soft-play areas. However, at the same time, we have to impose restrictions in areas such as the Derry and Strabane council area. It is not complicated. We just need to understand what is happening in the COVID environment that we live in. I have said this before: we can unpick the regulations, every day of the week, by picking a scenario and developing that scenario so that it will unpick the regulations, but that will not help anybody. The reality is that, if we do not start to adhere to the legislation and guidance in 2020, we will still be talking about it in 2021, and nobody wants to see that.

Enforcement is a tool, but, increasingly, we will have to look at using enforcement as a tool to make sure that people adhere to the guidance and legislation. I see that some Ministers have stepped up to the mark, put their names forward and forced through those unpopular enforcement measures; some Ministers have cowered away and hidden from it. The message is simple: wash your hands, keep your distance, wear a mask, adhere to the guidance, and let us get out of this COVID environment so that we do not have to talk about it in 2021.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, a Phríomh-Leas-Cheann Comhairle. Seo muid arís i mbun díospóireachta ar srianta a mhaolú nuair atá líon na ndaoine ionfhabhtaithe ag méadú agus srianta eile á maolú. Once again, we find ourselves debating relaxations to restrictions at a time when, sadly, infections are rising and further restrictions are actively under discussion.

The Committee for Health considered this statutory rule on 24 September and was advised that it amends the regulations by removing soft-play areas from businesses, services providers and premises that are required to close. The briefing and discussion

addressed this rule and another which is to come before the House at a later date. While the Committee did not raise any specific concerns in relation to this rule and agreed to support its confirmation, the focus of discussion remained, as it has for some months, on the clarity, communication, rationale and data underpinning the overall approach to restrictions and their relaxation.

Tá an Coiste i mbun cainte go fóill leis an Aire agus tá siad ag iarraidh tuilleadh sonraí faoin fhianaise ar a bhfuil cinntí sna rialacha reachtúla atá ag teacht chun tosaigh bunaithe. The Committee remains in dialogue with the Minister and is seeking to obtain more detail on the evidence base that underpins the decisions that are reflected in the statutory rules that are coming forward. The Committee has had and continues to have regular briefings from the Minister, and it is seeking to play a constructive role in scrutinising the response to the pandemic while promoting an adherence to the regulations and guidance and helping to assist in the communication of changes to the rules.

I will make a few remarks in my role as Sinn Féin's spokesperson for health. I think that it is notable today that the Minister has set out some of the impacts that this has had. It makes me angry when I see people on street corners extolling people to not take this seriously and to not abide by the regulations because it is all some kind of a conspiracy, and I think that that is extremely dangerous. It essentially encourages young people to take a chance and exhorts older and vulnerable people to take themselves out of society in order to protect themselves, and those are not approaches that we can accept.

I ask the public to continue to abide by the restrictions. I recognise that they are difficult, onerous and not to be taken lightly. The Committee for Health does not approve of them lightly; it is because they are necessary to deal with the pandemic. Faoi dheireadh, a Phríomh-Leas-Cheann Comhairle, tá mé cinnte de go mbeidh gach duine d'aon ghuth liomsa agus ár ndlúthpháirtíocht a chur in iúl don lucht oibre a d'fhulaing an oiread sin agus atá anois ag tabhairt aghaidh ar an dúshlán atá amach romhainn. In closing, I am sure that colleagues will join me in expressing solidarity with a workforce that has endured so much and that is now buckling down to help us to meet the challenge of the coming weeks, as the virus is spreading and circulating. I ask everyone to consider all the front-line health and social care workers and their protection and to protect themselves and each other.

Mrs Cameron: Mr Principal Deputy Speaker, it is good to have you back in the hot seat. Be in no doubt that if you need another lift to hospital and to be told what to do, I will be there for you. I should add that I wore my mask when I took him in the car because we could not socially distance.

Obviously, the rule amends the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020 by removing soft-play areas from the list of businesses, services providers and premises that are subject to closure. We are, of course, all aware that we are debating these regulations after the events have taken place. It is well-documented why that is the case, which is the nature of the emergency health regulations.

We find ourselves in a very concerning situation, and I am sure that all of us shared the shock that was expressed by the Health Minister when we heard recently that there were almost 1,000 positive COVID tests in a single day. The vast majority of people across Northern Ireland have sacrificed so much in the last six months in order to curtail the virus, yet we now find ourselves in a position that is, quite frankly, alarming.

The restrictions introduced for indoor gatherings, outdoor gatherings and a range of other areas are necessary. They are not a choice; they are a necessity. If we are able to control the spread of the virus and to protect our elderly and vulnerable, it is simply the right thing to do in order to stop the wrong thing happening, which is lives being lost. We have more localised restrictions, and I commend the people in those areas for their adherence to those measures. Personal sacrifice for the greater good has been the action of the majority, and we thank them for that. I welcome that the soft-play areas have opened for all the good reasons outlined by junior Minister Kearney today.

We still have that minority who think that they are above the regulations and the guidance and that their interests trump all else. The pictures that appeared in recent weeks from GAA activities more than once were, quite simply, scandalous. In Dungannon and Bellaghy, we have seen the sacrifice of many of the people in those areas being mocked by crowds at games and in post-match celebrations. That is wrong. The GAA is to be commended for its very charitable role in responding to the need of the community, and I am very happy to acknowledge that. However, that good work does not excuse the blatant flouting of life-saving rules and regulations, and I am glad to

see that the GAA is taking some action over those regulation breaches. We hear much about leadership, and I would like to hear the leadership of Sinn Féin say that those activities are wrong and to condemn them. Of course, you cannot condemn people for doing what you do yourself, and the deputy First Minister and Members opposite unfortunately sent out a message that the restrictions could be ignored and that nobody would tell them what to do or how to behave. Today, we see the consequences of their actions, with the daily positive case count rising.

I will take this opportunity to again highlight the importance of hands, face and space. We all know it, but we still need to be told to wash and sanitise our hands regularly, cover our faces where social distancing is difficult or not possible and keep space from others. Those are the most basic measures that allow life to continue in a pandemic, and if we do not follow those simple measures we will see our health service being overwhelmed, which will put an unbearable strain on our healthcare workers while they do their absolute best to take care of us all. Let us stop the selfish nonsense of knowing more than scientists and health experts. We must find a way to allow our children to have an education and our businesses to survive.

We have the power within us to do what is right. We have an individual responsibility to set an example and to adhere to and promote the rules and to call out wrongdoing regardless of where it comes from. The next weeks and months will see more families broken-hearted and more families added to the 585 who have already been affected. Let us all commit to doing what we can to make sure that as few families as possible have to go through that trauma.

Mr Principal Deputy Speaker: Mr McNulty is not in his place, so I call his colleague Ms Sinead McLaughlin.

4.00 pm

Ms McLaughlin: Thank you, Mr Principal Deputy Speaker, and thank you, Minister, for your statement. We appreciate the seriousness of the situation that we find ourselves in, but it is important that our communication is right.

We are discussing the relaxing of some regulations while imposing harsher ones in some areas. I appreciate that this is a tightrope and a balancing act, trying to protect lives and livelihoods, but it is not clear messaging. The

Assembly is trying to get the public to adhere to the regulations when we are giving mixed messages.

Ms Bradshaw: I support the regulations as amended. I do so with considerable concern. I put on record the hardship that many owners of soft-play areas went through in the months when they were closed. We all received emails from them. It was disappointing that they were given an opening date that was then rescinded. I understand the thinking behind that, but a lot of them really felt the pressure, especially with the retention of staff.

When the regulations came into operation on 11 September, the trend was just beginning to show an uptick in confirmed cases of the virus. Three weeks later, the situation has been transformed for the worse. Part of the reason for that continues to be the utterly confused messaging, as Sinead has just mentioned, sent out by the regulations themselves. I do not think that we have learned lessons from the last debate on the regulations. There remains considerable, if not more, confusion over what the various regulations mean, how they apply and what they are supposed to achieve. Rightly or wrongly, it is a simple fact that, if people do not understand why they are doing something, they are less likely to comply.

As I said then, we are aiming for voluntary compliance, but the truth is that we are often not getting it. That lack of compliance is often tied to the wrong turnings of the Executive Office and the Department of Health in how they have taken forward and put out the messaging and communication. As a result, less than two weeks after pubs opened, we have a rearguard action, with pleas being made for people not to mix socially. Yet, the very point of pubs is to enable people to mix socially. What does that say? Even within the past fortnight, the Executive Office and the Department of Health were taking action that would inevitably increase social mixing; yet now they are telling people not to do so. That is not what the trends tell us about the rates of cases. The last time that we debated the regulations, I warned that a confused message would get a confused response, and that is what has happened. Even on days when 1,000 people were testing positive, people were packing into indoor venues. It is nonsense.

To set out effective regulation, we need to know how the virus behaves. I am extremely concerned that contact tracing appears to be understaffed, people are not being contacted for days after they need to be contacted and, frankly, we are not getting enough

understanding of the virus. Two weeks ago, the First Minister and deputy First Minister confidently told us that household transmissions were the big issue. Yet, on Sunday, the Chief Scientific Adviser painted a rather different picture, one in which socially mixing in hospitality venues clearly plays a role but one in which, he had to admit, we do not know the origin of many infections. If we do not know, we have no option but to go on evidence from elsewhere and use basic common sense. Social mixing spreads the virus, so why are we so determined to open places whose purpose is to encourage social mixing? That is a basic failure of public policy. It is not evidence-based. We need more information in the public domain about how the Executive make such decisions.

As I said last time, communication is about creating understanding. Compliance and enforcement will be easier if the rules are simple, understandable and enforceable. If our concern is that people should not socially mix, let us put in place regulations and guidance that make that clear consistently and coherently. If we do not want social mixing, do not open venues that exist purely to provide it. If we think that face coverings are important, they should be compulsory at all indoor venues except, perhaps, when eating, where tables are appropriately distanced, or when people are exercising on appropriately distanced equipment.

Last time, I said that I thought that there was still goodwill towards the Executive, but ongoing missteps mean that the public are rapidly losing confidence. As a result, even as case numbers have spiralled out of control, life has gone on almost as normal, with people even queuing to get into pubs and shops. We need to communicate better the regulations and the guidance around them, with less confusion and more clarity, to achieve our stated objective of less social mixing, to reverse the trends in the spread of the virus and to ensure that our health service does not become a "COVID service", as my colleague Pat Sheehan mentioned at the Health Committee recently. We also need to accept where we got it wrong and take the necessary steps to fix it. We have a small window of opportunity.

Mr Principal Deputy Speaker: Before I call the next Member to speak, given that the junior Minister — I hope that he will not be offended by my saying this — took a bit of a liberty in going beyond the confines of soft-play areas, I allowed Ms Bradshaw to do the same. She referred to contact tracing: I do not think that the junior Minister's statement referred to that at any point. I may be wrong on that, and, if I am, I

apologise. Will Members at least try to comment on the content, wide as it was, of the junior Minister's statement?

Mr Sheehan: First, I welcome you back to the Speaker's Chair, Mr Principal Deputy Speaker. Your wit and humour have been missed during your absence.

Mr Principal Deputy Speaker: I do not believe that for a second.

Mr Sheehan: I assure you that I am being very sincere, and I hope that you remain in good health in the time ahead.

I support the regulations as amended. They deal with the reopening of soft-play centres and are a relaxation of the previous draconian legislation. We have all been here many times dealing with these regulations, and most agree that they have been draconian, albeit necessary to get to grips with the pandemic.

In many ways, the regulations are like part of a contract. We ask people to abide by the regulations, and, in return, they expect us to keep them safe. We ask them to adhere to social distancing, to wash their hands and all of those other measures like wearing masks and so on. In turn, for accepting those draconian regulations, they expect us to do our best to keep them safe.

The Principal Deputy Speaker said that we should not move into the area of testing and tracing. I do not want to do so, but that is part of the contract of the regulations and the system that is in place to keep people safe. Testing and tracing is essential to keeping people safe, and, at the minute, there are difficulties with it. This morning, we saw a letter signed by 13 senior medics from different hospitals who say that the testing and tracing system needs fixed. We saw difficulties across the water yesterday, where 16,000 people were not traced because of a technical malfunction. If we, as political leaders, are to do our best to keep people safe, we must get over those difficulties.

There is a contract. We ask the public to sign up to that contract and to be party to it, but we have to carry out our part of the contract.

Ms Anderson: I also welcome you back. We have missed you at the Committee meetings. I hope that you stay well.

It will be difficult to discuss the issue without widening it. I appreciate the fact that you will allow us to at least respond, and I will try my

best to fit what I want to say into a response to what the junior Minister said.

We are dealing with the amendment to the Health Protection (Coronavirus, Restrictions) Regulations. Obviously, we know that some of the regulations have been superseded by further restrictions that the Assembly will deal with at a later date. The amendment is to remove the requirement for soft-play facilities to be subject to closure. Officials confirm that, despite those added restrictions to places such as Derry and Strabane, such facilities can remain open with appropriate precautions. I was concerned that, if that had not been the case for Derry and Strabane, for instance, we would have been sending out a signal that would have made people very confused. People who operate such facilities were confused over the weekend. They were contacting us and did not know whether they could stay open. It is important to note that officials have confirmed that they are still operating in the same way, and that message needs to be heard across the Derry and Strabane area.

As the Minister said, the motion addresses the concerning rate of COVID-19 spread. I listened to the figure being read out of 599 and then today's figure of 3,630, so we can see how alarming it is. We can also see that all the restrictions are vital in addressing this deadly virus and trying to get it under control. My constituency of Foyle is part of Derry and Strabane District Council, where, from last Tuesday to this Tuesday, 876 people have COVID-19. When the regulations were brought in, I knew no one in my constituency with COVID-19. Now, there are probably very few people in Derry and Strabane who do not know someone who has COVID-19 or at least know people who are self-isolating. Such is the alarming rate of spread that not a day goes by without someone telling me a name of a person whom I know. When the first wave was at its height and we were all discussing it, I knew no one. Up to the end, there was one person in the city whom I knew.

I think that people are getting the message. Ministers have said today and in the past that we are the hosts of the virus. We are the carriers of this deadly virus, and it is spreading at an alarming rate. Fortunately, Derry and Strabane, like many areas across the North, has a fantastic community infrastructure. That includes the offering that has been made from soft play and elsewhere. We have a community and voluntary sector with people in it who have gone beyond the call of duty and will do so

again. I believe that we will get this under control.

I listened to the figures that the Minister gave us, and, like everyone here, my heart was sore at the first wave, particularly as we were dealing with vulnerable people in care homes. We were all running around ragged at times, trying to secure PPE for them and trying to get people protected. Today, we hear that 31 of our care homes are battling to stop the further spread of the virus. Carers and workers in care homes have been mentioned.

We have been talking about soft-play areas, and there is soft evidence — it is subjective evidence, not scientific evidence — that some carers who are agency workers do not qualify for any kind of financial support. I know that there are some in my constituency. If, for instance, they are self-isolating, they do not even qualify for statutory sick pay, because they are agency workers. They go from one care home or house to another, because that is their job. The fact is that they may feel that they have to carry on working. If we are talking about trying to curb the spread of this deadly virus in the middle of a second wave, as we are in now, we need to be mindful of the implications for those workers.

4.15 pm

We have also mentioned people who are recently self-employed. Some owners of soft-play areas are recently self-employed. They have facilities that were closed down at the time, and they were not able to get any financial assistance. Many people from different political parties in the Chamber have raised the issue. At the weekend, I spoke to one owner of a small business. He is running on empty. He heard the Economy Minister say that he had fallen through the cracks. He received nothing from the hardship fund or from the two grants. Recently self-employed people, including people who operate soft-play facilities and others, have been struggling throughout the pandemic.

When we put restrictions in place, we need to keep in mind the financial package that will be coming forward to deal with some of those facilities that had recently reopened. Some pubs spent a fortune, when they did not really have it, in order to try to reopen, and now they are having to close again. Thankfully, we have been told that soft-play areas are not closing, although they must ensure that they follow all the precautions. We know that people are struggling at this time.

As a community, Derry and Strabane is probably no different from any other. It is a community of people who will look out for one another and go beyond the call of duty to make sure that we get the virus under control. The junior Minister mentioned the figures for the number of people who are infected. We know now that 89 people, I believe, are in hospital, with 13 of them in ICU.

I want to talk about the hospital in my constituency. Thankfully, Altnagelvin is a fantastic hospital. I had brought to the Minister of Health the case of a man who, separate from all that has been going on, had been waiting five years for a hip replacement. He got an apology, but he is still waiting. The orthopaedic ward is closing because, we believe, it has to be repurposed owing to COVID. I am concerned about the disruption that that will cause to services across hospitals.

Given the figures that the junior Minister gave us today, it is difficult to focus on the issue of soft-play areas. Across this island, 53,908 people have been affected. That is an alarming figure. People need to hear more of that kind of language, if they have not heard it previously, coming from Ministers so that it resonates. Unfortunately, we know that, across the North and perhaps further afield, there are anti-mask campaigns — they may be small in number, but they are out there — and people saying that it is all a conspiracy. They are saying that the World Health Organization (WHO) is filling our heads full of sweetie mice and that the pandemic is not happening. This is serious. It is real. We all now know somebody who has been affected, be it in our family, neighbourhood or community. We all now need to work collectively. I believe that we can. Unfortunately, however, if we do not get a grip and get this under control, I do not think that this is the end of the conversation that we will be having about restrictions. Thank you for the latitude that you have given us all today. I really do appreciate it.

Mr O'Toole: Mr Principal Deputy Speaker, like others, I welcome you back to your place. It is good to see.

Like others, I welcome the fact that this regulation is being changed. It feels slightly surreal to be talking about it. Up front, before we get on to the more serious matters, I should declare an interest in that, as the father of a three-year-old, I have a very specific interest in soft-play facilities being open, as, I am sure, do other parents of young children. I have had lots of correspondence from owners and operators

of soft-play facilities who welcomed this clarity when the regulation was changed, and I am sure that, like myself, other parents welcomed the fact that these facilities, with specific sanitary and health measures in place, were able to reopen.

Having said that, and reflecting on the latitude that you have allowed us, Mr Principal Deputy Speaker, the specific regulation change that we are talking about today feels almost quaint and tiny, frankly, in relation to the seriousness of the statistics that are coming at us every day in relation to new infections and, now, not just new infections but increased hospitalisations.

Martina Anderson referred to the increase in the number of people hospitalised. If I have read it correctly, today's figures went from the early 60s to either 85 or 89. I think that it was an increase of nearly a third. In the last 24 hours, the number of people hospitalised with COVID-19 in Northern Ireland has increased by about a third, if I have got that correct. If I have not, I apologise to Members. However, if I have got that right, that is extremely serious. That is an extremely worrying increase, and it clearly reflects a shift in the pattern of this virus in the second wave.

We are not now in a lag period where increased socialisation is happening and therefore infections are increasing. We are probably in the second phase, where, because we have had a few weeks of increased socialisation and infections increasing, we are now seeing the medical impact of that in increased hospitalisations. It is, I am afraid, therefore inevitable that the next step in the weeks to come will be an increased number of deaths. That is unavoidable. That is almost an arithmetical fact, on the basis of the increase in infections and the increase in hospitalisations.

It is true, notwithstanding some of the surreal remarks coming from the White House, that medical professionals are better equipped now in terms of their understanding of this virus. There is a little more knowledge about treatment. I welcome what we have heard this morning from the Health Minister about preparedness and about getting the Nightingale facilities back up and running. That now seems like an inevitability, but I welcome much of what he said about increased capacity in the health service and increased procurement, over the past few months, of ventilators and PPE, which are, in a sense, two different parts of the NHS response to this virus. It is clear that, in the coming weeks, we will be entering — or have already entered, as I said — a very serious phase of this crisis.

The difficulty has been reflected a little in the debate today, because every Member who has spoken has done so with complete sincerity and seriousness about their constituents, about this place and about the public health response, but it is also clear that there is a deficit in clarity around policymaking for this jurisdiction. I do not say that to score points against either of the Ministers here, the parties they represent or, indeed, the Executive as a whole. My party is a participant, and it is a five-party Executive, as the junior Minister said. I agree with that. This is one for all of us, but it is true that it will be a uniquely difficult challenge for the Executive.

