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Northern Ireland Assembly

Monday 15 November 2021

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

Members observed two minutes' silence.

Matter of the Day

Death of Austin Currie

Mr Speaker: Ms Nichola Mallon has been given leave to make a statement on the death of Austin Currie, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. All Members will have up to three minutes to speak on the subject. I remind Members that interventions are not permitted and that no points of order will be taken on this or any other matter until the item of business is finished.

Ms Mallon: Thank you, Mr Speaker. I begin today by offering my condolences, on behalf of the SDLP, to Austin Currie's family: his wife, Annita, and his children, Estelle, Caitríona, Dualta, Austin and Emer. For a man who achieved so much during his life and contributed so much to peace in this place, I know that nothing surpassed the pride and love that he had for his family.

Austin Currie was the definition of a radical. Growing up in Tyrone, he saw the impact of systemic discrimination in working-class communities, particularly against Catholics. People were forced to live cheek by jowl in overcrowded housing, getting a good education was an uphill struggle, the best-paid jobs were strictly off limits, and the corrosive impact of poverty was engrained in everyday life.

Like many of his generation, Austin refused to stand by and accept that this was as good as it got for the people whom he grew up with. He became a powerful symbol in the peaceful civil rights movement, standing against the corruption of housing allocation and standing for equality for everyone regardless of their political or religious background. The Caledon squat, which became a defining moment in our history, is an example of the courage that characterised Austin. He, Patsy Gildernew and Joe Campbell took a shovel to the window of that house, and it was a hammer blow to the

oppressive scaffolding of discrimination that defined the state at that time.

In the tradition of civil rights activists like the late congressman John Lewis, Austin never stopped trying to find ways to get into "good trouble".

He also knew, in 1968, that protesting was not going to be enough. If we want change in our society, we must all work every day against injustice, intolerance, discrimination and unfairness,

Austin's life is testament to the political creed that the people of this island are better served when we set aside our differences and work together in our common interests. As a member of the power-sharing Executive at Sunningdale, Austin retains the distinction of being the only Minister to serve in Government, North and South. He understood the need to exercise power in the interests of the people whom we represent, and he recognised that that is the only way to achieve lasting change. That is his most enduring legacy.

Like many civil rights leaders, Austin and his family paid a high price for their bravery. His house was regularly attacked, and, in one incident, his wife, Annita, was subjected to a horrific assault. Despite this ordeal, his commitment to peace and to standing up for what was right never wavered. He was not deterred. His contribution to politics right across our island will never be forgotten. When things got difficult, he stuck it out, stayed the course and changed people's lives for the better.

Mr O'Dowd: On behalf of Sinn Féin, following the death of Austin Currie, I express my condolences to his family, friends and colleagues, and, of course, to SDLP Members of the Assembly.

Austin will be remembered for his lifelong contribution to the civil rights movement and to politics across the island of Ireland over many years. As has been stated, he was a leading figure in the early civil rights protests, including

the famous house squat at Caledon, alongside the family of my colleague Colm Gildernew. That protest brought international attention to state-sponsored discrimination and was a turning point. It became a touchstone in the civil rights movement, marking the beginning of the end of the then Orange state.

Austin Currie was, of course, a Nationalist Party MP and, as has been stated, a founder member of the SDLP. Later, he joined Fine Gael and became the only person to hold ministerial office, North and South.

In later life, he continued to speak out against the disastrous impact of partition on our island and people. As is the nature of politics, I disagreed with Austin on many things. Today, however, I recognise his contribution to politics and public life. My thoughts and condolences, and those of my party, are with his family and colleagues at this sad and difficult time.

Mr Poots: Austin Currie was a remarkable politician. He was, first and foremost, a very able politician, as demonstrated by the fact that he was a Minister in both Northern Ireland and the Republic of Ireland. You had only to listen to Austin Currie on the radio to know that he was an articulate politician. He spoke with great clarity and expressed his position remarkably well. He was also very affable. In spite of the fact that my father and Austin Currie were at opposite ends of the spectrum on many issues, they had a good relationship outside the Chamber. The debates that took place in the 1973 Assembly were hostile and hard-hitting. Beyond the Chamber, however, Austin Currie was an affable man.