It will be uniquely difficult for two reasons. First, the first part of the COVID crisis involved, in a sense, a very clear sense of purpose. It involved a very clear message that had to be communicated to people, not just in this society but society everywhere. Stay at home. Lock down. Limit your contacts. While we are saying those things now, we are saying them with caveats and with a degree of shade, as it were.

It is also true that some of that shade is necessary. I am not going to stand here today and say that we should lock down tomorrow. I could not stand over that recommendation as a public representative. Nor can I say that I am anything other than deeply concerned about the path of the virus and that large parts of our society are not just open as before but that there appears to be, as others have said, a real challenge around observance of current best practice, not just the restrictions and the regulations but mask wearing and social distancing. That is the first part. That is the first challenge that the Executive face.

The first phase of COVID was more straightforward. We were telling people, "Do not leave the house other than for a little bit of exercise or to get your shopping". That is a challenge that all jurisdictions face, and it is one that they will have to navigate. The best way of navigating it will be getting everybody at the Assembly — certainly everyone who is a public representative — and the wider community on board with why the guidance remains more complicated than it was in March. What I mean by that is that, if we are not locking down everywhere but are going to have a more tailored, localised, lockdown approach, we need to know the Executive's working out. We need to understand the rationale for decisions.

The vast majority of the public want to follow the regulations, and they want to keep their families and their neighbours safe. The best way of ensuring that they do that is to treat them with a degree of seriousness and respect

and to explain why certain restrictions are the way that they are. That includes explaining why, for example, certain restrictions have not been imposed on some businesses, licensed premises, restaurants or hospitality venues.

If the reason is that the Executive have made a decision to balance a pure public health response or a pure COVID limitation response with broader economic aims, that is not necessarily an illegitimate aim, but it has to be explained to people. It has to be explained why that balance has been struck and how those decisions have been made.

One of the junior Ministers has his head in his hands. I have no doubt that he is thinking about this every day and is probably having to think about those balances. That is the first challenge.

The second challenge, I am afraid, is one that is distinct to this place. It is the unique way in which we are set up geographically, jurisdictionally and, in a sense, culturally and societally, in that we look both east-west and North/South. We take our cues politically from other jurisdictions. That is not necessarily a dysfunctional thing; it is a natural thing. We share a land mass with the rest of Ireland. We have consistently called for an all-island approach to managing this virus, and I still think that that is critical.

I welcome lots of what I heard from the Health Minister today, and we need to see collaboration on that front. We also need to see very clear east-west collaboration. Not just because our economies are interlinked and there continue to be significant degrees of transit between Great Britain and Northern Ireland but also because, frankly, we will need to ensure that our public health and economic responses are tied into the funding package that we are getting from Whitehall and to the economic response that the United Kingdom Government is willing to make. We are, like it or not, bound into that structure, as the Finance Minister said today.

Our North/South and east-west preoccupation in this place is not irrational. It is a necessary and critical part of our managing the holistic policy and public health response to this virus. However, we have a challenge there too. In those jurisdictions, the Administrations are finding it harder to be as consistent, unified and clear in their own approach to the virus as they were earlier this year. We saw what happened in the South, in the last 24 hours, with the National Public Health Emergency Team (NPHE) and the Chief Medical Officer and the

difference in emphasis, to put it diplomatically, between medical advisers and Ministers in the South.

4.30 pm

We also see, in Britain, many and significant challenges around the UK Government's response to the virus, not least their officials' misuse of Excel in the last day or two. It is not just Whitehall's response to it. Today, we saw several metropolitan mayors in the north of England issue complaints about the way in which what are called "local lockdowns" are working in their jurisdictions of Liverpool, Manchester and elsewhere. They clearly want to manage the virus and keep it as low as possible in their jurisdictions, but they raise particular questions about how the lockdowns work in their areas. I do not have the answer to any of that, and it would be deeply disingenuous for me to stand here today and say, "Well, this is exactly what should happen; this is exactly the path that we need to follow".

I admit — it has been implicit in what most colleagues have said today — that we are entering into really complicated and genuinely uncharted territories with the trade-offs that we have to manage in the weeks and months ahead. We need to ensure, first of all, that the public health guidance is followed to the absolute maximum. That is what we have the most control over: that citizens in our society are absolutely clear about the steps that they need to take. Whatever the regulations are, whatever premises are open or closed, whatever the exact regulations are at any given moment, they need to take personal responsibility, first and foremost. It is clear that many people in various parts of our society have not been doing that over the last few weeks and months. If there is one thing that we have control over, it is how we message clearly to the public.

To come back to my overarching message, there are two specific but interlinked challenges. The Executive face a very difficult period ahead in deciding on the correct policy response to the, frankly, chilling increase in infections in our society and in managing that on a North/South and east-west basis and, most critically, communicating it in the most clear, consistent and transparent way possible to members of the public.

I have taken up enough of the Assembly's time, but let me just linger on that final point — transparency. We cannot pretend to our citizens that they are easy choices. If we pretend that they are easy choices, we risk them not

following the guidance and not believing us because they cannot understand how the Executive have done their working out. My final plea, as the Executive make their considerations on how we proceed in the days and weeks ahead, is this: be absolutely clear in your public messaging. That is the best way of taking our society with us as we proceed through the next difficult few weeks and months.

Mr Allister: Principal Deputy Speaker, I am sure that all the warm words welcoming you back may have caused you to think that you did not know that you were so popular. Savour the moment. I suspect that —.

Mr Principal Deputy Speaker: It has been a long time since the Member has had a moment like that [*Laughter.*]

Mr Allister: Indeed. [*Laughter.*] We are, undoubtedly, discussing a very serious issue, and COVID has, in all sorts of unpredictable ways, reached every corner of our society. Nothing that I say today will minimise the threat of COVID. I am conscious that, not having stood in the shoes of those who have suffered from COVID, one needs to be cautious about what one says going forward. In the course of my remarks, I will raise some issues about where we are going in tackling the pandemic.

Before I get there, it is important to say that, although the Executive, understandably, make plaintive pleas to people to do the right thing — I echo those pleas, as we all should act with the utmost responsibility, follow the public health guidance and not take it lightly — an abiding problem for them in their messaging is typified by the very presentation of the debate today. The motion was moved by a junior Minister who does not come to the issue with clean hands, so to speak. When it came to the test of that junior Minister on the critical issue of the Executive living by their own laws, he failed it because he was a participant in the most flagrant breach of the regulations by attending the Storey funeral at a time when the regulations said that people who were not family et cetera should not even be there. Therefore, when you bring a debate to a House such as this, hoping that the public are listening and heeding, and the presenter of that debate is one who, with his colleagues, thought himself to be above the very laws that he speaks to, there is a fundamental credibility problem. The same applies to the Member for Foyle Ms Anderson, who was very prominent in that flagrant breach of the law and who, indeed, at or about that time, was tweeting exultantly

about wakes and all sorts of things. What sort of example of what sort of leadership has been set? Until the day comes when the Ministers and Members who put themselves in that position unequivocally, with no weasel words, apologise to the public, whom they exhort to follow the rules, for not following the rules themselves by attending that funeral et cetera, the Executive will be beset with a credibility issue on the regulations. That is the reality. Some might like to duck and dive and pretend otherwise, but that is the reality.

Maybe it is no surprise that, when political leaders set that example, other organisations, never mind individuals, think that they too can be above the law. We have seen that with some of the GAA gatherings that Mrs Cameron referred to, where, for three successive Sundays, we saw social-distancing breaches and all of that. Yesterday, we had a statement from the GAA acknowledging the difficulties and saying that it was going to cancel club matches, but it has not cancelled inter-county matches. If what I read today is correct, it is still anticipated that up to 400 people can be at such matches. Organisations too have an obligation to give leadership. I question whether that has been there with the depth and sincerity that are needed.

The question that I have to ask about all the regulations is this: where are we going with them? Is all the action that we are taking about delaying COVID, or is it about defeating COVID? If it is about defeating COVID, should the fit and healthy not have a role in allowing immunity to grow? If, every time the virus raises its ugly head, our response is to shut things down, how do we ever get off the roundabout? Unless the virus obliges us by dying out or a vaccine is found — that seems some way off — by this course of action, we are constantly saying that our only answer is that, when the virus rises, we close down. Is that the sum and substance of the strategy?

Some countries have maybe shown that there is another way, and there has been much reference to Sweden. Immunity has been disparagingly called "herd immunity", but community immunity among the fit and healthy may be an approach that will have to be considered. Bearing in mind the economic and mental health consequences, I do not see how we go on indefinitely repeating the same answer that is not an answer. I ask where we are going with our approach. What is the strategy? Do we not need to get to the point at which we severely ring-fence the vulnerable but allow the rest of society largely to get on with their lives in the expectation and hope that it will

create rising community immunity? The attitude is that, if there is a big rise in the number of cases — not, happily, a great rise in the number of deaths or a great rise in the number of intensive care patients — we say, "We must be severe in our clampdown. As the cases rise, we must come down on the movements of the community". Our proportionality is about restrictions proportionate to the number of cases, not the number of deaths. That strategy will never create a strategy for getting out of this situation.

I say to the Executive that there has to be wider thinking about where exactly we are going. Now, mistakes will be made — that is an inevitability when handling something like this — and you need a safety net and a capacity to take quick countermeasures. However, there needs to be a strategy in mind that is more than just reacting to the rise in the number of cases. If we keep doing that, when will we ever get out of this? That is my question.

Mr Principal Deputy Speaker: Thank you. No other Members have indicated that they wish to speak. I call the junior Minister, Gordon Lyons, to make a winding-up speech and conclude the debate on the motion.

Mr Lyons (Junior Minister, The Executive Office): Thank you very much, Mr Principal Deputy Speaker. I join other Members in welcoming you back to your place and wishing you good health for the future.

I welcome today's debate and thank Members for their contributions. As we are all acutely aware, COVID-19 is not only having an impact on our health but having a significant societal and economic impact.

4.45 pm

The Executive's response to the crisis has always been aimed at delivering a balanced and proportionate package of measures across all those areas. We bring in restrictions only when necessary and relax them as soon as they are no longer required. The reopening of soft-play areas on 14 September is evidence of that, and the guidance published on the Executive's website provides owners with a blueprint for opening in a safe and controlled manner, taking into consideration the protection of staff and customers. The recent restrictions that were put in place across domestic settings, on hospitality closing times and in the Londonderry and Strabane area remind us of the stark position that we find ourselves in.

It is important to remember that the increase in the number of confirmed positive cases is not just because more tests are taking place. As the Health Minister and the CMO have said, the increase in confirmed cases is because the transmission rate has increased and continues to do so. The number of positive cases is of serious concern to the Executive, and I know that it is also of concern to all parts of our society, including individuals, families and businesses. If the rate of increase is allowed to continue, it will, inevitably, lead to an increase in hospital admissions and deaths, and we must do everything that we can to minimise that risk.

I will turn to some of the comments made by Members. I will try to touch on most of the issues but, in particular, those that are most pertinent to the regulations that are in front of us today. First, I was not aware that Mr McGrath had to self-isolate, and I send our best wishes to him and his family. However, in filling in for Mr McGrath, the Deputy Chairperson of the Executive Office Committee, Mr Beattie, rightly identified the benefits of improved well-being by having soft-play areas open. Of course, we must use them safely and in accordance with the published guidance. The Member mentioned enforcement, and it is important to emphasise that enforcement alone will not tackle the issues that we have in front of us, although it is important and will become increasingly so as we get beyond the "explain and encourage" stage. We all need to work in partnership with one another by following the core public health messages. I thank Mr Beattie for his contribution.

Colm Gildernew and Paula Bradshaw raised issues in relation to the evidence base. Scientific evidence is provided to the Executive, and the decision on when that should be published is a matter for the Executive as a whole. Departments submit proposals for the relaxation of regulations to the Department of Health. Their proposals include supporting evidence such as reports by various bodies and submissions from stakeholders. That information is reviewed by the CMO and the CSA, who have access to information from the Scientific Advisory Group for Emergencies (SAGE), the Government advisory group, and other groups from across the UK, the Republic of Ireland and internationally. A professional assessment is made on that basis, including where the country is in the pandemic and the R rate.

I also want to pick up on Mrs Cameron's comments. I congratulate her for her heroic role in making sure that our Principal Deputy Speaker is with us today. She also recognised

the important role that our NHS staff have played in the pandemic thus far. It is important, of course, that we take these actions and obey the regulations so that we can protect them as well. We are at a critical phase in the pandemic, so it is important that we all play our part to help to suppress the virus.

Sinead McLaughlin made a number of comments about communication, and I wholeheartedly agree with her. Mr O'Toole mentioned that communication was easy at the start of the pandemic because, when everything had to close, the message was simple. Of course, it is much more difficult now, and I agree with the Member that communication is key. The Executive have tried to get information out as quickly as possible. I hope that the Member, along with others from the Foyle and West Tyrone constituencies, appreciated the fact that, last week, as Executive Ministers, we took the opportunity to explain the reasoning behind some of the restrictions that were coming in. We hope to keep Members updated in that format in future. It has been recognised that the Executive Office has increased the number of its written statements to the House to explain the reasoning behind some of the things that we have done. I appreciate the Member's comments in that regard.

Mr Sheehan made a number of comments about test and trace, as did Ms Bradshaw. I will not go into those any further, but I am sure that Mr Sheehan knows that they have been placed on the record; I think that that is what he was trying to do, rather than get an answer from me. Ms Anderson made a number of comments. It is, of course, absolutely right that schemes are to be introduced for businesses that will have to endure the additional restrictions. The job retention scheme is still in place. She also mentioned the increasing infection rates. That reminds us that the threat from COVID-19 is still here; it is still a problem, and it still needs to be dealt with. That is why we, as an Executive, will take appropriate and proportionate action when necessary.

I have already touched on the issue that Mr O'Toole raised in relation to the difficulties that we face now compared to where we were before. Of course, we are making policy decisions in a very difficult environment. He is absolutely right: we need to balance economic and societal needs with the pressing health needs. It is important that we recognise the costs that we have seen already from lockdown.

We do not take these decisions lightly. We understand — any MLA who is in touch with

their constituency and constituents at all will understand — the effects that lockdown had on our constituents. I know special needs children who missed out on speech and language therapy, on carers coming in, music therapy, play therapy, physiotherapy and developmental opportunities. We are all aware of the effect that it has had on older people in terms of isolation. We have heard sad stories of older people in nursing homes who have not been able to see their family and the effect that that has had on their mental health.

Obviously, these periods of restriction have had an effect on the mental health of the wider population. We know about the effect that domestic violence has had over this period; lockdown gave an opportunity for abusers to have more control. I think that a lot of charities recorded the highest volume of calls on record over that period.

We also know — Mrs Cameron frequently raises this during debates — about the non-COVID-19-related impact that lockdown has had on physical health. GPs, dentists and other healthcare providers often pick up on greater issues that a person might have with their health. We need to be wary of that. We need also to think about the effect that it has had on the education of our children, when schools were not open. We have to think about funerals; people did not have the proper opportunity to grieve. We need to think of all those issues, and that is before we even touch on the economy, jobs and the people who have struggled during this time. Some people have not received the help that they would have liked. We need to take into consideration the fact that unemployment and poverty also cost lives and have a detrimental impact on our society.

All the issues stemming from restrictions and lockdown come with a cost; we are aware of that. Some of those costs are quantifiable, but many are not. That is why we need to ensure that we take everything into consideration and only take actions that are proportionate. Mr O'Toole is right: we need to balance COVID-19 issues with economic and societal issues. Mr O'Toole also mentioned a number of issues around surge planning. The Minister of Health will have addressed those earlier today.

I fully appreciate the sincerity with which Mr Allister approached the debate. There has been a concerning rise in the number of cases. There is often a lag in the reporting of hospitalisations, hospital admissions and deaths. We do not know the full impact of those at this time. We also have to take into consideration the fact that we have already brought in further restrictions

on household gatherings. The Chief Scientific Adviser has informed us that, I think, 44% of COVID cases can be traced back to household settings. I hope that we will start to see the results of the actions that we took first in Ballymena, then in Belfast and later across Northern Ireland. Hopefully, we will see a reduction in cases and not an increase in the number of hospital admissions and deaths.

I appreciate that the Member is saying that there are different approaches that can be taken. I can assure him that our advisers look at data from all over the world, including the examples that he gave. The Chief Medical Officer has said this to us, however: what is the ultimate goal? The ultimate goal here is a vaccine, whereby we can build up immunity. These steps may be required in the short term, however, to keep the rate of transmission down.

I am sure that the Department will respond in writing in the days ahead to those Members whose points I have not addressed. To conclude my remarks, I want to say that we appreciate that this is a difficult time for everyone. More restrictions are not what any of us wants. I know that people are sick and tired of them. I am sick and tired of them. I am sure that we all are. We long for life to go back to normal. The temptation is to think that we are already there and to act accordingly. That would be wrong. As always, we must continue to be extremely careful in all aspects of our lives, particularly as we think of those in our community who are vulnerable. It is vital that everyone continue to follow the consistent public health messaging and that business owners and members of the public adhere to the advice and measures that are put in place.

I encourage us all to play our part: to maintain social distancing; to maintain good hand and respiratory hygiene; to wear a face covering; and to self-isolate immediately if we experience any symptoms, including a new persistent cough, a fever or a loss of or change in smell or taste. We need to seek a test if we experience any of those symptoms. We need to download the StopCOVID NI app and comply with the restrictions that are in place.

I know that this is a difficult time for all of us. It has been a very difficult few months for many different people, and there have been lots of grim warnings about what comes next. I place on record the fact that, one day, we will be beyond COVID. We will get to the other side of this. It is important that we have some hope and that we give some hope for the future. We can all make sure that we get there quicker, however. We can stop additional sickness and

hospitalisations by following the regulations that have been placed before us. I commend them to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 3) Regulations (Northern Ireland) 2020 be approved.

5.00 pm

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

Private Members' Business

COVID-19: Impact of Restrictions on Workers and the Economy

Ms McLaughlin: I beg to move

That this Assembly recognises the profound impact of COVID-19 restrictions on workers and the economy; notes projections that more than 100,000 people in Northern Ireland could be unemployed by the end of 2020; further notes with regret that many businesses are excluded from current support schemes; notes the positive impact of wage subsidy programmes as a critical lifeline to small businesses and those struggling to make ends meet; expresses regret that the Minister for the Economy has not produced a COVID-19 recovery strategy that provides support to workers and businesses asked to restrict their trading capacity; and calls on the Minister for the Economy to work with the Minister of Finance to bring forward a radical economic intervention programme that supports wages, creates pathways for those who have lost their jobs to re-enter the labour market, promotes new jobs and closes regional imbalances.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

Ms McLaughlin: We are living through and trying to guide our communities and local businesses through one of the most challenging public health and economic crises in living memory. This is not an easy time for any of us,

least of all for those workers and businesses whose livelihoods hang in the balance. I also want to acknowledge that these are not easy times to be a Minister. We have not experienced a challenge like this before, so it is inevitable that the Executive will not get everything right. Our Ministers are human and, like all of us, they make mistakes, but, in the current environment, mistakes will inevitably have exaggerated impacts, so it is important that they remain open to constructive feedback, and that is the basis on which we approach the debate.

Rishi Sunak got it right with the furlough scheme, but he got it wrong with its replacement, the job support scheme. The result is that more than 100,000 people in Northern Ireland are likely to lose their jobs. Across the UK, it could transpire that 2 million people will be made redundant.

We all have sympathies for those Ministers who have to take tough decisions in a demanding environment, but that does not mean that we can ignore the sense that the Department for the Economy appears to be rudderless; a bit like a small boat being tossed around in a gale and not certain which shore or port it will end up in. The Department must do two things at once: it must navigate through the crisis while preparing for when the crisis is over. I am not confident that it is fit for those purposes.

First, let us consider the immediate challenge. In all our communities there are people who are deeply distressed about the impact that the COVID crisis will have on their family, the security of their jobs and the health of their loved ones. How many people have called each of our offices in absolute despair because they do not know how they will provide for themselves and/or their children? How many have called, deeply and justifiably angry, because they do not see government digging deep to help in their moment of need?