Austin Currie and my father came from similar backgrounds. Many may wish to portray a system that advantaged one group of people over another. However, the group that my father came from was hugely disadvantaged. In representing the many who lived in two-up two-down houses, where cockroaches crawled up the walls of outside toilets, it made no difference to Austin Currie and my father where people came from. Their representation was irrespective of whether they lived on the Shankill Road, the Falls Road or anywhere else.

We appreciate that much has been done over the years to ensure that the value of representing ordinary working people has come to the fore and should be at the fore of everything that we do. If we can ensure that everybody, irrespective of background or class, faith, creed or whatever, gets a fair crack of the whip, that would be a great legacy for Austin

Currie and for other politicians of that generation.

Mr Butler: On behalf of the Ulster Unionist Party, I pay my condolences on the passing of Mr Austin Currie. I did not know Austin Currie, but one has to have only a passing interest in Northern Irish politics to realise the impact that he had on local politics, not least as a committed civil rights activist and one of the founding members of the SDLP.

His influence was not confined to Northern Irish politics, though. Almost uniquely, he was elected on both sides of the border, to Stormont and the Dáil, and served as a Minister in both legislatures, which was quite the achievement. He will long be remembered for his role in the late 1960s in the civil rights movement and for his role in the SDLP and, indeed, Fine Gael.

As has been mentioned, Austin Currie was a man of courage, and he and his family often bore the brunt of that courage. We in the Ulster Unionist Party, and others, also remember his very powerful words and his strong and welcome condemnation of the IRA following the murder of former Ulster Unionist politician and Stormont Speaker Sir Norman Stronge and his son in 1981. Austin Currie was clearly a man of peace who rejected violence and murder, and he did not mince his words when he compared the character of the murdered Stronges with that of their cowardly killers. My thoughts and the thoughts of the Ulster Unionist Party are with Austin Currie, his family, his friends and his SDLP colleagues.

Mr Muir: On behalf of the Alliance Party, I offer my sincere and profound condolences to Austin's family, friends and party colleagues. I did not know Austin Currie personally. From reading his autobiography, 'All Hell Will Break Loose', however, I know that he was a man of immense courage. He was a man who, along with others, led the Northern Ireland civil rights movement, beginning with his squatting in a house in Caledon, which Nichola Mallon described. Some people ask me why the Housing Executive and the points-based housing allocation system exist. Events such as that evoke memories of the case for change and of why we needed to transform Northern Ireland into a more equal place.

Austin was elected to this place, in the old Stormont, at, I understand, the age of 24. That makes me feel much older. He really was a trailblazer in his time, and he set up the SDLP, along with others, in 1970. As Members have said, he won a seat for Fine Gael, served in the Irish Parliament and Government and could

claim to have served in both parts of Ireland as a Minister, as the Minister of Housing, Local Government and Planning in the power-sharing executive of 1974 and as a Minister in the South.

He will be remembered for his fearless and immense courage and for being a giant of the civil rights movement. Hearing the news of his passing and reading the newspaper reports over the weekend of his funeral reminded me of the fiftieth anniversary of the civil rights movement in the Guildhall in 2018. I was very honoured and privileged to be at that event, and it makes me recall that so many of those giants in our history are gone. Ivan Cooper, who was at that event, is no longer with us. John Hume is no longer with us. At the end of the event, a very powerful tune was sung, which still resonates with the challenges that we face as a society today. It was 'We Shall Overcome'.

Mr Gildernew: I acknowledge the long connection between my family and Austin through the Caledon squat. It is a little known historical fact that the eviction of Austin, my Uncle Patsy and Joe Campbell from the house happened on the day following the original eviction of my grandmother, my mother, who was expecting me at the time, and my godmother, Mary Teresa, who had been seeking the house, which had been allocated to a single Protestant girl.

The event at which Austin, Patsy and Joe Campbell were evicted attracted significant media interest and was in support of the family following their violent eviction. During the first eviction that took place, the family were dragged out by their heels. Three women and another man, Edmund Burke, were dragged from the house by their heels after the furniture had been smashed in front of them. They were dragged through the remains of the furniture.