Too many businesses, self-employed workers and others have not received the security of a support scheme to give them the confidence that they will make it through the coming months. Let us consider the groups that have been excluded from the various support schemes: the newly self-employed; those who are self-employed but trade as a company; low-paid, casual workers; businesses that share premises; social enterprises; the arts and freelance artists. They have all been particularly badly hit, with support coming very late for some and not at all for others.

About 10,000 small businesses in Northern Ireland have been excluded from support, and remember that Northern Ireland, much more than Great Britain, is an economy of small and microbusinesses. Yet, we find that, according to an estimate by the Audit Office, around £13.5 million was paid out from the small business grant scheme in error. Moreover, around £65 million was underspent in the hardship fund. That is a lot of money, around £80 million in total, that could have gone to the right hands. My office has heard terrible stories of hardship and distress from childminders right through to individual consultants, hairdressers etc, as have all Members of this House, I am sure.

What is the solution? We have to rescue what we can by re-evaluating our support schemes and making sure that they are fair and properly administered, particularly in the light of the latest restrictions imposed on communities and businesses, and particularly in my constituency in the north-west. I make this impassioned plea here, today, for support for businesses in Derry and Strabane that have had to freeze their operations, not because of their actions but because of our decisions and the impact of the virus.

At the same time as we support businesses in need, we must build a new economy as part of a new society. We need long-term recovery as well as short-term rescue. At the end of this crisis, we will have the same challenges that we had before it. If the problem has not changed, the solution has not changed either, as John Hume used to say repeatedly.

We offer our solution. The SDLP has laid down four principles for the economic recovery of the North: a new deal for our young people, providing them with skills and opportunities as we emerge from our economic crisis; a new localism, rewarding those businesses that have helped us survive in this crisis; new infrastructure to help us build our way out into recovery; and new powers for the Northern Ireland institutions to enable us to raise funds needed to invest in that recovery.

The underlying problems facing the North are infrastructure, skills, productivity and the inequality that lies at the very heart of our society. Infrastructure, obviously, means roads, rail and water, and those are public services, but it also means doing what we can to promote private-sector investment in infrastructure. We need to speed up our roll-out of the higher-speed broadband that will assist rural areas. We need to accelerate spending on the electricity grid. If we can get construction work going and moving quickly on broadband and on

the North/South electricity interconnector, that will assist the creation of new jobs.

That is equally true about major road building, which Minister Mallon has recognised with the fast-tracking of the work on the A6. Indeed, Minister Mallon's team of infrastructure experts has turned round its review of infrastructure provision in just six weeks. That is a great example of how quickly Stormont and its work can proceed when leadership is shown.

We must also invest in carbon infrastructure, kick-starting the green new deal. Our neighbours are about to spend massive sums on retrofitting homes to reduce carbon emissions and home heating costs. We need to do the same, whilst scaling up our commitment to zero-emission energy sources, electric and hydrogen vehicles, carbon capture and large-battery technologies.

Then we have skills. Here, I will congratulate Minister Dodds. She has done exactly what the SDLP called for: she has allocated additional funds to apprenticeships and college vocational training. Well done, Minister. However, we also need to boost investment in training adults who have jobs — those who may lose their jobs in the coming weeks, and those who, we hope, are safe in their jobs. We have to improve skills and improve the use of knowledge in order to raise our productivity.

We must also do much more to tackle imbalances in our economy. We have to raise the skills and aspirations of people living in our poorest communities. That divide is unacceptable, but, for some reason, society has accepted it, so it reoccurs generation after generation. To change that, we must ensure that our schools, preschool support, careers guidance and skills training systems provide ways to enable people to advance into better, and better-paid, jobs. Let us remember the joint commitments in 'New Decade, New Approach' to focus on creating good jobs and protecting workers' rights with security of employment. We have heard little from Minister Dodds about any long-term vision. If we do not know where we want to get to, we are much more likely to get lost along the way. My fear is that the satnav destination has not yet been set. The terrible truth is that many of the jobs that society relied on before the crisis will no longer exist when the crisis ends. We must therefore do all that we can to create the new generation of well-paid jobs that must emerge as we reshape society and the economy when the crisis is over.

The Executive do not have a Programme for Government, an economic strategy, a skills

strategy, an energy strategy or agreement on infrastructure priorities. That cannot go on. I call on the Minister for the Economy to work with the Minister of Finance to plan for long-term recovery and, with all Departments, to bring forward a radical economic intervention programme that supports wages, creates pathways for those made unemployed to re-enter the labour market, promotes new jobs and closes regional imbalances. It is at a time of crisis when you have to take the opportunity to build back better. That comes down to leadership.

Mr Dunne: No doubt, the global pandemic has had a profound impact on our economy and employees across Northern Ireland. It is important to recognise the significant amount of financial support that has been delivered to businesses, contrary to what we have just heard. Local funding schemes that have been initiated by our Economy Minister, through her Department, have complemented the various financial support measures from our UK Government.

The recently announced job support scheme, as the successor to the furlough scheme, is designed to support viable jobs and businesses that will, unfortunately, face lower than usual demand over the winter and will need more time to recover. The extension of the self-employment income support scheme until April 2021 is another welcome commitment from the Chancellor.

The value of being within our great United Kingdom through such a challenging time in our history must be acknowledged. All those measures have been a lifeline to thousands of businesses and employees across Northern Ireland, in every town and village and in our rural areas.

Many sectors of our local economy, including tourism, hospitality and retail, to name a few, continue to face huge challenges. We are in a different space from where we were in March and April. That is why future support must be strategic, targeted and have a positive and sustainable economic impact. The Economy Minister very much recognises that. 'Rebuilding a Stronger Economy', a medium-term recovery plan that was published in June, rightly prioritises decisive interventions to sustain and rebuild our economy over the next 12 to 18 months.

The Minister launched two new support schemes in early September. The £1 million digital selling capability grant was launched to help retailers and wholesalers generate

business online, and the £5 million equity investment fund was targeted at early-stage and seed-stage SMEs.

Those are examples of strategic support to sustain and develop economic activity and to provide much-needed support for upskilling and developing online activity and marketing.

5.15 pm

The aerospace sector is another example of a sector that is facing major challenges globally. There must be a UK-wide solution, and I know that my party colleagues in Westminster and the Minister have pressed the UK Government extensively on the need for a sector-specific fund to sustain and develop our aerospace sector, which is such a valuable direct local employer, with Bombardier employing around 3,000 staff and many others involved in the supply chain.

Yesterday's announcement from the Economy Minister of £4.6 million investment to fund 3,000 online training places for people whose employment has been disrupted by the pandemic is exactly the sort of positive targeted financial support scheme that we need. Those courses, focusing on digital skills, will be delivered by our local colleges and universities and will complement the recently announced apprenticeship recovery package.

We must recognise the work and commitment of our local businesses, which have continued to work through the challenging past seven months and of which many have diversified and adapted their businesses. I was pleased recently to welcome the Minister to two such local businesses in Bangor in North Down: the Denroy Group, which has been manufacturing visors and reusable masks, is working with the health service to supply it with much-needed PPE in the future; and Priory Press, which is a local packaging firm, is investing £1 million in new machinery in order to grow the business into new markets.

While we were on the shop floor of those manufacturing businesses, we were reminded that people are continuing to work very hard in order to keep their businesses running throughout the COVID crisis. Resources are limited, and we must be prudent and strategic with the interventions that we make and continue to get the balance right between protecting the health of our people whilst prioritising our local economy.

Dr Archibald: I welcome the opportunity to speak to the motion. As I said yesterday in the debate on the Internal Market Bill, I am very mindful that, as we speak here today, there are businesses and workers who have faced very difficult circumstances over the past number of months and who continue to face uncertainty about the future, particularly in the context of the additional restrictions that have been introduced in the Derry and Strabane council area and of the rising cases across the island and in Britain, which may see further restrictions required.

We are all very aware that the health of our people and our economy are interlinked and that decisions have deep and long-term impacts. For that reason, I find it unjustifiable that the British Government are ending the furlough scheme at the end of this month. The replacement job support scheme will not be adequate to protect jobs, and there will be thousands of redundancies, which makes the support to protect those jobs to date seem somewhat futile.

The furlough scheme is a necessary support for those sectors that, as yet, cannot return to work or that will have to close again if restrictions are reimposed. The Economy Committee has written to the British Chancellor expressing its concerns about the removal of that vital support, and I know that the Finance Minister has also raised concerns on behalf of the Executive, sought clarifications and requested an urgent meeting with the Chancellor in order to discuss the emerging picture of additional restrictions. In the context of further restrictions, additional support for the Executive will be necessary to help to support businesses, protect jobs and support workers. We do not have the fiscal or borrowing powers to put in place the types of supports that are needed.

I believe that we need to see an economic recovery strategy that has definitive objectives for the short, medium and longer term and that is supported by actions that will achieve them. I believe that there is space for us to do things differently, to build on the experiences that we have had throughout the pandemic of finding alternative ways of working that give people flexibilities to have a better work-life balance and to begin to redress regional imbalances through, for example, the development of regional hubs for working.

In the midst of the health crisis that we still face and of the economic crisis that continues to grow, the climate emergency remains a dominant threat. Therefore, we need to realise the commitment in New Decade, New

Approach to have a green new deal as part of any recovery strategy. Green skills development and infrastructure projects can be central to supporting young people to gain skills and jobs and those who have been made unemployed to gain new skills and get back to work.

All those things can and should be incorporated in our economic recovery strategy. The Sinn Féin economic recovery strategy, which we published in June, incorporated those things across four priorities: supporting workers and their families; supporting businesses to create and sustain employment; delivering on a just transition; and giving the Executive the tools to aid recovery.

A recovery strategy must look to the type of economy and society that we want. I am not convinced that the economic recovery documents that have so far been brought forward by the Economy Minister and the Department for the Economy have the necessary ambition, supported by actions, to address the historical and structural difficulties in our local economy. It is my belief that such a strategy also requires a cross-Executive approach that involves other Departments, in particular, Infrastructure, DAERA and Communities. Indeed, the proposer of the motion mentioned infrastructure projects as part of the recovery, and I believe that the motion should be directed more widely.

Skills, training and employability programmes will also be central to the recovery to enable people to reskill and upskill, and, as Members mentioned, some positive steps have been made in that respect.

We need entrepreneur supports to encourage new business development. That said, I have to reflect on one point in the motion about those who have been excluded from supports to date and those who have been left behind and fallen through the cracks of other supports, such as our newly self-employed and sole traders, small manufacturers and some childcare providers. We need to give businesses and individuals the confidence to know that we will not simply reap the economic benefits of their innovation and labour in the good times but that we will support them through the bad times. I urge the Minister, once again, to look at how supports can be made available to the groups that remain excluded.

I support our looking forward to the type of recovery that we want. I recognise what the Minister said yesterday in response to my question about supporting businesses to build

their capacity. However, for many, survival remains their only focus at this time. I urge the Minister, therefore, to look at how the allocations —

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

Dr Archibald: — for recovery funding can be best utilised here and now to support businesses. For businesses that were viable before COVID, help them to get through this winter and give them a chance to continue to operate and recover, and support jobs and workers into the future.

Mr Stewart: I thank the Member for Foyle for proposing the motion. I recognise her experience in a previous life, and the knowledge and expertise that she brings to the discussion.

To even talk about a figure of 100,000 job losses is frightening. That is 100,000 families, with four or five people per family. It means that a quarter of our population could be affected. It is impossible to overstate the gravity of the impact. The BBC reports today that economists are predicting a contraction of 11% in the Northern Ireland economy, with an estimated growth of only 7% next year. Members of the Committee for the Economy heard recently that it could take four or five years to see a return to pre-COVID levels in our economy.

As I said, I thank the proposer of the motion. The Minister should see the motion for what it is, and hopefully it is not seen as political point-scoring or as a means of attack. Most if not all of us want to play a constructive role in contributing to the economy and making sure that we can feed into a process whereby the economy can grow, and we can save as many jobs as possible and make as many businesses flourish as possible.

The motion rightly refers to business owners and businesses that have so far been unable to avail themselves of any support grants. It is regrettable that, three weeks on, even after a unanimous vote in the House, nothing has come forward. I hope that the Minister is working with her colleagues.

Mr Chambers: Will the Member give way?

Mr Stewart: Yes.

Mr Chambers: Does the Member agree that it is important that nobody in the community should be left to feel that they have fallen

through the net in receiving financial assistance from the Executive?

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

Mr Stewart: That is exactly the key. In our offices, we hear of so many examples of people who have battled, borrowed and done whatever they can to survive while clinging on and hoping that support would come. It is lamentable that we are so far down the line, and those people have still not been able to access financial assistance. I truly hope that support is coming.

The proposer rightly points out the vital life-saving support from the Treasury. Whether it is the self-employment or furlough scheme, they have undoubtedly been essential in staving off massive job losses. Like others, I lament the fact that the scheme will end too soon. It is perhaps penny wise and pound foolish to decide to cut off the furlough scheme immediately and not even support those industries that cannot get back to work. The motion unfairly calls on the Minister and her Department to replace that funding. As the Chair of the Economy Committee said, the vast amount required — billions of pounds — is simply not in the coffers of the Executive. It is important that we recognise the level of intervention that has come from Her Majesty's Treasury to support the scheme. That said, there is a great deal that the Department for the Economy can and should do. The motion refers to the need to provide immediate support for those areas and businesses —

Mr Stalford: Will the Member give way?

Mr Stewart: Yes, certainly.

Mr Stalford: The Member clearly stated that it was not his intention to score political points, and I absolutely accept that. Even a basic understanding of how the finances of this place work would demonstrate that that line in the motion — demanding that the Minister undertake action that the people who tabled the motion know that she cannot, even if she wanted to — is blatant point-scoring.

Mr Stewart: I thank the Member.

As I said, hopefully, that support will continue. I do not want to see a reactionary process, but preparation is needed. Other measures, including circuit breakers, are coming down the road, and the Executive and the Department need to be prepared. We need shovel-ready schemes that can be rolled out quickly to act as

a buffer for businesses that are somewhere between survival and failure. That is essential.

When questioned about the lack of economic recovery or challenged about progress to date, the Minister will point to a paper titled 'Rebuilding a stronger economy – the medium term recovery', which another Member referred to. I was pointed to it, as were a lot of other Members during the week, by the Minister. It has three key headlines: delivering higher paid jobs; delivering a highly skilled workforce; and delivering a more regionally balanced economy. Who could argue with any of those? They are key cornerstones of anything. However, they are not new. In 2011, new jobs, more skills and regional balance were the three key cornerstones. The 2016 Programme for Government included an exact copy and paste of that. Is this the paper that we are working off for economic development? It is a nine-page paper, and it looks like an A-level project. There is nothing in it. There are just phrases like "We want to get here" and "It would be nice if we could do this". I have looked at it, and there is no substance.

I have looked at the Scottish model. Its 'Economic Recovery Implementation Plan', is 60 pages long and was published as a secondary document. It covers the next 20 years and has everything in it: whether it be the social economy, SMEs or the third sector, it is all there.

Why are we so far behind? If you check the business plan in the Department for the Economy's COVID-19 response, you will see that it says that we will deliver a similar scheme by March 2021. I hope that I am wrong. I hope that my complaining will turn out to be futile because the plans are there, but it really worries me that we are so far down the line. The Department is looking to have a scheme by March 2021, a year on from when the lockdown began.

As I said, I hope that I am wrong. I really hope that the Economy Department and Minister have got this nailed and that I am standing here waxing lyrical for no reason, but I am terrified for the hundreds of thousands of jobs that we do not have plans in place to save. The document that we have is just words; there is no real structure behind it.

Mr Muir: I support the motion. The Alliance Party has consistently called for swift and strategic economic responses to the pandemic from Westminster and Stormont. Many of the actions taken to date are welcome. However, with COVID-19 restrictions likely to remain in

place for some time, the Minister for the Economy should bring forward a detailed strategy on how best to support businesses through the highly turbulent winter period. What has been published to date, what is said to be a strategy, just does not cut the mustard. As John Stewart said, we need real actions, not warm words without meaning. Furthermore, the Finance Minister must continue efforts to obtain the necessary financial powers and flexibility to enable the largest possible economic intervention to support workers and businesses in Northern Ireland.

Since the start of March, Ministers and civil servants have worked tirelessly to respond to the unprecedented havoc caused by COVID-19. I commend them for their work during these very challenging times. That is not to say that we are uncritical of some aspects of the response. Indeed, as MLAs, it is our duty to speak out on behalf of constituents when Ministers and Departments fall short. The Alliance Party, my colleague Stewart Dickson in particular, will continue to champion the plight of those who are still excluded from receiving any support.

We also believe that it is unacceptable that Northern Ireland still does not have a Kickstart scheme, a full three months after it was announced by the Chancellor. In Great Britain, Kickstart is already operational, but, in Northern Ireland, we still do not know the details of how our scheme will work — just a hope, an aspiration, that it will start in November. Those are examples of where Ministers have been too slow or have failed to respond. To make sure that that does not happen again, the Minister for the Economy should take the actions outlined in the motion, focused first and foremost on an economic resilience strategy to get us through the winter and into the spring, when we may, hopefully, maybe, look towards a real recovery if a vaccine appears ready for roll-out.

5.30 pm

Mr Stewart: I thank the Member for giving way. The Member rightly points out the need for schemes that have been rolled out in the rest of United Kingdom to come here. That is essential, including the supported training and learning package that was rolled out last week for people who do not have A levels or their equivalent. Would the Member agree that it is important that we look at what Wales has done? Wales is in phase 3 of its economic resilience fund and has pumped £1.7 billion into its economy.

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

Mr Muir: I thank the Member for his intervention. Over the past months of the pandemic, I have looked to other parts of the United Kingdom and to the Republic of Ireland and the interventions that they have made, whether in Scotland, Wales or down South. I have seen with frustration and annoyance the measures that other devolved Administrations and the Republic of Ireland are bringing forward, yet we are stuck in a limbo in Northern Ireland where action is slow or not forthcoming. I agree with the Member that such actions should take place in Northern Ireland.

We know a lot more about COVID-19 than we did at the time of the outbreak at the beginning of the year. We have experience of economic interventions, and we know what restrictions look like and the impact that they have. We also know that the restrictions will continue well into 2021. Some sectors will not be able to trade normally while the restrictions remain in place. There are also sectors whose trading conditions will change dramatically as restrictions are altered in response to the public health situation, such as in the Derry City and Strabane District Council area. Some sectors, such as the events sector, cannot trade at all. In that knowledge, an economic resilience strategy should outline how the Executive can support each of those sectors, whilst acknowledging that many of them have proved resilient to COVID-19 and are, in fact, growing and recruiting. An economic resilience strategy would provide a small amount of much-needed clarity for business owners and employees and enable the focused and effective response required.

The motion calls for "a radical economic intervention programme". We support such an intervention, but we are realistic about the resources available to the Executive. The Minister's ability to act is limited by the block grant, the Barnett consequentials received to date and Northern Ireland's inability to borrow for revenue expenditure. Now is exactly the right time for the Executive to borrow to aid an economic intervention. I back the Minister of Finance in his efforts in lobbying the UK Government to that effect, whilst reiterating the need to ensure that every penny is spent wisely and no moneys are surrendered at the end of the financial year.

There is no doubt that this winter is set to be incredibly challenging for people across Northern Ireland, and the Executive must do everything that they can to provide the best

support possible. We could not prepare for the summer disruption. That is not true of the winter, where the focus must be on safeguarding lives and livelihoods.

Mr Middleton: I welcome the opportunity to speak on the motion and on the impact of COVID-19 restrictions on the economy. Over the past seven months, we have seen severe impacts in our towns and city centres. Many businesses that closed for the first lockdown never reopened, and many of those that reopened have struggled to keep afloat. The latest restrictions in my constituency have come as a bitter blow to those who might have opened their doors for even a matter of days yet who have, effectively, been forced to close them.

I thank the Economy Minister for taking the opportunity on Friday — the earliest opportunity — to meet business leaders from the hospitality sector, the city centre and council. It was a productive meeting. Elected representatives would do well to speak to those business leaders, and some of them have not done so. They need to speak to them and hear their concerns. The business leaders said clearly to us that they see our Minister, Diane Dodds, as a strong advocate at the Executive table. They see her as someone who champions the sectors particularly affected. That was encouraging, and it is worth taking note of it.