I acknowledge Austin in that sense and extend my condolences to his family and his party on their sad loss.

Mr McGlone: Gabhaim buíochas le leascheannaire ár bpáirtí as ucht an ráiteas a chur os ár gcomhair inniu. I thank the deputy leader of our party for bringing the matter before us today.

12.15 pm

Austin was a courageous founder member of the civil rights movement. That movement was for civil rights for all and an end to injustice against everyone, and that is what he was

deeply committed to. Later, he was a founder of the SDLP. Over the weekend, I watched some of the online clips. Some might argue that only he could have articulated, strongly and clearly, that dedication and commitment to non-violence. He spoke out against all violence, be it loyalist violence — inflicted on his family in a deeply sectarian way, against his wife on one occasion and in numerous attacks on their home — or the violence of the Provisional IRA and others. He also spoke out strongly against state violence. Those clips said to me, "That was a man who had a compass for the political direction in which we all should be going".

I send my sincerest commiserations to his wife, Annita, and to Estelle, Caitríona, Dualta, Austin Óg agus Emer. Mo chomhbhrón libh uilig. My sincerest sympathies to you all and to the extended Currie family, of whom many still live in the east Tyrone area. As you listen to the passion with which Austin delivered his thoughts, you hear that his dedication and commitment to a new Ireland, which would be one of respect, reconciliation and unity for all our people. The legacy that he has left is for us to fulfil.

Arís mo chomhbhrón leis an teaghlach. Again, my sincerest sympathies are with the family. His passing is truly a focal point for us, as it was when we lost other legends from our party over the past couple of years: John Hume, Seamus Mallon, Pat Hume — a legend in her own right — and my close friend John Dallat. They have passed the mantle to us; it is for us in the SDLP and for others to carry it forward as we build towards the new Ireland that was crucial, pivotal and, indeed, instrumental in being the directional point for Austin and others.

Mr Allister: I readily join in expressing condolences to the Currie family and, indeed, to Austin Currie's political family, the SDLP. He was clearly a cherished leader in that party from times past and one to whom its members continue to look up and from whom they draw inspiration. I never knew or met Austin Currie, but it is clear that he was a politician of conviction and action. One thing that stands out about him in my mind is that, no matter how strong his conviction or his sense of grievance, he did not sully them by endorsing or supporting violence. He recognised that political change properly comes through campaigning and democratic means. Unlike others, therefore, he did not resort to or support the hideous campaign of violence that was wreaked upon this Province so needlessly by the Provisional IRA and others. That will be part of his legacy. Today, I join in the tributes and the condolences to his family.

Mr McCrossan: On behalf of the SDLP, I, too, pay tribute to our dear friend and colleague Austin Currie and offer our deepest condolences to his wife, Annita, and to Estelle, Caitríona, Dualta, Austin and Emer. As Pat Hume was to John, Annita was Austin's rock. They were inseparable and journeyed through life together, side by side, taking on the challenges that faced them every day.

Austin Currie was ferociously decent, a powerhouse of conviction and a man who stood strongly for each and every person in his community — in our community. He was a giant amongst politicians of the time, and he was respected and admired right across the island of Ireland for his tremendous work on battling hard for equality, social justice and civil rights.

Austin was first elected for the Nationalist Party in East Tyrone, where he stood up against the great injustice facing Catholics and others in the allocation of social housing. That sparked a sit-in occupation in Caledon in 1968, which, ultimately, ignited the civil rights movement. Austin was vehemently and wholeheartedly opposed to violence and was a strict advocate of protesting fully and only by peaceful means. It was no surprise that, along with John Hume, Ivan Cooper, Paddy Devlin, Paddy O'Hanlon, Gerry Fitt and many others, he came to form the SDLP in 1970. Austin fiercely advocated equality and was a proud Tyrone man who wanted an end to discriminatory practices facing Catholics. He believed that everyone should be treated equally, and he was completely right in that view, but it was not always easy for Austin and his peers, who were all young leaders of the civil rights movement. He was a very young elected representative, and now, today, it is very easy for many to take power-sharing, democracy and equality for granted in certain aspects, but it was all hard-won, and that battle continues.