That is not to say that there are not genuine concerns. There are, and the push at the minute to get additional support, particularly for my constituency, is one that I will advocate along with others. We face a very concerning situation, however. We could be looking at further local lockdowns across Northern Ireland. Whatever we do, we need to be mindful that interventions in the Derry City and Strabane District Council area may need to be replicated elsewhere. We have to bear that in mind. We will need to be strategic in how we issue our funds. We need to target support at where it is needed, particularly at those who are struggling significantly.

I welcome the medium-term recovery plan brought forward by the Minister in June, titled 'Rebuilding a Stronger Economy'. The paper focuses on the next 12 to 18 months. It sets out a framework for decisive interventions that deliver higher-paying jobs, skilled and agile workforces and a more regionally balanced economy. The paper also highlights some of the challenges and the stark reality that we face, which is that the decline in input in Northern Ireland is more severe than in the rest of the UK. Six years of labour market progress

was undone in a month. The expectation is that redundancies will increase again sharply in the near future. Retail sales and forecasts are falling, and, of course, there are the risks and economic issues that surround the operation of the Northern Ireland protocol. Those are all concerns that we have to grapple with.

The motion states that we need another strategy. Some Members have compared the number of pages in strategies. With all due respect, the Economy Department has plenty of strategies, but we need to focus on delivery. I am confident that this Minister and this party are focused on delivery. Businesses and constituents want delivery, and that is what the Chamber needs to focus on.

On previous occasions during the pandemic, the Minister has rightly been focused on getting money out to businesses as quickly and efficiently as possible. We need to ensure, however, that, when it goes out, the money has the greatest and best possible economic impact, so that, when we come out of the pandemic, businesses are still there and are able to survive.

As we continue to grapple with the unpredictable nature of COVID-19, we need all Ministers to step up to the mark and deliver on their responsibilities. The SDLP talked about what the Executive had not done, but the SDLP is part of the Executive, so it must step up to the plate and make the issues known. All the parties in the Chamber need to come together and stop the party politicking. We need to stop coming into the Chamber simply to have a go while offering no solutions. People need to come forward with solutions, if they have them, and then make their approach known to the Executive. We need to come together on that point.

On a final note, the tone of the motion is, maybe, disappointing. All of us would do well to pull together and support the Minister in bringing forward the interventions needed to ensure that our communities are able to get through this in the best possible fashion.

Ms Dolan: Businesses and workers have faced a difficult few months. It has been only around seven months since the COVID-19 outbreak began, but it is apparent that the virus will have a devastating impact on economic activity here and, as a result, a detrimental impact on workers and their families. Projections that more than 100,000 people in the North could be unemployed by the end of 2020 fill me with deep concern. As must be the case for all MLAs, the majority of queries that come into my

office are about the jobseeker's element of universal credit. Surely, it is more efficient to support workers to stay in work than to put them through the hardship of being unemployed. Small businesses and microbusinesses and their workers are the backbone of our economy. This is not about pouring money into business accounts simply to pay bills; it is about protecting livelihoods and supporting workers and families. When I talk about supporting workers and families, I refer to more than just allocating financial support to those who become unemployed; I am also talking about those who remain employed but may be working from home and deserve the right to disconnect, the new mums who are returning from maternity leave, having been denied many classes and developmental opportunities for their babies because of COVID-19 closures and restrictions or those who have lost loved ones and require paid bereavement leave.

To have a fair recovery, we need to see fundamental changes to our labour market so that workers are truly valued and are afforded the necessary rights and entitlements to take on a new job or additional hours. The so-called new normal or "Build back better" cannot just be slogans; they must contain commitments to advance flexible working arrangements, as well as maternity and bereavement leave. We have heard about the bids that the Economy Minister made in relation to economic recovery, and there is certainly a need to have an economic recovery strategy that addresses the long-term structural issues in the local economy, including low productivity, by focusing on skills development and strengthening workers' rights as well as the economic recovery from COVID-19. That is vital to avoid mass redundancies.

In June of this year, Sinn Féin published our economic recovery strategy, which is based on four key principles: supporting businesses; delivering on a just transition; giving the Executive the tools to aid recovery; and supporting workers and their families. As Sinn Féin's spokesperson on workers' rights, I will home in on that element of our strategy, which focuses on tackling the scourge of low pay and in-work poverty across the North. As Sinn Féin MLAs, we are committed to delivering on the New Decade, New Approach commitments, including the banning of zero-hours contracts and the Executive becoming a living wage employer. Any economic recovery cannot repeat the mistakes of the past, and it must provide decent and secure work.

The Minister's economic recovery strategy cites the need to resolve low-paying jobs, yet her

strategy only looks at improving productivity to do this. She has given no commitment or recognition to the need to end precarious work that results in low pay. If COVID-19 has taught us anything, it is that the functioning of our society relies on the lowest-paid and least-valued workers. Lessons must be learned from that. The Minister has failed to recognise the importance of promoting and facilitating greater trade union membership and collective bargaining rights, both of which have been proven to lead to higher wages and greater productivity rights. Workers firmly need security and protection and must not be forced to choose between risking their health and risking their job.

Mr Stalford: The collective spirit of cooperation that clearly exists in our Government was being exposed there.

This time last year, no one had heard the word "COVID-19" or would have envisaged the damage that such a viral outbreak would have on our economy or generally on our society. The fact that we are looking at 100,000 job losses and the fact that almost a decade of job creation has been wiped out in a few months demonstrate to us the scale of the challenge that we face. It has become a cliché to use the word "unprecedented" about the situation that we are in, but these are unprecedented times.

From listening to Members, I think that it is important to get back to some first principles. Principle number one is that there is no such thing as "government money". These are not government interventions; it is taxpayers' money. If we are talking about making massive financial interventions in the economy, the only place that we can go to to get that money is to the people of this country. No nation in history has taxed itself or borrowed itself into prosperity. No, the way to secure prosperity is to expand and grow the economy.

I agree with some of what the previous Member said, particularly that our sense of what is a key worker has changed. I absolutely accept and agree with that, and I do not just say that because my wife works at B&M on the Cregagh Road. The notion of what a key front-line worker is absolutely has changed.

Going forward, I hope that the companies that provide those jobs — I have to say that I think that B&M is a very good employer — reflect that in how they treat their workers.

5.45 pm

As others have said, the interventions that have been made demonstrate the benefit of Northern Ireland's being a part of the United Kingdom. The sheer scale of the economic intervention has been enormous. However, as I have said in previous debates on these types of issues, it will have to be paid back, just as it was at the end of Second World War. We finished paying that off five or six years ago.

I am mindful of the Eat Out to Help Out scheme. I said at the time —.

Dr Archibald: Will the Member give way?

Mr Stalford: Certainly.

Dr Archibald: I am sure that the Member would accept that, in this phase, we should stimulate recovery and focus on stimuli to create jobs and tax income that will help to generate that recovery.

Mr Stalford: I do not disagree with that, although it does slightly have the logic of a man standing in a bucket, trying to lift himself up. However, that is a different issue. We do have to reflect on the fact that that money, once it is borrowed, will have to be paid back, and the way in which it will be paid back will be through taxation. As the Member says, the way to get more tax take is to expand the economy.

That brings me to the point. Sometimes, at the best of times, Stormont can feel as though it is in a parallel universe. When there are health debates in this Chamber, people lead the charge to lock down vast swathes of the economy and society and insist on almost going back to the situation that we had at the start of the crisis. Then, we have an economy debate, and some of those very same people who led the charge for the economy and general society to be locked down are those who criticise the Economy Minister and demand that she spend more money on economic stimuli and growth. One cannot stimulate a shut-down economy. It needs to be opened up. It is for those Members to square that circle.

Again, we are talking about planning for when the pandemic is over. When will it be over? Does anyone have a date? The criticism of the Minister is that she does not have a plan set in place for when the pandemic is over. Given the twists and turns that there have been over the past seven months, the Minister might not know what her financial position will be in seven weeks, or what resources she will have available.

That brings me to my concluding point. It is the easiest thing in the world to put down a motion that:

"calls on the Minister for the Economy to work with the Minister of Finance to bring forward a radical economic intervention programme that supports wages".

There are no figures, no budget and no idea of what it will look like. It is just a bland:

"calls on the Minister for the Economy".

There are five parties in the Executive. We could all do this, week in and week out. My colleagues and I could table motions that criticise Sinn Féin Ministers —

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Stalford: — or, indeed, the Minister for Infrastructure. We could all do that, or we could actually start to work together.

Ms Rogan: We can all honestly say that many, if not all, of our households have been affected by the impact of COVID-19. Whether it has meant working from home, shielding, isolating or being made redundant, workers and families are continually having to adjust to the ever-changing circumstances. Those workers and families are crying out for radical economic intervention that will make real and lasting improvements to their lives.

In June 2020, Sinn Féin published its own economic recovery strategy. We want to see support for workers and their families, the banning of zero-hours contracts and the Executive becoming a living-wage employer. We want to see support for alternative businesses, such as social enterprises and cooperatives. We want to see commitments to creating sustainable employment and high-quality jobs. We are also calling for additional support for the creation of new, indigenous, small and medium-sized enterprises, which make up 90% of the businesses across our economy.

The ending of long-standing regional imbalances and regional inequalities is also a priority. We want to see our local towns and villages being enabled to grow and prosper so that residents are not required to make long commutes and journeys to get to work. It is also an ideal time to grow our green economy and create additional well-paid employment. The

further expansion of renewable energy can also help to lower costs for families and businesses.

Giving our Executive greater control of their financial resources is also essential. The transfer of fiscal powers is necessary in order for us to raise revenue and deliver a fair recovery that will meet the needs of people here.

The Minister's economic recovery strategy misses many of the key objectives. The Minister has made no bids and made no proposal for tackling regional inequalities through job creation or support. The lack of investor visits being scheduled by Invest NI in areas outside south Belfast is a major issue and one that needs to be addressed in order to deliver an inclusive recovery.

In the past, we have seen an over-reliance on Invest NI and foreign direct investment. In my constituency of South Down, Invest NI hosted no visits from potential investors in the three years from 2016 to 2019. In 2019 alone, 181 visits were hosted in south Belfast. The level of financial assistance offered in South Down was £10 million over three years, whereas, in 2019, in south Belfast alone, £26 million of assistance was offered. That proves that the Economy Ministers past and present are oblivious to the potential business development opportunities that exist outside south Belfast. While I express deep regret that the Minister for the Economy has not produced a COVID recovery strategy, it is not too late to introduce a radical economic intervention programme that can adequately support the many businesses and communities that have supported us.

I urge Members to support the motion and urge the Economy Minister to enact its objectives.

Mr Catney: When COVID hit at the start of the year, we did not know what impact it would have, we did not know how long the original lockdown would last, and we did not know the massive impact that it would have on all our lives. Still, the Executive, to their credit, acted. They moved quickly to put support mechanisms in place. There were grants, rates holidays, tax breaks, and, yes, because we had to act quickly, some people were missed, but, because we acted, we managed to help and support a lot of our workers.

We are at an important moment. The statistics are clear. We are rapidly heading towards, if not a period of total lockdown, a period of heavy restriction. Now is the time to act, now is the time to put plans in place, and now is the time

to make sure that no one is left behind without support.

A lot of positive work was done, and I welcome the wage subsidy scheme, but the number of workers supported will become fewer and fewer. The Finance Minister and the Economy Minister cannot ignore the projections that show over 100,000 people being out of work by the end of this year. That is at least 12% of our workforce, and it will overwhelmingly be our young and older workers who will lose their jobs. Just saying "over 100,000 people" almost sanitises the impact of that statistic. These are our friends, our families, our children and our grandparents. They are the ones who have been out during the pandemic working hard, serving in our shops, stacking shelves and serving in our restaurants and bars. If we do not act, we will all have many personal stories of those who have lost their livelihoods because of this virus and our inaction.

We must also look at the wider context. We have record levels of economic inactivity in Northern Ireland. We have Brexit looming at the end of the year. I know that it takes a big decision to divert more funds to support schemes, but, if that is not in place, the signs are clear: there may not be an economy to support. Of course, we must try to get back to some sort of normality as soon as possible. That is how we can help the economy. It is therefore important that we all follow the guidelines. Those guidelines must be clear and direct, and they cannot be undermined by the Executive.

On a personal note, during the year my third grandchild was born. I have yet to see them in real life. I have not been able to hold them and to look into the eyes of that child, who is part of the next generation of a wonderful family. Through the breakdown of guidelines as the result of them being unclear, it seems likely that Christmas joy will go by without me seeing my grandchildren.

I know that that is only one story in a large book of stories about sacrifices that have been made. That is why it is so important that the Executive come out united and directly say to people that they should stay socially distant, wear face coverings indoors and follow the guidelines. I ask you to support the motion.

Dr Aiken: Thank you, everybody, for the debate so far. I have been impressed by the tone and tenor of the debate compared with some of the others that we have had recently. It is vital that we do this, because we are talking about our economy, which is the second most

important thing in Northern Ireland, and about the position of our economy. We are also talking about how we can ensure, particularly for our SMEs, which represent 99% of our economy, that there will still be an SME ecosystem when we emerge from COVID at whatever stage.

I am sorry that Mr Stalford is not here, but I want to say this in the spirit of cooperation. We must all work together in order to create a business plan that enables us to come out of the end of this with some form of economy that has the ability to grow and to strengthen rapidly if it needs to, because our economy is going to contract. We have heard that it is going to contract by about 11.7%. That is an absolutely horrifying figure. We need to get it bouncing back not by 7% or by 10% but by 15%, 16% or whatever. That bounce back is going to come from the SME sector. It has the entrepreneurs, and they are the people who are going to be agile enough to be able to do something about this. They are the people that we should be concentrating on and helping.

A lot of the big companies are able to deal with this situation. They have chief executives. They have been able to get financing from banks and to do a variety of things that have enabled them to deal with this situation. However, those in the SME sector have watched their cash drain away and their ability to do things dissipate, and they are now in a situation where they are facing extinction. If they go, that is a part of the economy of Northern Ireland that is not going to come back.

We are in the situation where we have known about this for some time. We have known about this since March. Indeed, the Department for the Economy gave back, I think, about £53 million to the centre, quite rightly at the time, because it did not know how it was going to spend or allocate that money. That was money that came specifically for COVID in order to enable the economy to keep going. That was in March. It is now October.

As many of you in the Chamber will have heard me say, I will be one of the first people to lambast the Finance Minister at every available opportunity. Last week, the Minister of Finance allocated £37.9 million to the Department for the Economy. However, has he received any bids or longer-term bids to support the SME sector? Have any bids been put together for the allocation of the £53 million, which has been very clearly identified by the Minister of Finance as being available?

We also know that there are monitoring rounds. We probably expect come the end of the financial year, as normally happens, even in this period of COVID, that a substantial amount of resource will need to be allocated very quickly. The problem is that, in these circumstances, that money could be ensuring that our economic ecosystem is capable of growing and could be getting the SME sector back up and running.

Mr Muir: Will the Member give way?

Dr Aiken: Certainly.

Mr Muir: Does the Member agree that, if we are surrendering resource funding at the end of the financial year that could have assisted businesses and people through this pandemic, that is nothing short of a scandal?

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

Dr Aiken: I agree with you. One of the things that we should be able to do by working cooperatively together, because we know that the SME sector needs support, is to look at putting together some form of plan that is able to support it. However, I hear words about strategy, business plans and words like that.

It sounds like management-speak. Our SMEs do not need that; they need the assurance of some form of financial support so that they will still be around in the next couple of months to regrow the economy. Quite frankly, Minister, they do not need another strategy or another business plan. They need somebody to tell them very clearly — that should be you, Minister — that we hear what they say and that we will give them the necessary finance to enable them to do that. Minister, you have the opportunity and the support of all the parties in the Assembly who will want to work with you, as well as the Finance Minister and other Ministers, to make that happen. We need to realise that there is a significant problem that we must do something about. It is not the time for more plans and strategies; it is the time for outcomes and actions.

6.00 pm

Gary Middleton quite rightly said that we have had plenty of strategies, and we need some deliverables. As an Assembly, let us commit to making those deliverables happen. Unless we do that for our SME sector, which is 99% of our

economy, there will not be an economy for Northern Ireland.

As Mr Stalford pointed out, there is no question of raising a tax base on an economy that is growing because there will not be an economy to grow. We have to do something. Let us stop talking about it and get on with it, Minister, and let us do something now. We support the motion.

Ms Armstrong: When you get to this stage in a debate, you quite often find that what you wanted to say has already been said. However, I would like to add a little more.

As many Members said, COVID has really had a negative impact not only on the health of our community but on workers and the economy. Of course it has. This crisis is quite different from any previous crises. The impact of the lockdown has gone way beyond anyone's expected trade shocks. Much of the negative impact has been sector-specific. We have all heard from the manufacturing industry, the hospitality industry and the retail sector about the impacts that they have faced. Many of those businesses, thankfully, have availed themselves of financial support schemes to retain employees and keep their businesses afloat. However, as the Minister knows, some businesses and employers have not been able to avail themselves of support. We need to let their voices be heard.

As a member of the Committee for Communities, I have been inundated — inundated — with calls from those businesses and businesspeople who feel that they have been left behind. They are banned from working. While the Minister for Communities has been successful in her business case to access further funds for the arts, as my colleague Andrew Muir mentioned, a number of businesses — in the events sector, for instance — are still banned from working and unable to generate an income.

Mr Aiken referred to one of my key speaking points for this evening. Many of those businesses are self-starters. They have been through the Go For It programme and have set up their own businesses — small enterprises — and even employed staff. However, many have fallen outside the remit of the UK Treasury's self-employed income support scheme. Those individuals feel abandoned. As reported in our local newspapers, one being 'The Irish News', one individual said that, if her business had been located in Scotland or Wales, she would have received hardship funds to support her through four difficult months. It is a difficult thing

to read, especially given the fact that we are all here in government.

We need to get back to reality. Minister, it would be really useful to know, from your Department, how many businesses and the type of businesses that have not received financial support. With that detail, it would help us to identify exactly who they are and where they are. I expect that most of them are SMEs.

I would also like the Minister to confirm to the House what she and her Department plan to do to build trust again with a lot of those entrepreneurs. They were left out because they had started up their own business and perhaps, because they had not registered as their own employee, were outside the schemes. I do not know how we as a government will get those innovative businesses to come back, invest and grow in this place when they feel so let down. This place has not done that; it has happened because of COVID.

I would also like the Minister to confirm what support will be provided to the north-west, because it is not the only place that will have a local lockdown. What support will there be for other areas where localised COVID restrictions force businesses to stop or to reduce trading again? Those businesses were just starting back on the road, and the plug has been pulled. As Mr Middleton said, there are wonderful people and amazing Chambers of Commerce with amazing ideas, but getting hit with another mini-lockdown is impacting their health and well-being and causing people to lose their job.

While jobs and benefits —.

Miss Woods: Will the Member give way?

Ms Armstrong: Yes.

Miss Woods: Does the Member agree that, if the Executive keep putting additional restrictions, which are understandable, on businesses and curtailing their opening and trading hours, affecting staff hours and wages, even before the aforementioned lockdown that may be coming up, they must provide further additional funds and support to make up for that, especially for the hospitality and event sector, for example?

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

Ms Armstrong: Thank you very much.

Yes, I absolutely agree. Imagine that you are a singer who was employed by a pub. That is it — your income is gone. Then, you apply for universal credit, for which there is five-week wait, and, all of a sudden, your house is in danger because you cannot pay your mortgage.

While jobs and benefits are within the remit of the Communities Minister, I am keen to hear what joined-up working there has been between the Minister for the Economy and the Minister for Communities to ensure that the people being made redundant have the best possible opportunity to gain employment as soon as possible. I contacted a jobs and benefits office to ask the staff what direction they are giving to people and what types of new businesses they are telling them to go to for employment. I also asked what sort of information they were getting through from Economy, and they said that they were not getting any. I found that quite shocking. Can we have joined-up working? I am prepared to back you to the hilt, but we need a wee bit more. I know that we are all tired, and everybody is a bit grumpy. I do not know whether everybody has noticed that we have the October blues at the moment. We need to identify employment opportunities and ensure that the workforce is enabled to apply for those jobs. It is not just about training. There are 900 universal credit jobs coming up in Communities to enable people to apply for that. Lots of things are happening soon. I believe that we can use the Kickstart scheme and the apprenticeship scheme to get people into employment.

From catastrophe comes opportunity, and that can only be achieved together. I will support the motion, but that is not a negative move against you, Minister. I believe that we need to help you.

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

Ms Armstrong: We all need to come together to support you in the short, medium and long term.

Mr Deputy Speaker (Mr Beggs): I now call Rachel Woods, but, given her intervention, there is now only one minute left in this debate.

Miss Woods: Again, thank you, Mr Deputy Speaker. I have very little time to speak, but that might be good for some Members.

I will go straight in. Mr Middleton referenced parties coming forward with ideas. OK, here are mine. We are not in the Executive, but I will put some ideas down on paper for you. We do not

need to look too far for opportunities presenting themselves for job creation and for dealing with recession. We know that we need to deal with issues such as fuel poverty. Retrofitting houses is a perfect example of where the Executive should be investing. That is not all. What about a green new deal at a local level? What about investing in new infrastructure that will be required to manage a sustainable economy? What about buildings that have a low-carbon or zero-carbon footprint? Why are we still building houses that look like those built 20, 30, 40 and 50 years ago? We can create long-term, well-paid employment to deliver that programme in every constituency in Northern Ireland. We can reform finances to make that possible, but that will require changes to banking. It will require cooperatives and community wealth building. I am glad to be the deputy chairperson of the all-party group that is chaired by Mr Catney.

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

Miss Woods: I look forward to that, but we will have a very big challenge on our hands. Members, I have a five-minute speech here, but I am more than happy to have a conversation with the Minister about our ideas. I will see you outside, Minister [*Laughter.*]

Mrs Dodds (The Minister for the Economy): I thank Members for their contributions today. The House is right to be concerned by the impact of COVID-19 on the economy: the projected spike in unemployment and the danger to businesses and workers from restrictions. I want to start by saying how proud I am of the resilience and innovation displayed by the business community in Northern Ireland. There are many examples of businesses adapting to the new conditions and acting as exemplars of how to operate during difficult times. I pay tribute to the local heroes who have kept Northern Ireland operating during the most difficult circumstances: those in the agri-food supply chain; those working in retail; those in construction and manufacturing; and, of course, our health workers.

Today, I read with interest the comments that Leo Varadkar made last night. Of course, he is right. Decisions that are taken by Administrations, whether, in Dublin, London or here in Belfast, need to consider the impact that they will have on the economy and people's lives. As I said in the House yesterday:

"The economy is not a nebulous term. It represents every job, every pay cheque, every bill and every dinner on the table." —

[Official Report (Hansard), 5 October 2020, p41-42, cols 2-1].

These decisions have never been, and can never be, framed as a binary choice between health and the economy. We will not defeat COVID-19 by destroying the economy. The ability to go to work, earn a wage, run a business and meet friends and family is integral to a functioning society and a healthy people. Decisions that we make now will not only have an immediate impact on the economy but long-lasting impacts that some sectors may never recover from and equally long-lasting impacts on poor health and poor outcomes for our families and communities.

Mr Muir: Will the Member give way?

Mrs Dodds: No, I have a lot to get through.

The last few months have seen the gradual reopening of the economy. However, for some areas, that is being reversed following health advice that has resulted in localised restrictions. The impact on confidence of speculation about "circuit breakers" or lockdowns cannot be underestimated. Whether it be business deferring investment, people cancelling hotel reservations, or the impact of the drop in footfall in our towns and cities, the cumulative effect is a severe blow to our economy.

I have consistently warned about the long-term impact that the first lockdown would have on our economy. Whilst we have witnessed some signs of recovery, I have been clear that this would be undone by any further lockdowns, localised or national. The economic modelling of losing up to 100,000 jobs was, of course, predicated on no further lockdowns and only minimal restrictions. If we are now facing a cycle of localised or national lockdowns, that modelling will be at the more optimistic end of the spectrum. That is not a prospect to fill anyone in the House with any great joy.

At the beginning of the crisis, I moved quickly to support businesses across Northern Ireland through the grant schemes that were designed to protect jobs, prevent business closures and promote economic recovery. To date, we have issued over 31,000 payments to businesses through the three grant schemes, and that represents a total of £340 million of support for all sectors of our economy. We have established the tourism recovery steering group to develop plans and initiatives to help our tourism and hospitality sector back to its full potential. There have been national schemes that we have relied on extensively, particularly

the job retention scheme and the self-employment support scheme.

As of 31 July, the combination of those two wage subsidy schemes had supported approximately 330,000 workers in Northern Ireland. Business support on that level is unprecedented, and we will continue to look for strategic and targeted interventions as we plot our way through a challenging time. I note with interest that, in today's debate, both Sinn Féin and the SDLP wanted to see a greater transfer of fiscal powers. Maybe they will be honest enough to say who will pay those extra taxes and where they will be levied.

The motion also proposes that the Assembly should express regret that I have not produced a COVID-19 recovery strategy. My, how we have got ourselves into an absolute twist over strategies today. The proposer of the motion makes a long list of strategies that he wants to see. John Stewart worked himself into a lather over more strategies that he could wave about in the air. Steve Aiken said that now is not the time for more strategies, and it is all management speak. It is absolutely the time for action, and that is what we have been doing.

I remind Members that significant support has been provided by my Department for workers and businesses across Northern Ireland.

I also stress that we are in a rapidly evolving situation, as was demonstrated by the further restrictions that were announced last week for the Derry City and Strabane District Council area. I met businesses in the north-west last Friday and heard about the impacts that the new restrictions would have on them. Those businesses want and need to be open and trading. A support package was discussed at Thursday's Executive meeting and again yesterday, and we hope to have a mechanism in place within days to support businesses that are impacted on. We will continue to work with our national Government on further support mechanisms. The replacement for the valuable job retention scheme falls far short of what I have been calling for. I also have grave concerns about how that scheme will work for sectors that are still trading at a very low level. Of course, the self-employment scheme, which is now at 20%, will have a real impact on those who are self-employed and face difficulties in earning a wage.

6.15 pm

We must, however, also start to look at the longer term for our economy and at how we can

learn to coexist with the threat of COVID-19. As I mentioned, 'Rebuilding a Stronger Economy' is a framework that sets out how we can build a more competitive, more inclusive and greener economy. It identifies key growth sectors that we need to promote, as well as the structural challenges that we will face in building a stronger economy. The proposer of the motion mentioned the need for greater connectivity across Northern Ireland, and I am glad to report excellent progress on Project Stratum, which will provide greater and faster broadband connectivity. Not only will it provide greater economic connectivity but it will level up the regions in Northern Ireland, because 97% of it is targeted at rural areas. I have secured £17.2 million to deliver schemes that include supporting the return, retention and achievement of apprentices. Yesterday, I announced 3,000 free training places for people whose employment has been disrupted by the pandemic. That skills investment of £4.6 million will be delivered by colleges and universities, with a focus on digital skills and women returners.

Nobody should underestimate the challenge ahead of us, but we must remember that decisions that are taken today will have a long-lasting and potentially crippling impact on certain key sectors of our economy. While we must, of course, be sensible and responsible in how we protect people across Northern Ireland, we must recognise that decisions must be taken following consideration of the impact on health and the economy. In finishing, I appeal to everyone to follow the clear message from the Executive — wash your hands, socially distance and wear a mask. We all have a duty to exercise our individual responsibility in order to keep our families and our communities safe and to control the spread of the virus. That way, we will have a healthier economy and better long-term prospects for Northern Ireland, and I know that you all want that.

Mr Deputy Speaker (Mr Beggs): I call Matthew O'Toole to conclude and make a winding-up speech on the motion. The Member has up to 10 minutes.

Mr O'Toole: I thank the Minister for responding and thank Members from across the Chamber who contributed to what has been a very fulsome debate. I agree with Steve Aiken that it has been, generally speaking, of good tone and that it has been productive. I will try to reflect on and respond to as many arguments as I can.

First, I echo the sentiment in the motion and the words of my colleague Sinead McLaughlin, who highlighted the urgency of the situation and the

profound difficulty in which our economy finds itself. Her words reflect the extreme and acute challenges presented by COVID-19, which, as we know, not only is not going away but is causing us to enter an even more difficult phase, a second wave. That has made inevitable and essential both a coherent short-term economic response and a coherent longer-term response, which is what our motion calls for today, including support for workers. I note — it is worth saying up front — that the Minister and Members from across the House are, broadly speaking, all in agreement that the furlough scheme should not come to an end in its current form in October. If something positive and unified can come out from today's debate, it is that all the parties in Northern Ireland and, indeed, parties in the House of Commons and other devolved Administrations are opposed to the furlough scheme coming to an end prematurely at the end of October.

I will go through some of the points that were made in this very fulsome debate. My colleague Sinead McLaughlin talked about the disproportionate impact on microbusinesses. That is true. She talked about the four principles that my party set out earlier in the summer in relation to economic recovery; indeed, other parties talked about their own principles. Jemma Dolan talked about the principles that her party had set out, and that is exactly right. I suppose the point is that political parties are right to set out clear strategic goals. We have been clear about what our goals are for the Northern Ireland economy, and I am afraid that it is incumbent on the Economy Department to be slightly clearer about its goals and strategic aims for the local economy. It should not just be for political parties to put out papers and suggest things. That should be translated into clear action from the Department. Christopher Stalford and others are right: we are in a five-party Executive, but we are political parties. We are there to produce ideas that we want to see taken up by the Executive. There is nothing inappropriate about that.

Gordon Dunne talked about the substantial support that has come from the Treasury. I am an ex-Treasury official; I am under no illusions about the strengths or weaknesses of the UK Treasury. I could give you chapter and verse about the way in which that institution works. It has strengths and weaknesses. He also said that intervention must be strategic. We agree, and that is what today's motion calls for.

Caoimhe Archibald, the Chair of the Economy Committee, spoke in detail about the frustration that the furlough scheme was ending early. She also talked about the need to progress fiscal

powers. That is something that I will come back to. I and my party strongly agree with that. Andrew Muir talked about it too. I will respond to something that the Minister said about fiscal powers. She asked Sinn Féin and the SDLP — I cannot speak for Sinn Féin — and those proposing greater fiscal devolution and more fiscal powers to specify what taxes they would raise. I have a deal for you, Minister: let us get the powers back here first, and then we will have a serious discussion about how we prioritise our public policy aims and deliver a reformed economy and reformed public services for the long term. The ex-Treasury official in me is happy to sit down and have a serious conversation about revenue-raising and about how we spend money.

I come back to another point that Christopher Stalford made about borrowing powers. Part of the suite of fiscal powers that you would want in this place is more fulsome borrowing powers. I do not want to have a "Economics 101" debate with my colleague from South Belfast, but he said that you cannot borrow your way out of economic difficulty. Tell that to the International Monetary Fund, which said yesterday that Governments around the world should borrow more to invest in their economies at a time like this. I am happy to give way.

Mr Stalford: What I actually said was that you cannot borrow your way into prosperity.

Mr O'Toole: Indeed. It is a fairly Jesuitical point —

Mr Stalford: No, it is not *[Laughter.]*

Mr O'Toole: — from the Member opposite, but I am happy to —.

Mr Stalford: I am a Presbyterian *[Laughter.]*

Mr O'Toole: Anyway, moving on, moving on.

John Stewart spoke powerfully about the need for this place to have a clear strategy. The point about having a clear strategy is not that you get bogged down in management-speak or that you waste time with papers; it is that you know what you are actually doing. You need to have a clear road map for how you recover your economy. As Kellie Armstrong said, in another devolved institution, they have had a clearer road map. I have read the document on economic recovery that was produced in June. You do not have time to read a lot of the documents that are put before the Assembly. Let us face it: not everyone in the Chamber went through every page of the monitoring

rounds or the Supplementary Estimates, although I hope that most of us on the Finance Committee did. Not all of us go through every page of every document that is submitted. However, I went through every page of the economic recovery plan. It was only nine pages long *[Laughter.]* It did not take very long. That is not to be dismissive about the length of it, but we need clear goals, strategies and timelines. Any document that is a serious strategy is not descriptive, discursive and waffly, to be honest; it is about having clear goals. That is what we all want to see. This is not about political point-scoring.

Andrew Muir covered several of the points around fiscal devolution that I have talked about. He also talked about ExcludedNI and the work that he and others in the Chamber have done to support it. I know that he is a strong advocate of fiscal devolution, as we are.

Gary Middleton, who is still in the Chamber, said that we were politicking. I think that I have already answered that point. Yes, we are a five-party Executive. The whole point of having an Assembly is that five parties can come and debate.

Rachel Woods is the only non-Executive party Member here, but she did not get long to speak. If the five parties in the Executive are not allowed to critique or talk about economic policy-making, Rachel could have had the entire hour and a half. I am sure that she would have used it and had lots of things to say, but I do not think that we would want to give her the whole debate to herself. The idea that —

Miss Woods: Will the Member give way?

Mr O'Toole: Yes, I am certainly happy to give way.

Miss Woods: Thanks for the invitation to interrupt. Does the Member agree that, whilst we face great economic uncertainty in the face of COVID, we face bigger economic, societal and, indeed, existential challenges in the form of the climate crisis and that any long-term economic recovery plan or road map should adequately reflect that?

Mr O'Toole: Yes. I agree to the utmost with what the Member has just said. That is something that we collectively have to get completely serious about and deliver for our society. Yes, we are a small jurisdiction. Yes, our global impact on emissions is small. However, that is not in any way a practical or moral answer to the greatest challenge that this

generation faces. It is not an answer for young people, who, frankly, are frustrated with the inability of our institutions to act on climate change.

Christopher Stalford talked about not borrowing to deliver prosperity. We have talked about the IMF. Let me just come back to this point briefly. We are in an age now where COVID-19 has completely changed the rules of the game around fiscal and monetary policy. Governments around the world of whatever hue understand that conventional attitudes to sovereign debt have to change. I am afraid that we cannot have these tired old debates about spending money. We are not a sovereign Government in this place. We rely on money transfer from Westminster. We need them to be serious about not going back to austerity-era fiscal harshness.

Dr Aiken: Will the Member give way?

Mr O'Toole: Very briefly, because I am running out of time.

Dr Aiken: I will just point out quickly that, when we could be getting rates at - 0.25%, now probably is the time to borrow.

Mr O'Toole: I completely agree with the leader of the Ulster Unionist Party and Chair of the Finance Committee: now is exactly the time to borrow. We need to increase our fiscal powers and borrow here, because it has never been cheaper to do so, and we need to invest.

Emma Rogan also talked about fiscal powers. I hope that her colleague the Finance Minister is hearing this; I know that he agrees with it. We can get agreement in the Assembly behind the need for increased fiscal powers. She also talked about regional balance and a little bit about South Belfast. She, like me, is from South Down, so I have a slight conflict of interest here. However, we, in the SDLP, strongly agree on the need for greater regional balance, and, of course, I also believe very much in the city of Belfast.

I have just engaged with the Chair of the Finance Committee. He talked about SMEs being important, and, clearly, that is true. Rachel Woods did not get long to speak, but she made a very convincing point on climate change when she intervened a minute ago.

I welcome the fact that the Minister used her closing remarks to encourage everyone here to take seriously the message around social distancing. Finally, I reiterate to her that the

purpose of the debate is not to score party-political points over her or her party but to demonstrate to her the extraordinary unity —

Mr Deputy Speaker (Mr Beggs): The Member's time is up.

Mr O'Toole: — in the Assembly for a clear economic recovery plan to come from her Department in conjunction with the Finance Minister. I commend the motion to the Assembly.

Question put and agreed to.

Resolved:

That this Assembly recognises the profound impact of COVID-19 restrictions on workers and the economy; notes projections that more than 100,000 people in Northern Ireland could be unemployed by the end of 2020; further notes with regret that many businesses are excluded from current support schemes; notes the positive impact of wage subsidy programmes as a critical lifeline to small businesses and those struggling to make ends meet; expresses regret that the Minister for the Economy has not produced a COVID-19 recovery strategy that provides support to workers and businesses asked to restrict their trading capacity; and calls on the Minister for the Economy to work with the Minister of Finance to bring forward a radical economic intervention programme that supports wages, creates pathways for those who have lost their jobs to re-enter the labour market, promotes new jobs and closes regional imbalances.

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

(Mr Speaker in the Chair)

Terminal Illness

Ms Armstrong: I beg to move

That this Assembly welcomes the recommendation, in the Walter Rader 'Independent Review of the Personal Independence Payment (PIP) Assessment Process in Northern Ireland' report, that the six-month life expectancy criterion be removed from the terminal illness rule; notes the work of the all-party parliamentary group for terminal illness inquiry; recognises that there is significant evidence and support for reforming the six-month rule in all relevant welfare benefits among a wide range of local stakeholders; further welcomes the recent establishment of an Assembly all-party group on terminal illness; and calls on the Minister for Communities to bring forward immediately legislation to remove the six-month rule, provide guidance to health professionals and adopt a fairer definition of terminal illness.

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who speak will have five minutes.

Ms Armstrong: The motion that I have tabled is very difficult for me, so please forgive me if my voice shakes. It may also be difficult for some Members in the Chamber.

Terminal illness touches us through our friends, families and some who have had such a diagnosis. It is a shocking diagnosis for the person who receives the news, their loved ones and all who know them. It is also difficult for the people whose job is normally to save lives — the consultants and the doctors — to have to tell someone that their illness is terminal. It is emotionally draining.

Today, I ask the House to make life for people with a life-limiting condition a little easier. I believe that we have a Minister for Communities who gets it. I believe that we have an Assembly that gets it. I believe that, together, we can make life a little easier by taking forward a mitigation measure that will, once and for all, deal with a benefits process that is a cruel rule — it is hard to say that.

The current process confirms that people who are living with a terminal illness can apply for

fast-track access to social security payments such as PIP, universal credit (UC), employment and support allowance (ESA) and attendance allowance under special rules for terminal illness. The current legal definition of terminal illness that is used to give you access to the fast-track application process is:

"a progressive disease and death in consequence of that disease can reasonably be expected within six months."

To apply, the person must get a DS1500 form completed by their GP, consultant or specialist nurse in order to confirm their condition and treatment. That means that a consultant is confirming that you have six months or fewer left to live. That is tough and hard for any medical professional to predict. I feel that it is so finite. It is a bit cold, and it is unnecessary. Imagine having to fill out a piece of paper telling someone that they have six months left to live. Imagine the impact that it has on the GP, consultant or specialist nurse to have to complete a piece of paper giving a timeline to a person who is fighting to stay with their family for as long as possible.

Many life-limiting or terminal illnesses cannot be predicted in numbers of months left to live. Marie Curie, which has been lobbying for a change to the special rules for terminal illness in social security law, confirms that quantitative evidence reinforces how difficult it is for medical professionals to provide accurate predictions of life expectancy for dying patients. A study of over 8,000 palliative care patients in 2006 found that accuracy varied from 23% to 78%. Imagine being the person who is terminally ill having to go their consultant to ask them to confirm how much time they have left so that they can get a benefit. Imagine, then, being turned down for the benefit because your doctor cannot accurately predict when you will die.

Why are we putting people through this? Is this the type of government that we want? We should be helping the person to live as full a life as possible rather than giving them red tape to deal with just to be able to access a social security benefit a little bit more quickly. The unfairness of this rule means that people are being turned away from being able to access social security benefits quickly because they are not close enough to death. At a time when they are more likely to be unable to work due to illness, are undergoing treatment and are worried about their family, we are subjecting them to the bureaucracy of the welfare system, and, Mr Speaker, like others in this Chamber, I know how convoluted and complicated the welfare system can be.

Many of us in the Chamber know how long the delays to access welfare benefits can be. People with life-limiting illnesses face severe financial pressures at a time when they cannot afford to. Being unable to work due to illness and constant hospital visits, parking costs, a carer having to leave their paid employment to look after you, needing to pay for adaptations to the home and having the heating on more often mean that being ill is not cheap. Indeed, Marie Curie confirmed that a terminal illness costs an additional £3,000 per patient per year. That means that social security support is a lifeline for terminally ill people and their family.