It was not easy for Austin's family either. Since his death at the weekend and during his funeral, it was a sore reminder to hear at first hand the accounts of the assaults, attacks, threats and abuse directed at Austin and his family by loyalists and republicans alike. Overcoming that for the greater good of peace needed significant levels of personal sacrifice and conviction, not least by his wife, Annita, who suffered incredibly difficult attacks during that time. His family suffered for over 30 years as a result, just because he stood up for what was right.

Austin went on to represent East Tyrone as MP until 1972, and he was heavily involved in the early iterations of power-sharing in the North

through the 1970s and 1980s. He then moved South and was elected as TD for Dublin West in 1989. He was appointed Minister of State for Children and even stood for the Irish presidency in 1990. He has a long-lasting legacy from his beginnings in Tyrone to being a part of the Government in Dublin. Ultimately, he was a peacemaker who helped to forge a path from a divided society to a reconciled and shared future for us all. It is clear that Austin Currie had an instrumental impact on Irish politics on both sides of the border, which is evidenced from the many tributes paid to him over recent days.

I will finish on this. His daughter stood at the funeral, thanked everyone for their attendance and said:

"Daddy reached the great old age of 82 and he died peacefully in his own bed ... But he never stopped thinking about the people who didn't".

She made strong reference to Columba McVeigh, who was killed by the IRA in 1975 and who is:

"still lying somewhere far away from home."

In her call, as she paid tribute to her father, she asked that that family receive those remains so that they can lay their loved one to peace. On behalf of the party, I offer my condolences to the family. May Austin rest in peace. We thank him for his contribution to this island.

Mr Speaker: Thank you. I extend my personal condolences to Annita and her family and to the colleagues of Austin in the SDLP and later in Fine Gael. All are rightly proud of his work and his contribution over a long period of time and struggle.

Members' Statements

Mr Speaker: If Members wish to be called to make a statement, they should indicate that by continually rising in their place. Members who are called will have up to three minutes in which to make their statement. Members are reminded that statements will not be subject to debate or questioning and that interventions will not be permitted. I will take no points of order on this or any other matter until the item of business has finished.

Social Care Crisis

Ms Ní Chuilín: I would like to make a statement on the crisis in our health and social care system, primarily focusing on social care. Our social care system is well and truly broken, and it is estimated that over 1,600 people are waiting for a package of care after being assessed as needing it in order to help them to recover from illness and live safely in their homes.

What are care packages? They are packages of care that involve carers preparing meals, giving medication and helping with intimate personal care.

Even throughout the pandemic, many people have lost access not only to day care but to respite places. That puts additional burdens not only on unpaid carers but on the whole social care system.

The domiciliary care workers who deliver those packages, particularly those who live and work in rural communities, face additional hardship. Social care is community care. It is care at home. It is personal and it is vital. I have never seen the system under pressure such as it is under today. The Department must undertake and publish a report into the true cost of social care. The workforce, particularly in social care, has continued to be an afterthought. For an example of that, we only need to look at the COVID recognition payment of £500. Eight months after that was announced, we are still asking where it is. On Thursday, we received a briefing from officials who tried to assure us that that payment would be made before Christmas. I am not confident about that.

I want to see people who work in social care being paid a living wage. I want to see clearer career paths and a better, joined-up approach. The Minister said that he will bring forward his proposals to reform social care, and I urge him to do so. Lack of workforce planning is at the

heart of every problem in health, and, as we can see today, that is most evident in social care. I heard speculation in the media this morning that this is a problem not just for the Minister but for the entire Executive. I respectfully disagree with that. The Executive have agreed to support Health with additional funds. The Executive cannot also deliver health and social care for the Minister; it is his problem. It is our problem, but he needs to fix it. One of the ways he needs to do that is by looking at the *[Inaudible]* that he has been causing, but he also needs to look at the crisis in care. People have remained in accident and emergency because they cannot get out and they cannot get a bed. Those who get a bed cannot get home because of the lack of care packages. This is a crisis point. The Minister needs to bring his plans for addressing that to the House as a matter of urgency.