I am sure that others here today will be able to share the devastating impact that financial pressures and delays in accessing support have had on people with terminal illnesses, and they may risk losing their home and leaving mortgage arrears to their family. There is evidence in GB from the Department for Work and Pensions (DWP) that, on average, almost 10 people have died every day since 2018 while waiting for their eligibility for PIP to be decided. We do not hold evidence for that in Northern Ireland, but I dread to imagine what the average figure might be.

Time is something that people who are terminally ill, sadly, do not have. If the legal definition of terminal illness was changed to move to a more clinical judgement instead of being a measurement of time left, it would open the fast-track social security access for people at a time when they need help. That is not something that is out of the blue. The Social Security (Scotland) Act 2018 already exists. Through that, medical professionals use their clinical judgement to determine when someone is terminally ill so that they can apply for benefits under the special rules for terminal illness. In Scotland, the definition for terminal illness is that:

"an individual is to be regarded as having a terminal illness for the purpose of determining entitlement to disability assistance if ... it is the clinical judgement of a registered medical practitioner that the individual has a progressive disease that can reasonably be expected to cause the individual's death."

Imagine the difference that makes. Instead of a consultant having to give someone a timeline for their death, they are helping the person to access financial support, which is one of the things that causes people with terminal illness the most stress.

For someone who is terminally ill, the application becomes a step in the process. As 60 clinicians, academics and other experts stated in an open letter, they must not continue to be subjected to the six-month rule as it:

"is unfair and denies people the best quality of life during the time they have left".

Walter Rader's independent review of PIP in 2018 also recommended that the six-month rule be replaced with the process used in Scotland. The all-party parliamentary group for terminal illness in Westminster's inquiry stated that the six-month rule is not fit for purpose. It too recommended the clinical judgement model. On the same day that the inquiry report was published in July 2019, the DUP, Sinn Féin, the SDLP, the Alliance Party, the Green Party and People Before Profit issued a joint call for reform of the six-month rule. The Assembly also has an all-party group on terminal illness.

On 8 July this year, Belfast High Court ruled that the difference in treatment for terminally ill welfare claimants who cannot reasonably meet the six-month life expectancy under the special rules is discriminatory. Mr Justice McAlinden described the difference in treatment as "manifestly without reasonable foundation".

Twenty-five health charities wrote to the Minister for Communities calling for the scrapping of the six-month rule. I know that the Minister for Communities is considering how to effect the process, and I know that she is committed to reviewing the welfare mitigations to ensure that we have the right mix of support to help people. I propose that scrapping the six-month rule is one measure that we can all support.

It is shameful that the Department for Work and Pensions has not changed the special rule for terminal illness or the legal definition of terminal illness, especially in the face of such overwhelming evidence. Until it does the honourable thing, it is up to us to take forward a devolved solution. It will cost money. It will be another draw on the limited amount of block grant that we receive, but I believe that it is a better Government who chooses to look after and invest in people when they need it the most. I ask the Minister for Communities to represent all of us in the Executive to change the legal definition of terminal illness, to scrap the six-month rule and to proceed with her intended bid for the money needed for us to cover the cost of fast-tracking people with life-limiting conditions until such times as Westminster sees sense. I trust our Minister for Communities to do the right thing. I trust every

Member and each party here to support her. I urge her to keep challenging the Department for Work and Pensions to fix the system and to mainstream better and fairer access to support for people who are terminally ill.

Finally, I pay tribute to all who have lobbied for this change. I pay tribute to the many families, to Craig Harrison and Marie Curie, to the 25 charities, to the 60 clinicians, academics and experts, and to all in the Chamber who will support the motion. Together, we can send a clear message from this place that we will bring forward legislation to remove the six-month rule. We will provide guidance to health professionals and adopt a fairer definition of terminal illness and unlock fast-tracked access to benefits. Thank you for your time. I commend the motion to the House.

Ms P Bradley: I thank the Members who tabled this worthwhile motion. We on the DUP Benches will support it.

In Mrs Armstrong's opening remarks, she talked about this cruel rule. It certainly is very cruel and unnecessary. There are unnecessary assessments that bring added burden at a time of great concern, stress and anxiety; a time of not knowing what the future might look like; a time of increased spending, perhaps, and, for some, a reduction in income. For many, this will be the first time that they have encountered the welfare system and the minefield of completing an application for PIP and attendance allowance.

When I was working in the Ulster Hospital social work team, I used to be amazed at the number of people with a dementia diagnosis who had been living at home, alone or with family, who had never claimed a benefit in their life but had got to the stage of requiring private nursing home care. As part of my role in the social work team, I had to complete financial assessments. When we looked through the financial assessments for someone who was self-funding, we automatically looked to see if they were getting attendance allowance, but many people, especially those living with illnesses and diseases such as dementia, did not think of those things at the time.

6.45 pm

Kellie also mentioned the DS1500 and how cold and unnecessary it was. I remember that, around that time, I completed numerous DS1500s in my role. The forms were kept in a locked cupboard in the hospital social work team's room, and when you saw in the medical

notes that the consultant had written, "Social worker needs to bring over a DS1500", it gave you a chill because you knew that someone was near the end of their life. I remember having to fill those in many times.

The Member said that it is cruel and unnecessary. I remember sitting with families and patients, telling them that I was applying for disability living allowance or attendance allowance on their behalf and needed to complete a form. Nine times out of 10, they said, "That's good. That's great. Thank you very much". The odd one asked, "Why is it only one page?" or "Why is it double-sided?" or "Why is it not that big booklet that you have?". Then, you had to explain that it was a DS1500 form for when special rules applied: it was for people whose life was limited. That put the people doing the work that I did in a really uncomfortable position. It also put the patients, their families and the consultants in a really uncomfortable position.

At that time, we had ward rounds and ward meetings, where we discussed a patient's diagnosis and what their future was. It was very difficult for consultants to make the decision to say, "Yes, absolutely. We need to complete that application", because they were unable to see into the future. They did not know whether someone was going to live for six months or six years with their diagnosis, but we knew that that diagnosis, whatever it might have been, would cause that person life-limiting consequences.

Most of my personal experience is of dealing with that when working on the oncology ward. However, there were occasions when we worked on general medical wards where people had respiratory problems such as COPD, dementia, MND and other conditions that we knew would impact their lives straight away. They could not afford to wait for unnecessary assessments and the constant questioning as to why they required that money. It is cruel. It is difficult for practitioners to have those conversations. It is difficult for applicants to have that conversation knowing that they are applying under special rules, and it adds an awful lot more burden, impact, stress and strain to whatever their diagnosis might be.

I was reading through the information pack and, in particular, the Marie Curie report on the cost of dying. It is beneficial for anyone in a decision-making role, whether that be us as legislators or those who process the applications, to read the very real impact of a diagnosis of terminal illness. If, as an Assembly, we can do something to reduce that burden and

stress, at the very least, we must. I support the motion.

Mr Gildernew: I support the motion. I acknowledge the work and the long campaign undertaken by Marie Curie, the Motor Neurone Disease Association and others.

I have experience, similar to Paula's, of working with families in this situation in my social work role. Often, I was struck by how many things were going on at any given time with families. They were trying to plan for what was a very difficult situation. They were trying to juggle their finances. Carers often ignored their own appointments and care needs. Sometimes, they could not get around to thinking about benefits and trying to navigate their way through that system.

It is true that many people do not want to know how long they have left. Anyway, the information can be so inaccurate that, as mentioned, it is meaningless in some cases. We all know of people who were told that they had a particular length of time to live: some did not live to see that time; others far outlived it. This is an area where we really could make a difference.

We have had recent debates in the Chamber on dementia and a number of other conditions. Largely, we speak with one voice on many of these very difficult issues. I know that the Minister will be looking at how we can change things here. It is not straightforward. I understand that Scotland has been looking at its approach, although it is not quite there yet. However, I am sure that we will take advantage of all the learning that comes from best practice, wherever that may be, and seek to apply it here. I welcome the fact that we have recently seen an all-party group being set up in the Assembly. Joanne Bunting has steered it, and I am privileged to be included as part of it. It is an area that we need to give some really serious consideration to.

I also know that you, a Cheann Comhairle, have worked with Marie Curie on issues arising from that. The motion is in keeping with our party's policy, and I certainly support it.

Mr Catney: I also support this important motion. I cannot imagine the fear, despair and sadness that follows from a diagnosis of terminal illness. However, I have seen first-hand what a terminal illness can do to a person, how much support a person needs in that situation, and how quickly things can go from bad to terminal. That is why we must make access to support as simple, quick and easy as

possible for anyone who finds themselves in that terrible situation.

I have a massive concern about how some of our benefits are assessed. Take PIP, for example. You have assessment criteria that force people with a life-threatening condition who have been doing their best to live their life, despite their health problems, and who have adapted to all the obstacles and challenges in ways that we cannot imagine, to throw all that out the window and focus on a world of inabilities. I know that we have to have assessment criteria, but it is the most degrading process.

It is the same feeling that I have about the six-month rule. How can it not sicken anyone here that we ask those who are faced with the despair of a diagnosis of terminal illness and who may be doing their best to live their life, despite the diagnosis, to prove that they will die within six months in order to access vital support? No compassionate society could think that that was OK. That is why I wholeheartedly welcome a move to the clinical judgement of our doctors. Such a move will also assist those with a more difficult medical diagnosis. We have all heard stories of the inability of benefit assessment criteria in general to deal with certain health conditions, so I hope that this brings some certainty and help to those in that situation.

The focus of our benefits system is all wrong. It should be about support to allow people to live their fullest life, to aid them to overcome barriers and to protect them from the challenges that the average person does not face. It should not cause a person to be degraded or to focus on what they cannot do. However, I know that that is a wider argument. To get rid of the six-month rule is a small technical change that could have a large impact.

As someone — I know that there are older Members — who is approaching 70, I think that life can throw most things at us. By the time that we are approaching 70, we have done that circle and have seen the joy and the sad parts of life, but to experience, or see a family member experience, a diagnosis of terminal illness, is something that you never get used to, no matter how long that you live. I ask the House to support the motion.

Mr Butler: I support the motion that was proposed by Kellie and Paula. I thank them both for it. I do not think that the tone of the debate will change. I think that they were right when they said that we have a Minister who is

compassionate about these issues and who is people-centred. I want to record my thanks to all the community stakeholders and voluntary and community groups that have lobbied for years for these changes, and, in particular, Marie Curie, which has been relentless in pushing the message.

We will probably all talk about the findings of the Rader review. The review's report outlined 16 issues, but there is one that jumped out at all of us because of its personal nature and how it could affect the people around us and our constituents. I am going to talk briefly about something that my Lagan Valley colleague mentioned. We term this "welfare and benefits", but that is not what it is. I really want to see it changed to "social security" and for the whole tone of what we are debating to be one of how we support people when they need the help that is there.

Lots of us will have had experiences. My office dealt with a case last year that was very sad, and I know that Kellie was emotional when she shared something that was very personal to her. The case that came into my office last year was quite shocking. The DS1500 form had been used, and the clinician made a judgement that the person in question would live for 12 months, which meant that they fell foul of the rule. The reality was that the person lived for three months. We worked with them to go through the appeals process, and the claim was actioned retrospectively, but that is not good enough, because that person lived with that fight for that time. The discussions in and around the family of someone who is terminally ill are not the normal discussions that we have, because they are preparing for a funeral and a burial. Someone who is in a low-income home will be worrying about those things and asking, "How can I get buried?" and "Will I be leaving a debt that my family will have to live with?". This is 2020, and those conversations should not be happening.

I agree that DWP has failed on a number of issues, particularly on this one. If it had moved on the advice of the reports, we would not be having this discussion. I would welcome DWP listening in to this debate and making the necessary changes. I hope that we can act in Northern Ireland for the people whom we support. The PIP process has many failings but particularly this one, because time is a luxury for those who have a terminal diagnosis. With modern diagnostics, we know about comorbidities. There are increasing treatments and so on, making it even harder for our clinicians, increasing the burden on them to be tied down to a time. Clinicians are reluctant to

give a time, because there is evidence that people live to the point of that diagnosis, when they could perhaps live longer, which is obviously what everybody wants to do. Time is precious and should be spent making memories. That is what should be concentrated on.

There has been some conversation about the scale of the problem in Northern Ireland, because we may not know how many people on the waiting list will be affected. According to the Marie Curie report, the financial burden is somewhere in the region of £3,000 to £3,300. There may be a benefit, however, because if we can support those people to live at home, perhaps we can ease the burden somewhere else. Perhaps we will free up a bed in the health system by moving somebody who can be cared for at home, which is where most people want to be, and be with their loved ones.

The purpose of the debate is to relieve the terminally ill and their families of that burden at the very time when they need it most. We need to try to ensure that, when people die, they do so with dignity. It is a job for our Minister to look to see what she can do, and it is up to us to support her in any way in which we can. We support the motion.

Mr Buckley: There are many days when I sit and listen to debates in this Chamber and think to myself, "What real relevance does this have to everyday people across the country?". I am sure that many Members can testify to that. Thankfully, today is not one of those days. I support the motion and thank the Member for Strangford and the Member for South Belfast for tabling it.

The current special rule for terminal illness in benefits law is cruel, lacks compassion and denies our most vulnerable and their families dignity in their final days. It is important that we highlight what access to social security payments looks like for patients under the special rules for a terminal illness. It means fast-tracked access to payments such as the personal independence payment, universal credit, employment and support allowance, and attendance allowance. Claims are, on average, processed more than six times faster than normal claims, which is crucial to anybody who is suffering from a terminal illness. Access to those payments is critical for the welfare of terminally ill people, allowing them to spend more time at home with those they love rather than having to attend face-to-face appointments and jump endless hurdles that are neither justified nor necessary.

7.00 pm

I think that we all agree with the merit of such access for those dealing with terminal illness. What we cannot agree to in this House are the key criteria to be able to access that benefit, that being, as was outlined, the legal definition of terminal illness used to determine eligibility for a special rules claim, which is:

"a progressive disease, and death in consequence of that disease can reasonably be expected within six months".

We can see the unjust nature of that rule, that being a six-month prognosis by a medical professional. It begs the question: what about the terminally ill patient or claimant with seven months to live, eight months, a year, or longer, or the terminally ill patient living with motor neurone disease, chronic heart failure or COPD, to name but a few, with a life expectancy —

Mr Newton: Will the Member give way?

Mr Buckley: Absolutely.

Mr Newton: I thank the Member for giving way. I want to indicate my support for the motion, but I want to pick up on a word that the Member used. It is in the last line of the motion:

"adopt a fairer definition of terminal illness".

Is it not really the case that that definition of terminal illness and the six-month measurement rule are unjust, rather than unfair, and playing on that injustice strengthens the hand of the Assembly in arguing for a change in the definition?

Mr Speaker: The Member has an extra minute.

Mr Buckley: I wholly agree with the Member's comments. It is, indeed, unjust and unjustifiable, and I do not think that anybody here would say otherwise.

All those diseases, to name a few, have a life expectancy of 20 months or more from prognosis, with no treatment or cure. There is no level playing field, and that is getting to the heart of what Mr Newton said. For those with terminal illness, we must address the injustice head-on without delay. I trust that the Minister will respond accordingly in the House today, and I have no doubt, given the comments from her colleagues, that she will.

The evidence is clearly there, as was outlined by the Rader 'Personal Independence Payment: An Independent Review of the Assessment Process' at recommendation 6:

"That the clinical judgment of a medical practitioner, indicating that the claimant has a terminal illness, should be sufficient to allow special rules to apply. The 6 months life expectancy criterion should be removed."

That is how clear it is. We also see the precedent for such change in the relevant Scottish legislation, where an amendment was lodged, and unanimously approved, to ensure that the definition was exactly that: based on clinical judgement.

I thank the Members who brought the motion and commend the work of the all-party group led by my colleague Ms Bunting in championing the needs of those suffering with terminal illness. I urge the House, and the Minister, to act with compassion, back the motion, and bring some help to those who, unfortunately and through no fault of their own, are dealing with circumstances that will have serious consequences for them and their families for generations. I also thank the teams at Marie Curie and other organisations that go above and beyond the call of duty. I think that everybody in the Chamber can testify to the work of those miracle nurses, who give of their time and are so emotionally involved in each case, whether following the patient through their illness or, as is evident, attending their funerals thereafter. They are so emotionally attached to their patients.

We must act with compassion. I commit to those suffering from terminal illness and those involved in their care: please be assured of my support, and my party's support, in the days ahead.

Mr McCann: I commend the proposers of the motion.

I make a special mention of thanks to Marie Curie and the Motor Neuron Disease Association. They are two wonderful organisations that provide an essential service for people who face life-ending illnesses and their families who find it difficult coming to terms with the imminent loss of a family member or close friend. *[Interruption.]* I have spoken to many people who told me that they would never have coped had it not been for the attentive and caring support that these organisations brought, on a daily basis, to their loved ones, from

diagnosis through to palliative care. I also commend — *[Interruption.]*

Mr Speaker: Sorry, Fra. A wee second. Will Members check whether their mobile phones are on, please, and switch them off?

Mr McCann: It was probably mine, I do not know.

Mr Speaker: We will try to struggle through this, Fra. Gabh ar aghaidh, a chara.

Mr McCann: That is OK. I have struggled through worse, Chair.

I also commend their success in bringing together so many political parties to speak with one voice on this important issue and their ongoing campaign to reform the rules governing fast-track access to social security benefits for people with terminal illness. Sinn Féin supports their view that the six-month rule, associated with prognosis, should be scrapped and a fairer definition, based on the judgement of medical professionals, introduced.

This issue was also brought to the fore recently by Lorraine Cox, who, supported by the Law Centre, took a High Court case to challenge the rule. We recognise that people with a terminal illness, who access an entitlement to social security under special rules, have a different experience from those who do not. It is much more than a necessity to have your application fast-tracked. Special rules apply to PIP, attendance allowance, universal credit and ESA. They not only ensure that your application is fast-tracked but they remove the requirements to attend work capability assessments or carry out work-related activity, the three-month qualifying period for PIP and the six-month qualifying period for attendance allowance, as well as face-to-face assessment.

It is wrong to restrict access to people who are terminally ill via the six-month rule. It adds unnecessary stress and worry, and it needs to change. The issue is both complex and extremely sensitive. It is difficult to accurately predict life expectancy, and some people may not want to know their prognosis. That should not impact on their ability to access financial support quickly and compassionately.

Removing the six-month rule and replacing it with a fairer definition is surely central to this. The special rules criteria, set by Britain's Department for Work and Pensions, are over 30 years old. Despite repeated calls from clinicians, academics and politicians across the

sector and recommendations such as those of the all-party parliamentary group on terminal illness in Westminster, which is referred to in the motion and which found that the rules determining fast-track access to benefits for terminally ill people are not fit for purpose, MPs still have not made the necessary change. They have, however, initiated their own review, and we continue to await the outcome of that.

In the meantime, Scotland has brought forward legislation to remove the six-month criteria and bring forward a fairer definition. Scotland is to be commended for that. The motion calls on the Minister for Communities to bring forward legislation to do likewise. I am confident that the Minister will look at all the examples of best practice, as well what is what works specifically for the North, to ensure that people get the help that they need when they need it.

I welcome the establishment of the Assembly's all-party group on terminal illness. Colm Gildernew is Sinn Féin's representative. Only last year, at our ard-fheis, a motion was brought to the conference that supported the campaign of Marie Curie and the Motor Neuron Disease Association and called for the scrapping of the six-month rule and the introduction of a fairer definition based on the judgement of medical professionals. It also called on the British Government and the Department for Communities to address this issue —

Mr Speaker: Will the Member draw his remarks to a close?

Mr McCann: — as a matter of urgency to ensure that people with a terminal diagnosis do not have to face traumatic and unnecessary delays in assessing their entitlements. Also, my colleague Alec Maskey —.

Mr Speaker: The Member's time is up.

Ms Bunting: I am grateful to Ms Armstrong and Ms Bradley — Ms Bradshaw — for tabling the motion, and I declare that I am the chair of the APG on terminal illness. Ms Bradshaw, that is a common mistake.

On 8 July 2020, the High Court in Belfast ruled that the difference in treatment for terminally ill welfare claimants who cannot reasonably meet the six-month life expectancy criterion under the special rules is discriminatory. Mr Justice McAlinden described the difference in treatment as "manifestly without reasonable foundation". All right-thinking people concur, certainly on an emotional and common sense level, even if they have not studied the legal arguments. If

the question is about why things have to change, the answers are because of exclusion, time left to live and the best use of that time. We can all put ourselves and those we love in those shoes and think of the impact.

By using a definition of terminal illness that is tied to a life expectancy of six months or less, many legitimate claimants are excluded from applying for welfare support under the special rules for terminal illness. For many terminal illnesses, particularly non-cancer conditions like motor neurone disease, chronic heart failure and COPD, accurate prognoses can be difficult because of the unpredictable trajectories of those conditions. Ms Armstrong and Mr Butler have outlined the difficulties of variance in accuracy of life-expectancy estimates. The current system is only really working for patients with a predictable disease trajectory, such as some types of cancer. While cancer counts for less than a third of deaths every year in Northern Ireland, it represents 90% of the local PIP claims awarded under the special rules, and other condition types are significantly under-represented in special rules awards relative to the number of deaths that they account for.

It follows then that many people with these conditions are being turned away from the special rules system because of the unpredictable nature of their illnesses. Those who are excluded from the special rules have to apply for welfare support under the normal process, with all the bureaucracy and assessment that that entails, causing significant distress and robbing them of time that they should be spending making memories with their loved ones, getting their affairs in order and doing the things that they want to do before they die.

The significant delays associated with standard welfare applications may also mean terminally ill people spending the end of their life facing severe financial pressures. Two thirds of households affected by terminal illness experience financial strain, and, as Ms Armstrong pointed out, the extra costs have been calculated at around £3,300 per patient per year. In this context, the financial support provided by the social security system can be a godsend, but long delays to accessing welfare payments are compounding the financial difficulties. Time is a luxury that terminally ill people do not have. We have heard that evidence in GB shows that people are dying while waiting for their benefit payments because of the delays associated with the standard application process. It is bound to be a

similar situation here in Northern Ireland, and we should do all that we can to rectify it.

Clinicians, Marie Curie in my constituency, with which I work closely, and other charities that assist the terminally ill are calling for a fairer definition of terminal illness that is based on clinical judgement, not a time-restricted estimation of life expectancy. That would follow the approach in the Social Security (Scotland) Act 2018 wherein:

"an individual is to be regarded as having a terminal illness for the purpose of determining entitlement to disability assistance if ... it is the clinical judgement of a registered medical practitioner that the individual has a progressive disease that can reasonably be expected to cause the individual's death."

Adopting that approach in Northern Ireland would allow more dying people to access welfare payments quickly. It would support people to have a better quality of life during the time that they have left and to avoid the long delays, intrusive assessments and work requirements that are associated with many benefits.

It is important to note that this policy change is not about widening the basic eligibility criteria for welfare payments. The overwhelming majority of dying claimants who are excluded from applying for benefits under the special rules for terminal illness will still be eligible for payments through the normal rules and, in many cases, these payments will be backdated to the beginning of their claim. The issue is one of time, ensuring that terminally ill people get the financial support that they are entitled to quickly and with as little distress and bureaucratic interference as possible.

Mr Butler: I thank the Member for giving way. I think that she raises a good point, because we have all talked about who is impacted by this failure in the system: carers, clinicians and families.

Does the Member agree that the assessors, who are much maligned at times, are doubly stressed and that that is compounded for them because they can see the need but know that it will not happen with this system?

7.15 pm

Mr Speaker: The Member has an extra minute.

Ms Bunting: Thank you, Mr Speaker. I fundamentally agree with the Member.

The other point is this: aside from the moral arguments, there are other potential benefits to changing the special rules system. First, money will be saved by cutting down on the number of unnecessary face-to-face assessments for dying people, and, secondly, by helping terminally ill people to access the financial support that they need when they need it, we can ensure that more patients are supported to stay at home comfortably, potentially reducing the avoidable use of public services.

Legislative reform is required to deliver this much-needed change. Attempting to widen access to special rules through changes to guidance, the DFC/Capita application or assessment processes will not fix the fundamental issue. As long as the six-month rule is enshrined in law, healthcare professionals will stick to it and dying claimants will continue to miss out.

Mr Harvey: I rise briefly to support the motion. I am glad to see it brought to the Floor. One of the most important recommendations to come out of the Walter Rader review relates to the abolition of the six-month criterion placed on a terminal illness diagnosis.

A diagnosis of terminal illness impacts not just on an individual but on an entire family network. Few of us could even begin to imagine the impact that such news has on those who receive it and their families. People who find themselves in that situation should be afforded the opportunity to live out their final days free from financial worries. Access to PIP is one of the fundamental ways in which society can provide practical support to those most in need. Few are more needy than individuals who receive a diagnosis of terminal illness. However, under the current criteria, many terminally ill patients are unable to benefit from that help due to the six-month life expectancy rule. Surely, it is inhumane to place a life expectancy time frame on such a tragic situation, especially one as meagre as six months. It is important that the terminally ill are not denied support simply because they are likely to live longer than a stipulated period. As the motion states, "a fairer definition" is required that is sensitive to the needs of those who are living with a terminal illness. I trust that the Minister will move to reform the current legislative provisions and to support people and families living in such difficult circumstances.

Mr Speaker: I now call the Minister for Communities, Carál Ní Chuilín, to respond to

the debate. The Minister will, of course, have 15 minutes in which to respond.

Ms Ní Chuilín (The Minister for Communities): I thank all the Members who spoke in the debate, and I thank Paula in advance of her winding-up speech.

It is an important motion for everyone. I do not know anyone who has not been impacted by cancer or does not know someone who has been impacted by terminal illness, be that family members, constituents or neighbours. It is debilitating even watching those people and their carers, let alone having to look after loved ones who are impacted by it. The issue is a priority for me. I give the House that assurance. I support the motion.

Not long ago, I met representatives from Marie Curie, the Motor Neurone Disease Association, Advice NI and the Law Centre. I have also spoken to families and medical practitioners about the issue. To say that their evidence and testimony were compelling is an understatement. As recently as yesterday, I spoke to a Minister from DWP about the matter. I assure the Assembly that my Department has been really proactive on the review and on what needs to happen. I also pay tribute to Marie Curie, the Motor Neurone Disease Association, the hospice and all the people who have been lobbying and campaigning for the change for years. More importantly, I pay tribute to the families, who have made it a rare issue that has united the House across the board. I also share the frustration that some articulated today that the review has not yet been published. To say that it is well overdue is an understatement.

A few Members mentioned the McAlinden case, and I do not want to avoid it in case people think that I am avoiding the issue. You will be aware that there was no remedy in that case as such, other than the judge's comments, which are very significant and important. I cannot go into what that potential remedy might be because the process is still listed in court and is still going through the court system, but it is clear to me, if evidence is needed, that our Assembly and all the parties here are committed to helping the most vulnerable, and people who are terminally ill and dying are our most vulnerable.

The Assembly all-party group on terminal illness, which Joanne chairs, is also a welcome development, because it raises awareness of issues. We have heard them before. I remember that, in my days on the Health Committee, we heard about car-parking charges, the debt incurred by families and how

neighbours clubbed together. When people are already on poverty lines, that is exacerbated when someone is dying or is terminally ill. It adds to the grief because you are worried about things, and, despite your best efforts, you cannot put your focus where it needs to be.

I am also acutely aware — you will all see this in your APG — of the role of hospices, social workers, family support workers and neighbourhood renewal workers. They are often the last people to whom a family talks about that two-page form. They are the ones who hold hands and try to cushion the family's shock when they are told that someone has six months or less to live. I have been in that situation as an MLA and as a daughter, and it is absolutely horrible.

The reference to Scotland has been really interesting. The Scottish model, as people refer to it, is based on a clinical judgement, but there is something that Scotland has not done, which I have been looking for, wishing for and hoping for. What is Scotland replacing the rule with? We are all looking at that.

We all know that this rule is not working — everyone who spoke said that — and where there is good practice and good recommendations, we all need to listen to them. I want to let you know that that is exactly what I am doing. Walter Rader's independent review of PIP — the assessment process — is sobering reading for anyone for many reasons, but, if anything, it asks us to work collectively to change the status quo.

The devolved social security legislation powers are now with us, so it is in my gift to look at this, and I am saying that I am actively looking at it. When we have found a remedy or are in the process of going through a remedy, I will inform my Executive colleagues, the Communities Committee and, in turn, the Assembly. It will mean that you will need to change legislation and regulations, but that is what we are here for, so I think that we are all up for that.

Some Members mentioned the assessment, and I want to put it on record that Deirdre Hargey had already started a process of bringing that assessment in-house, but people are doing the assessments, too. I think that most Members who spoke mentioned that. I thank Kellie for proposing the motion, and I thank Paula Bradley, Colm Gildernew, Pat Catney, Robbie Butler, Jonathan Buckley, Robin Newton, who made an intervention, Fra McCann, Joanne Bunting, Harry Harvey and, in advance, Paula Bradshaw. It is really important, because it would surprise you — I think that

Jonathan made the point — that, often enough, not all your questions are relevant. I see that as a Minister, so I am just telling you that now, right?

Some questions, although they are in five parts, are the same. I have done that, too, so I understand. These things are absolutely relevant. People read our questions, debates and comments. This debate is important to anyone who has nursed someone or had to comfort someone who was terminally ill. It is most important to those who have had to deliver to people the news that they need not apply because they have a year rather than six months to live. They will be encouraged when they hear what we have had to say. Let me repeat: I am completely committed to continuing to improve the process to make a real change. We are talking about end of life, and it is very difficult for people.

In particular, I want to thank everyone who has contributed to the debate. First, I thank the members of the Communities Committee — sorry, I am biased. I know from the previous Committee for Social Development — that is how far this issue goes back, as the Speaker is well aware — how wearying it can be to see the same lobbyists coming up and asking us to make a difference. Hopefully, today marks the start of looking at what we can do by way of a remedy and at what DWP will do. This will have an impact on budgets, but we knew that. All of us can proudly stand over this and argue the case for people. That is why we are here. We are here as legislators. We are here to make legislation and to make new laws. We are also here to make a difference. If we can, we must change this rule and give terminally ill people and their families a bit of hope. To be frank, they have all waited long enough. Along with all of you, I, as an MLA, a Minister and a member of the community am committed to changing that for them. That is why we are here.

I thank the Members who tabled the motion. It has been a good experience. Hopefully, those who read Hansard will feel relieved, even if it is too late for them, for the many people who come behind them.

Mr Speaker: I call Paula Bradshaw to conclude on this debate. The Member has 10 minutes.

Ms Bradshaw: Thank you, Mr Speaker. I do not think that I will need the full 10 minutes, but I want to reflect the breadth of issues raised this evening.

I start by thanking my party colleague Kellie Armstrong for suggesting the motion to our MLA group and for her work behind the scenes to get us to this stage today. She opened the debate by reflecting on how terminal illness affects all of us and how we have to recognise that what we are putting people through is cruel. She said that changing the law will have a cost but one that we will see as an investment at a time when people need us most.

Paula Bradley reflected on her experience of the DS1500 form. She spoke about how uncomfortable an experience the completion of that form was for everyone concerned.

Colm paid tribute to the work of Marie Currie, the Motor Neurone Disease Association and others. Jonathan, Fra, Robbie and many others commended them on their campaign for legislative reform.

Pat said that access to benefits should be as quick and easy as possible and that the current process is degrading and sickening.

Robbie said that we should be about helping people. He talked about his work with a constituent who was told that he had 12 months to live but lived for only three months. He spoke about that constituent's struggle for financial support in the last days of his life.

Jonathan Buckley made a very good opening contribution in which he said that the motion had great relevance. We have all sat in the Chamber and talked about things that we feel are very repetitive. I very much concur with what he said. The motion and any legislative change would be about giving people dignity in their final days.

The intervention from Robin Newton was very appropriate in that he talked about how the rules are unjust as opposed to being unfair.

7.30 pm

Fra McCann said that changing the rules for fast-track applications would remove unnecessary hurdles. He also commended the work done in Scotland in bringing forward the changes.

Joanne Bunting mentioned the new all-party group on terminal illness; I am a member of that group along with others in the Chamber. We have so many all-party groups in the Assembly, but this was one that I was very keen to support Joanne in setting up. She talked about the High Court ruling and its use of the word "discriminatory". We can all relate to that.

Harry Harvey spoke about people being able to live out their final days free from stress and how the current system is inhumane. People who are terminally ill should not be denied support just because they live longer than the six-month period.

Minister, I will turn to you. Thank you very much for your confirmation that you support the motion and your commitment to supporting your departmental officials to look at how to take it forward. You also recognised the hard work of the stakeholders, the voluntary sector and the families affected. You committed that, when you come up with a prescribed remedy, you will take it to the Executive for approval.

Thank you very much, Mr Speaker. I will leave it there. I thank everybody in the Chamber for their contributions tonight.

Question put and agreed to.

Resolved:

That this Assembly welcomes the recommendation, in the Walter Rader 'Independent Review of the Personal Independence Payment (PIP) Assessment Process in Northern Ireland' report, that the six-month life expectancy criterion be removed from the terminal illness rule; notes the work of the all-party parliamentary group for terminal illness inquiry; recognises that there is significant evidence and support for reforming the six-month rule in all relevant welfare benefits among a wide range of local stakeholders; further welcomes the recent establishment of an Assembly all-party group on terminal illness; and calls on the Minister for Communities to bring forward immediately legislation to remove the six-month rule, provide guidance to health professionals and adopt a fairer definition of terminal illness.

Mr Speaker: Members, please take your ease for a few moments.

Motion made:

That the Assembly do now adjourn. — [Mr Speaker.]

Adjournment

Protecting the Knock Iveagh Historic and Archaeological Site

Mr Speaker: In conjunction with the Business Committee, I have given leave to Mr Doug Beattie to raise the matter of protecting the Knock Iveagh historic and archaeological site. Owing to the location of the site, Members from the South Down constituency will be given priority, if they wish to speak in the debate. I will, of course, try to allow time for everyone who wishes to make a contribution. The proposer of the topic will have 15 minutes.

Mr Beattie: Thank you, Mr Speaker. I will not take 15 minutes, I hope, but I will try to get the point across. At the end, I will explain why I have expanded Upper Bann into South Down so that Members can understand my rationale. This is my third Adjournment debate in three weeks. Each time, I cross my fingers that it will not be delayed. I guess that my luck ran out tonight. It is an important debate, nevertheless, given that we are talking about our historic heritage and the issues around that, and there are some issues. I thank the Minister for being here. I know how busy you are. We have corresponded on the issue, so it is nothing new to you. I am not here to try, in any shape or form, to apportion blame to anyone. What I am trying to do is discuss this so that we get an understanding of the issues with Knock Iveagh, just outside Rathfriland.

Knock Iveagh cairn sits on the summit of Knock Iveagh ridge. The cairn is a scheduled historic monument, pursuant to the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995. Some limited excavation of the site in the 1950s recorded it as being from the Neolithic period, between 4000 BC and 3000 BC. It was a burial site and an inauguration site for Irish kings in the medieval period: the Magennis family, I believe. It is a resource for understanding the Neolithic period, the Bronze Age and the Iron Age in Ireland. You will hear the historic environment division (HED) come up a bit in my speech. If you do not know, it is part of the Department for Communities. The HED said that the cairn was of national importance in understanding the Neolithic period in Ireland. Everybody is therefore quite clear that Knock Iveagh, just

outside Rathfriland, is an extremely important historic site. That is pretty clear. Yet, despite it being a nationally important and scheduled site, permission was given for a wind turbine to be erected on it in 2013, about 100 metres from the cairn. That was done without an archaeological study or any engagement with the historic environment division. That should have happened as part of the planning process, but it did not. The division was cut out of that absolutely and completely. No environmental impact assessment (EIA) was done. In 2017, the Historic Monuments Council (HMC), which is a statutory adviser to the historic environment division — bear with me — wrote to DFI to ask for the planning permission to be revoked.

Mr Buckley: I thank the Member for giving way. You will forgive me for laughing, but, when you started to talk about prehistoric and medieval times, the honourable Member Mr Wells walked through the door *[Laughter.]* On a more serious point, I maybe did not pick this up, but can the Member elaborate on whether the decision on the wind turbine was taken under the old council structure or under the Armagh City, Banbridge and Craigavon (ABC) structure?

Mr Beattie: I will probably get into that. Let us be absolutely clear: it was done under the old structure. It was when it was the Department of the Environment, not DFI. There have probably been a few other name changes. Everything that happened afterwards happened as we moved to the new structure, however. It is probably one of the reasons that I am here talking about it today, and I will elaborate on that slightly.

Therefore, it would be absolutely wrong of me to point the finger at any Minister and say, "You got this wrong". It is a long-term issue that we have to deal with. As I will explain at the end, Knock Iveagh is not alone. Thanks for that intervention, Johnny, but I have now lost my place. *[Interruption.]*

[Laughter.] In 2017, the Historic Monuments Council advised DFI that the planning permission should be revoked. However, it was not. Since 2017, there has been further digging on the site. A further 2 kilometres of earthworks. An access road has been put on the site. A wind turbine and, I believe, a transmitting mast have been built, with a number of boxes that service the two of them. That has happened even though Knock Iveagh is a historic site of regional importance to Ireland as a whole and can help us to understand our history, from the Neolithic period to the Bronze Age and the medieval age. Our planning process seriously

failed Knock Iveagh, to the stage that we have now built a wind turbine on top of the site. Instead of Knock Iveagh being somewhere that we can take our young people to look at, view and understand our history, what we have is a development that is destroying the site.

That is where the difficulty arises, because we are now caught between two Departments and a council. The planning permissions part of the DOE gave permission. I apologise if this sounds like a sort of planning seminar. Once part of the DOE had given permission for it to be placed there, and DFC's historic environment division had said, "No, it should not be", you would think that it would be really quite simple. All the historic environment division has to do is say, "No, you cannot do that", revoke the permission and take it away before it was ever erected, but nobody did. Nobody enforced anything. I guess that it is a failure by two Departments. It is not a deliberate failure, but it is a failure in the two Departments. We have been fighting for this ever since. If it was not for the Friends of Knock Iveagh — I know that a lot of Members will have engaged with the group, and with Anne Harper as part of it — this probably would not have come to light. It certainly would not have come to me. She has brought it to light and has been fighting a long campaign to have this decision reversed.

This is in South Down, not Upper Bann, so why am I interested? My interest comes in two forms, if I may. First, decisions like this are not unusual. The destruction of our heritage is not unusual. I just need to look at the rath and grange in Waringstown that were destroyed 20 years ago following a flawed planning application and permission. Although everyone has said that they got it wrong, nothing has been done to replace it. That is another example. Maybe people will not have heard of these sites. The Ballintaggart megalith in County Armagh, which is known locally as the giant grave, was lifted up, removed from the site and taken to the Ulster Museum, where it was set up. When the museum wanted more space, it was removed and is now lying in a heap in storage somewhere. That is our heritage being lost. I have a genuine interest in our heritage — our Irish heritage. It is important; it is important to me. Therefore, we need to fix what we got wrong. It is as simple as that: fix what we got wrong.

I have another issue that I have informed the other Upper Bann MLAs about. If, at the end of this month, the Department for Infrastructure says that it is going to take enforcement action, there is likely to be a cost, and that cost will be to Armagh City, Banbridge and Craigavon

Borough Council. Therefore, it will be a cost to my constituents. I have spoken to the planners at the council, and we could be talking about hundreds of thousands of pounds, if not millions.

It will be my constituents who will foot the bill. People say, "They will not really; the money will come from somewhere else". They will not foot the bill directly but may do so indirectly. That would be unfair.

7.45 pm

A mistake was made by the Department for Infrastructure, the then DOE, and it was compounded by the historical environment division in DFC. I am not blaming anybody; it happened, but it needs to be fixed. It could have been fixed, because DFI could have done so under section 75 of the planning regulations. They could have made them put it back to the way that it was, but they did not, and the situation has rolled on.