Royal British Legion: Centenary

Mr Buckley: Remembrance Sunday is a very poignant day for many people in our society. It is a chance to reflect on and remember the sacrifice of so many across not only this country but the world. It took on extra emphasis yesterday, when the Royal British Legion marked its centenary year. That is a remarkable achievement for an organisation that was founded by Field Marshal Haig, 1st Earl Haig, which has over 2,500 branches across the United Kingdom. That charity provides financial, social and emotional support to veterans and their families, and I know that many are indebted to the service that the Royal British Legion and its volunteers provide to our community.

The Royal British Legion has taken on the role of the guardian of remembrance. As, sadly, we see the World War II generation move on, there is now a time for active acts of remembrance for more-modern-day conflicts. To this day, there are veterans who suffer from the trauma and aftermath of war. They get that support through the help and support of the Royal British Legion.

Yesterday was also the 100th anniversary of the Poppy Appeal. The Poppy Appeal began in 1921, when the symbol of the poppy was taken on as the mark of remembrance. That is not only the case here; it is recognised across the world. It has had a great impact by raising millions for veterans and their families as they cope with the aftermath of war. Any Member across the House should be able to reflect on one of the 40,000 volunteers across the United Kingdom who have sold poppies on our street

to support our veteran community. I can think of some very poignant ones in my own constituency, whether in Portadown, Lurgan, Banbridge or further afield. We owe so much to the volunteers who have helped by being guardians of remembrance and by supporting our veteran community through a very difficult time.

I thank the Royal British Legion for its steadfast support of the veterans and the volunteers in this country. It is through them that we remember those who have gone before us and will ensure that their memory is never forgotten.

12.30 pm

Housing Stress: South Down

Mr McGrath: I rise to talk about the unprecedented levels of housing stress in South Down. On a day on which we rightly remember the forefather of the civil rights struggle and the champion of non-violence, Austin Currie, it is important to remember that the need for adequate housing and fair housing allocation was part of the groundwork that led to the civil rights campaign in the North.

Having an adequate standard of living is a fundamental human right. However, in South Down, we have 2,117 people on a housing waiting list and 1,606 in housing stress. What does that stress look like? I think about one family in my constituency who were asked to leave their home due to intimidation. They were able to get emergency housing, but they ended up in the emergency accommodation for over a year. That totally affected the family's day-to-day life. It affected the children's school travel. It resulted in the family wondering whether they were actually better off in the home that they were intimidated out of; it was, after all, their home.

There is a highly significant cost to the process that goes beyond the human story. At the end of last year, the Housing Executive had spent over £26 million on temporary accommodation in the previous five years. That is not a situation that the Housing Executive should be in. Further to that, some people are forced to stay in hostels and hotels as a means of temporary accommodation. As of last year, the longest time that somebody from my constituency stayed in a hostel was 477 days. The average across the North was 244. However, in South Down, we have 1,480 vacant properties. With 1,606 in housing stress and 1,480 vacant properties, something is just not adding up.

How can the Communities Minister stand over that?

We have a serious problem in our society, and we need a serious programme of activity to address it, rather than just tweaking around the edges. Just last week, there was a housing conference in South Down. What a message it would have sent had the Communities Minister turned up to be a part of the sharing of ideas about how we address the issue. The Communities Minister has said that she is carrying out the most radical shake-up of the sector in over 50 years, but the only outworking that I have seen is an exemption for the Housing Executive from corporation tax. Sinn Féin seems to be fond of criticising the housing need in one part of this island while presiding over housing distress in this part. The two faces are glaring. The Housing Executive, our housing associations and, most importantly, our citizens deserve better.

COP26

Dr Aiken: I make a declaration as a member of the Commonwealth Parliamentary Association. I am the lead on our response to the climate emergency and COP26.

Saturday resulted in the latest COP declaration. Expectations had been raised, but, regrettably, at the last, the commitment regarding phasing out the most polluting of fuels — coal — shifted and was downgraded to an aspiration. That has been the headline, but we should not forget what has been achieved. The goal of achieving temperature rises of no more than 1.5°C is still — just — alive.

Those of us who attended COP26 were, I hope, struck by two things. The first is a global acceptance that we are in a climate emergency; even the visiting Chinese, American, Saudi and Russian delegations showed that. The second is that there is a willingness to try. Despite the backsliding by India and China, there is no doubt that there is now an impetus on the world to accelerate moves towards zero net carbon and to make substantial changes in the next decade. That raises a real question for us here: when will we get our act — or should I say "Acts"? — together? We can hardly criticise China, India, Russia and Saudi Arabia if we cannot agree a single Climate Change Bill in the Assembly. As iterated by my party leader, we urge the AERA Minister and the leader of the Green Party to use the good auspices and parties of Lord Deben to come up with a compromise Bill in the short time that the Assembly has left to legislate and to start

tackling the real crisis of the climate emergency.

Transgender Healthcare

Ms Bradshaw: This week is Transgender Awareness Week, and I take the opportunity to shine a light on how our healthcare system lets down trans people in our society.

Gender-affirming healthcare here for adults is provided by the Brackenburn Clinic. I have had the privilege of visiting that clinic. There are some really remarkable professionals working there, and we are lucky to have them in Northern Ireland. However, for the two years between 2018 and 2020, the gender identity clinic did not take on any patients, and the waiting lists are now extensive, with almost 500 people needing access to healthcare. It is appalling that some have had to wait as long as four years for their first appointment.

As I have emphasised many times in the Chamber, we do not have a healthcare system that is free at the point of access when huge waiting lists act as a barrier to patients. TransgenderNI has highlighted that many trans people turn to the private sector, usually at great cost. Those who cannot afford private care often self-medicate with hormonal therapies acquired from unregulated sources and without any medical oversight. TransgenderNI promotes community and sexual health-based models of gender-affirming care as opposed to the outdated psychiatric and psychosocial standards of care used throughout the UK. By changing our approach to trans healthcare, we can begin to get on top of waiting lists, as psychiatric assessments are excessive and time-consuming. We need to reassess how we can best provide care to our trans community.

A review of the gender identity service was due to be completed this autumn. The Minister has said that a key test for the new model will be whether it is able to offer timely care and support for patients. To achieve that, I strongly encourage him to address the criticism that there has been a lack of co-design in the review and a lack of engagement by his Department. It is essential that those with lived experience are included, that their views are taken into account and that gender incongruence is treated as a sexual health condition, as per global best practice.

I thank TransgenderNI, Focus: The Identity Trust, the Rainbow Project and others for all their work advocating on behalf of the trans

community. Far more work needs to be done to ensure that trans people have equal and adequate access to healthcare here, and I call on the Health Minister to take the urgent action that is required for the good health of our trans community.

Protocol on Ireland/Northern Ireland: Article 16

Mr Allister: Over the weekend, we have seen an increase in the hysteria over the threat that the United Kingdom might dare to implement a portion of the protocol, namely article 16. Weak and inadequate as it is, article 16 is not some foreign instrument; it is an integral part of the protocol. Therefore, the apoplectic response from some people to the fact that the United Kingdom might dare to implement that part of the protocol is totally out of kilter with the same people's enthusiasm for the protocol's rigorous implementation.

I understand why nationalist and republican fanatics for the protocol are disconcerted by the fact that article 16 might be triggered. There most certainly has been a diversion of trade, and it is that, of course, that supporters of the protocol want, because they see it as weakening, dismantling and diminishing the links with Great Britain. The diversion of trade is a ground for triggering article 16.

In the past few days, we had the European Commission's vice president saying that he was going to work round the clock to find solutions. The problem is that he is interested in solutions only on EU terms. He is not interested in solutions that would restore the integrity and sovereignty of the United Kingdom. The four non-papers that the EU published make it clear that all that it is interested in is tinkering. I repeat the message clearly that mere tinkering will not do it. The test is whether the EU is willing and prepared to give up its ill-gotten sovereignty over this part of the United Kingdom. If it is not, there cannot be a settlement. The test from my perspective and, I believe, that of most unionists is that, at the end of this, will we still be in a foreign single market for goods, subject to a foreign customs code and a foreign VAT regime, overseen by foreign laws and a foreign court? If we are, there will have been no solution to the protocol issue. The protocol has to go in all its parts.