What is the debate about? It is about what should be important to us, which is understanding our history. We often talk about a shared history. If we go back to Neolithic times or to the Bronze Age or to medieval times, we were one people; that is our history, but it is being systematically destroyed. I am in no doubt whatsoever that Knock Iveagh should be returned to the way that it was. The bill for that should be picked up by those who made the mistake. Those Departments should pick up the bill and they should put it back to the way that it was. There should be no sleight of hand or telling tales, and no one should say that they cannot do it; they should just get it back to the way that it was. I am hoping that a report from the planners in ABC Council, which will come out at the end of this month, will make that recommendation.

I was due to meet the Minister on the site, because she has shown a real interest in the matter, but the weather was pretty awful and we did not manage it. I hope that she can apply some sort of pressure to make sure that we get the outcome that we want, because this is our shared history, shared heritage, on a shared site. Although it might be in County Down, it is as much mine as it is anybody else's.

Mr Speaker: Five Members are listed to speak in the debate, and they will have six minutes each, with an additional minute if there is an intervention. It is not compulsory to make an intervention or to take an extra minute.

Mr Wells: I thank the Member for Upper Bann for bringing the subject to the Chamber in the form of an Adjournment debate. It is a very important issue, and it is one that I have been involved in since its inception, in an area that I know very well.

For Members who may not be aware of the area, Knock Iveagh is a hill that is located just as you approach Rathfriland from the Banbridge area. It is a very prominent feature in the landscape, and, as we knew when the original application went in — and now know even more about as a result of the work of the Friends of Knock Iveagh — it is an extremely important historical site. In fact, the more research that is done, the more important it becomes.

We need to go back to 2013, when planning was the responsibility of the then Department of the Environment's Planning Service, and it made an absolutely fundamental error. I could understand the error if that Department had not made exactly the same mistake, a few years earlier, with Finnebrogue, which is an important historic demesne near Downpatrick. A planning application came in for a deer abattoir — known affectionately by the locals as Bambi Belsen. The abattoir was built in the area, and then, unfortunately, it was discovered that the Planning Service had not consulted the relevant branch of the then Department of the Environment to establish the historical context of the estate. So, it was approved, and then they discovered that they had made a fundamental mistake. Indeed, when the application went to a planning appeal, the planners noted the major gaffe that the Department had made. They were totally open about it and said that they forgot to consult that part of their Department, which would have recommended refusal.

In 2013, then, an identical situation arose. I have no doubt whatsoever that had proper procedure been followed, the application would have been refused, but it was not. Therefore, what is now on top of that hill, which makes it look more like an industrial site rather than a very important archaeological site, would not have happened.

I resent the fact that the ink was hardly dry on the permissions when the developer moved in to erect various structures on the hill. On top of that, a series of developments have occurred since, including a roadway, that do not have planning permission.

When the Department accepts that it has made a fundamental mistake, the council — Armagh,

Banbridge and Craigavon — should not have to pick up the bill for that; it should be the Department. This is where it gets difficult; the responsibility has moved from the Department of the Environment, which, of course, is now part of DAERA, to the Department for Communities. One of the reasons why the council has not been able to take action is that it realised that compensation would have to be paid or legal action would be taken if it took enforcement action. That puts it in a difficult position because that would come from ratepayers, and it was not responsible for the decision in the first place.

There is precedent for this: Ballynahone bog in south Londonderry is a major example of a raised bog. Planning approval was given about 25 years ago for peat extraction. Friends of the Earth took a judicial review against the then Department of the Environment's decision. That was successful, the decision was overturned and compensation was paid to the developer, which was Bulrush peat. Ballynahone bog, to this day, remains as it was centuries ago. We have to accept that doing that was expensive, but, equally, I see exactly the same parallel with Knock Iveagh. It is such an important archaeological site that the only way out of that particular difficulty that I see is for Armagh, Banbridge and Craigavon council to revoke planning permission and the Department for Communities to pay any form of compensation required. The site is simply far too important to allow that very unfortunate situation to continue.

I know that the Minister was due to come to the site because I received an invitation, although I was surprised to get one. I would have been there, but I then received a note to say that, because of the weather — it was appalling weather — the visit could not go ahead. However, I hope that, even after this debate, the Minister will herself appraise the site. Not too many people in north Belfast know where Knock Iveagh is, but I hope that there will be one more before Christmas.

The only thing that is driving what is going on in Knock Iveagh is the renewables obligation certificate (ROC) subsidies for turbine generation and payments for transmitters. We, as taxpayers, are paying for the destruction of Knock Iveagh. We, as an Assembly paying out that money through the ROC payments, have every right to take action to undo the damage. That development would not have occurred without those subsidies. I call on the Minister on this particularly special occasion. I know that revocation is a very blunt instrument and should be considered only as an absolute last resort, but, as the Member for Upper Bann has, quite

rightly, pointed out, this is too important to allow the problem to fester any longer. Action has to be taken. I would like to think that, in a couple of years' time, you will drive past Knock Iveagh and think, "Isn't that wonderful? It has been restored to its natural context".

Ms Ennis: I thank Doug Beattie for bringing this Adjournment topic to the Assembly this evening, and I thank the Minister for her time. It is good that we have this collaborative approach across constituencies; there is a two-pronged approach to this issue involving South Down and Upper Bann, and we are trying to find a resolution. Unlike any other time, I am not happy to be speaking about this subject; I am filled with desperate sadness when I think about what has been allowed to happen at Knock Iveagh and the surrounding site.

Like Mr Beattie did, I convey a huge thank you to Friends of Knock Iveagh; Anne Harper, in particular; and the whole campaign group. They have worked tirelessly over the last number of years. It has been a real quest for them to right the wrongs at Knock Iveagh, to reverse the damage and to protect and preserve the site and surrounding landscape from further destruction. I have been only too happy to work with them over the last number of years. I have tried to help them in any way that I can, and I pledge to continue to do that.

Before I get into the specifics of the issues relating to Knock Iveagh, I want to make this point. I believe wholeheartedly that the thinking about and attitudes behind the shocking planning decisions relating to Knock Iveagh and to other decisions like this point to a massive collective problem that we have right across this island in our attitude to our history and heritage. We saw that demonstrated recently with the demolition of the home place of The O'Rahilly in Dublin and the Dublin Government's abject failure to protect the battlefield site around Moore Street. The historic, ritual and archaeological importance of these sites pales into insignificance compared with their potential economic value, and therein lies the problem.

What has happened at Knock Iveagh is really nothing short of a disgrace. Knock Iveagh was the power hill of the tribal lords of the area of County Down for millennia. Leading experts now believe that it was the site of rituals, including the inauguration of the lords of Iveagh. It is also the location of an ancient burial cairn that is a scheduled monument protected by law. Investigations into Knock Iveagh and the surrounding areas show a series of linked sites of significant historical importance, each one a clue hidden in plain

sight that leads to a deeper understanding of our local history and the history of the Magennis clan, as Doug Beattie pointed out. Archaeologists also believe that the lands at Knock Iveagh may well contain additional important structures.

Given the huge importance of Knock Iveagh and the surrounding sites and that it is a scheduled monument protected by law, it is unfathomable that any statutory body would give permission for any work at the site that would cause it to be damaged, but, unfortunately, that is the reality of what we are dealing with. Knock Iveagh hillside was damaged by the erection of a broadband mast that was built without planning permission or retrospective planning permission from ABC council. Minister, I acknowledge the role that your Department has subsequently played in ensuring that that unlawful mast was removed. In its refusal, the council stated:

"the development would have an adverse impact on the integrity of the monument's setting which is a site of regional importance".

Despite that, in 2013, the then DOE granted planning permission to erect a wind turbine more than twice the size of the broadband mast. How was that allowed to happen? Why did no one who was tasked with the protection of this site step in and stop the unlawful destruction of a scheduled monument?

Despite the multitude of failures at Knock Iveagh, it is still not too late to act. It is not good enough to simply say, "Let's learn from this and move on". Like Doug Beattie, I call for all those with responsibility to, to quote him, get it:

"back to the way that it was".

Let us undo the mistakes that were made at Knock Iveagh, assess the damage that has already been caused and commit to protecting this and other sites for generations to come.

Ms S Bradley: I, too, thank the Member for Upper Bann for bringing this Adjournment topic to the House. We could not overstate the importance of this site. It is a Neolithic mound that predates the pyramids and Stonehenge. It may be less well known than Navan Fort, Newgrange or the Hill of Tara, but it is no less significant. The burial and inauguration site is of national importance. The associations with Magennis and the Magennis clan, which continue to be celebrated in Warrenpoint, are not lost on many.

It is a 5,000-year-old cairn. As referred to, it was subject to an archaeological dig in 1957 that revealed the hillside to be covered in layers of bone and ash. As also mentioned, the Friends of Knock Iveagh and, in particular Anne Harper, who I also met, so diligently revealed to all of us further information from further investigations about the sensitivity and cultural significance of the site. It is our shared inheritance. It predates many of the divisions that ever existed on this land. We are right to all share a passion about its future.

It was disturbing to see some of the media reports that suggested that Departments, realising their error, made an absolutely deliberate decision to create another error rather than face up to the hardships of the first one. As Mr Wells said, that may well have been because of the financial impact of facing up to what went wrong.

Sadly, the story of Knock Iveagh now has a chapter in it from our generation of which we should be ashamed. We genuinely have to ask ourselves how that happened. I welcome the fact that the Minister for Communities has come to the House this evening, because we all have a shared responsibility with her in the defence of our heritage and archaeology.

8.00 pm

I do not lay the blame with anyone and will not spend the evening doing that. It is too critical an opportunity to ask what we can do about it. I could list Ministers, dates and events, and it is right to say that there are so many questions about how and why it happened. Processes, policies and procedures have been set aside on numerous occasions, which have layered the confusion and the impact of the devastation of what has happened on the site. I am on public record as being one of the objectors to the planning application for the retention of the mast on the site. Like many, my view is clear, and the harm that has been done there is clear for all to see. What I am less clear about is how it can be restored. Can it truly be restored in an archaeologically satisfactory way? Let us make no mistake about it: the damage has been done, but it is on us to find the best way to preserve it or fix what has happened for the generations to come.

Minister, I repeat one of your titles. It is an appropriate one, and I know that it is probably the one that has brought you here this evening. It is the defender of our heritage and archaeology. On that basis, I look forward to working with you and stepping forward as the

House unites to find a resolution to the problem — the unforgivable problem — at Knock Iveagh.

Mr Muir: I thank Mr Beattie for securing the debate. I am the Alliance Party spokesperson on finance and infrastructure. I am also from North Down and know that there is a lot of constituency interest in the issue.

In Northern Ireland, we are blessed with a stunning natural environment and a great wealth of ancient historical sites. The landmarks around Knock Iveagh date back to the Neolithic period, and it is crucial that we seek to preserve and protect sites such as that.

I express my thanks to HED and other bodies for their work in preserving those sites. Much has been done, but there is much more to do. Those sites are all over Northern Ireland, and some are less well known. One of the sites that I have a particular interest in is beside the border at Kilnasaggart. A pillar stone there is reported to be the earliest historically dated inscribed stone in Ireland. It is right on the border, and it has been preserved. I once decided to visit it when I was coming up from Dublin. There was an electric fence around it, and I found out that it was switched on [*Laughter*] but it was worth it because the history around those sites is fantastic, and the work that has been done in preserving them is to be appreciated. Not all of them are the same or are electrified in the same manner.

It is clear that the issues with the wind turbine and the mast at Knock Iveagh date back to 2012 or 2013 and that other concerns of the Friends of Knock Iveagh go back even further. It is also clear that the former Department of the Environment made mistakes with the original planning application and that, with subsequent developments, it is not an isolated incident. Since then, the Planning Act, which was implemented in 2015, has fundamentally changed the planning system in Northern Ireland. In the first instance, the power to determine local planning applications now resides with councils, and I declare that I am a former member of Ards and North Down Borough Council. I agree with Mr Beattie's point that, now that the power is with councils, asking Armagh City, Banbridge and Craigavon Borough Council to rectify the situation and bear the financial cost of that would be unfair and burdensome. This is one example of the planning applications and duties that were transferred to councils, and, with the particular financial situation that councils face at the moment, it could just not take that cost.

The power for local planning applications should now be with local councils. That means that local representatives, who are accountable to local people and are armed with local knowledge, can make decisions in order to protect local sites of historical interest. The new system also includes a safeguard, whereby the Minister for Infrastructure can call in an application that is deemed to be regionally significant or otherwise.

I understand from colleagues on Armagh, Banbridge and Craigavon Borough Council that Knock Iveagh remains a live issue and that they are regularly contacted by campaigners, which is obviously why Mr Beattie brought the issue to the Chamber. In the first instance, and for the reasons that I have outlined, it should be for the council to provide clarity on this matter, with financial support as required. An application process that is still disputed more than eight years after the original decision serves nobody's interest. Sadly, it is all too common in Northern Ireland.

The Infrastructure Committee recently considered the terms of reference for a planned review of the Planning Act 2011. The review will seek to determine whether the Act meets its objectives. Our current system remains far too slow and ineffective, particularly when it comes to applications such as the one at Knock Iveagh. We must use the review as a genuine opportunity to make the system better.

It is crucial that we protect historic sites such as Knock Iveagh, and the Planning Act 2011 gives councils the power to do that. This must be on the basis of planning policy that also recognises the importance of our ancient heritage. Many people come to Northern Ireland, Ireland and the British Isles to see what we have to offer. These sites are one of our main offers. In the time ahead, we have to show that we are protecting them. If there are issues, such as those that occurred in the past, we must seek to rectify them. I remember visiting Newgrange a number of years ago, and I was probably the only person from the island of Ireland there. Everyone else was from countries across the world. Hopefully, one day, we can get back to the situation where we can have visitors and we can protect these sites as one of the jewels in our crown.

Mr Speaker: I invite the Minister for Communities, Carál Ní Chuilín, to respond to the debate. Normally, the Minister has 10 minutes. However, because we are still at an early stage of the debate, she has additional time.

Ms Ní Chuilín (The Minister for

Communities): Thank you, Doug, for securing this Adjournment debate. I also want to thank Jonathan Buckley, Jim Wells, Sinéad Ennis, Sinéad Bradley and Andrew Muir. Andrew's comment that it was worth being electrocuted to see Kilnasaggart will be recorded in Hansard for ever. I will also check Hansard for other comments that were made, just for accuracy.

I was not dragged here; I am happy to be at this debate. I will also be happy to visit Knock Iveagh when the weather is a bit better and I can see it. I do not mind getting caught up in or soaked by rain. That does not bother me, but I would like to see it.

The significance of the burial monument was mentioned by everyone who spoke this evening. I want to clarify that my Department legally protects the ancient burial cairn on Knock Iveagh hill. It does so under the scheduling provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995. That statutory designation recognises the regional and national significance of this historic and very important site. These legal protections have been in place since 1996, and the site was included in the sites and monuments record for a considerable time before that. There is history of Knock Iveagh in the Departments, let alone the community. As a result of those scheduling provisions, my Department undertakes regular inspections of the cairn, provides management advice to the site owner and must consent to any works affecting it.

From what everyone has said this evening, two main impacts have been the focus of recent attention at Knock Iveagh: an unauthorised broadband mast and a wind turbine. As a statutory planning consultee, my Department's historic environment division provided advice to the council's planning authority, and that led to the successful removal of the broadband mast from the hill. Related impacts on the top of the hill and the cairn setting have been repaired through planning enforcement. That is an example of what happens when we use our powers to best effect.

An intrusion into the scheduled area surrounding the cairn, where a shallow depth of sod and topsoil was removed, occurred at the time the broadband mast was erected. That has been resolved through a legally agreed scheduled monument consent process, commensurate with the level of impact involved in the breach.

The wind turbine and related planning matters are ongoing for consideration by ABC council, which is the planning authority in this case. Planning permission for this turbine was granted in 2013 by a former Department of the Environment, prior to the review of public administration (RPA) and the transfer of planning responsibilities to councils. To be fair to Doug, he clarified that at the start of the debate. Departmental archaeologists were not consulted when they should have been. That was a fundamental mistake.

Mr Wells: Will the Minister give way?

Ms Ní Chuilín: Certainly.

Mr Wells: Does the Minister accept that, had they been consulted, they would have made a very strong recommendation that the application be refused, and we would not be here tonight having this debate?

Ms Ní Chuilín: I imagine that that would have been the case, but I cannot say, retrospectively, that that would have been the decision. Given the way in which the division in my Department made sure that that wrong was put right, I imagine that they would have put up an argument, proactively and aggressively, for the historical importance of the site. I believe that, in this instance, the planning application was flawed. That is my opinion.

It is important to note that the wind turbine and associated works, regardless of how many metres away they are, are unsettling and have been a consistent concern. That is why we are looking at the impact of unsettling the cairn and that historical area. The council continues to consider requests to revoke planning permission for the turbine, to discontinue the use of land for wind-energy generation, and to remove the turbine development. For the past three years, departmental officials have provided substantial expert advice on the archaeological impacts of the turbine to inform consideration. I am not passing the buck — I am stating the obvious — but I do not have any legal powers with respect to discontinuing this or revoking planning permission. It is a planning matter, and any associated compensation is something that needs to be considered. I hear what people have said.

Mr Wells: The Minister was generous and gave way. Will she give way a second time?

Ms Ní Chuilín: Certainly.

Mr Wells: The Minister is absolutely correct: she does not have the power to revoke planning approval. She has, however, the power to consult Armagh, Banbridge and Craigavon council to offer funding to enable it to pay any compensation that would be required in order to revoke.

Ms Ní Chuilín: I hear what the Member has said. I am saying that that is the planning authority, and we are still talking to it regarding the reconsideration of this application. I am not saying that it is not my responsibility and that it is ABC's. For the record, the Department has supported local government since the start of the pandemic, prior to it and will continue to support the councils afterwards.

The Member is well versed in conventions. The Valletta convention requires there to be statutory scheduling and protection undertaken by the Department on heritage and archaeological protections. It is unbelievable that we were not involved as a consultee.

What is DFC going to do? Without repeating what I have just said, my officials are playing a key role in addressing a number of issues at Knock Iveagh, as we say in north Belfast, or, as you say in south Down, Knock I-veagh. That says it all for me. The question is this: do I understand the importance? I absolutely do.

My officials will continue to monitor the situation there and ensure that the relevant statutory policy protections for the site are respected and, more importantly, upheld.

8.15 pm

Mr Buckley: I thank the Minister for giving way. The seriousness with which this archaeological vandalism has been allowed to happen on a site is probably hitting home for a lot of us. Mr Beattie mentioned a number of other sites that come to mind for Members, including the Giant's Grave, which is in my constituency. Again, that causes me concern. I realise that the Minister will not have the information to hand, but is it possible for her Department to look at where that site stands? We have been told by its champion, Richmount Rural Community Association, that its ancient artefacts and stones are now lingering in a museum, not even on display. Perhaps she can come back to me at a later point on that.

Ms Ní Chuilín: The Member very cleverly weaved his constituency into my mention of two other constituencies. He has my commitment. My official, Iain Greenaway, whom I am sure

many of you will know, is nodding, so we will come back to the Member on that. It is disgraceful that some of those artefacts are withering away in storage. I have always found it disturbing for that to be the case. What is more, the fact that the public are paying through the nose for that storage does not make any sense whatsoever.

We will continue to provide advice to ABC Council. As well as that, we will continue to ensure that, through the development of a local development plan process, there is appropriate protection for Knock Iveagh, its historic landscape and the setting around it, because the whole setting is important and should not be disturbed any more than it needs to be.

I will conclude by appealing to people, particularly those in ABC Council, as the planning authority, to read the Hansard report of this debate and ensure that our considerations are taken on board as much as possible. We all have a role to play in the preservation of a historic society, historic communities and, indeed, the artefacts that we need to protect and cherish for future generations.

I thank Doug and the other Members who spoke in the debate.

Mr Speaker: I thank everyone for their contributions and for the good conduct and substance of all those contributions.

Adjourned at 8.17 pm.

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