Energy Costs

Dr Archibald: Last week, we heard the latest in a long line of announcements from gas and electricity providers of rising prices, with a

further 38% increase in Firmus Energy's Ten Towns area, which follows a 35% increase only two months ago. Those rising prices, along with the rising cost of food, fuel and heating oil, are really starting to bite for many families. The rising prices are also hitting businesses, which see huge increases in their energy costs, along with other costs, that could put jobs at risk. Understandably, there are calls for the Executive to intervene and to support struggling families and businesses. With any resources available, any intervention that can be made should be made.

We need to be honest about the scale of the current increases. They are huge and global in nature. Unfortunately, in the recent British Budget, there was nothing that indicated that the British Government recognised the scale of the crisis. So far, only the household support fund has been put in place, from which the Executive get just £13.7 million. That compares with £44 million in COVID funding last year, which was directed towards the one-off fuel payment to households in receipt of certain benefits.

Gas prices are now five times higher than they were last year. Universal credit has since been slashed, furlough has ended and National Insurance contributions will rise from April. Many more households will struggle, not just those in receipt of benefits.

Other Governments have taken action in recognition of the energy cost crisis. In Spain and Italy, VAT has been cut. In Germany, an energy surcharge has been slashed, and, in Portugal, a windfall tax has been put in place on energy generators. There is nothing of that nature yet from the British Government. The Finance Minister, Conor Murphy, has written to the British Treasury urging it to cut VAT on energy bills, which would immediately see a reduction in household bills of 5%. That would be a start. However, we need to see the British Government get to grips with the scale of the crisis. As we have seen with the pandemic, financial intervention is about political will. We need to see action now to support struggling families and to help businesses to protect jobs.

Steven Davis

Mr Frew: I rise today in appreciation of the greatest Northern Ireland footballer of our generation, who would probably be in any all-time greatest team that Northern Ireland has produced. That is the super player Steven Davis from Cullybackey in my constituency. He has graced our football pitches for many a year,

and I have enjoyed him as I have grown older, as have my children. It is a remarkable occasion when we can share in that joy as a family and watch him grace Windsor Park and anywhere else for that matter.

I was incentivised to rise to my feet today because there is a rumour going around in our media that Steven Davis is to retire. Mr Speaker, I assure you and the House that there are many games left in the legs of Steven Davis if he chooses to play on, and every one of the green and white army will support him in that decision. My family and I hope that we will see Steven Davis play football at Windsor Park and anywhere else that Northern Ireland plays for many years yet and many games yet. I encourage Steven to continue. He has the backing of us all. He is the greatest Northern Ireland player of our lifetime and is most certainly one of the greats. We will miss him when he retires — but not yet, Steven.

12.45 pm

Southern Health and Social Care Trust

Mrs D Kelly: I have just had confirmation that my question for urgent oral answer to the Health Minister was not accepted. I want to talk about the situation in the Southern Health and Social Care Trust, particularly Craigavon Area Hospital, last night. Today, an interviewer asked me whether the service had collapsed in Craigavon last night. What does a collapse look like if what we saw last night was an image of the brink of collapse? We heard appeals for people not to come to the emergency department if they needed help, other than in absolutely dire emergencies, and not to call ambulances, and there was a call-out to any staff who could go back into work. I have spoken to staff over recent weeks and months, and they are all physically and emotionally exhausted.

I am shocked, as, I am sure, are many members of the public, that the Executive are not meeting today to discuss the crisis in the health service. What happened last night in Craigavon happened only weeks ago in one of our other hospitals. I have no doubt that, like a domino effect, it will happen again unless we get a grip of what is going on in the health service.

Of course, the crisis is not just because of COVID, its impact and the number of people who continue to be unvaccinated — as the Health Minister told us only a week or so ago,

they are 15 times more likely to require a hospital bed — but the dire underfunding and lack of strategic workforce planning that we have had to endure over the past number of years. Some may well try to place all the blame for that on the Health Minister. That cannot be sustainable. The two big parties, Sinn Féin and the DUP, have controlled the Executive's purse strings for the past 15 years. Therefore, if we are to fix the crisis in the health service and, indeed, the social care system, we must be honest about what the health service needs. We must have a strategy in place that does not fall on the shoulders of the Health Minister alone but on the Executive and, in particular, the two joint First Ministers and, indeed, the Finance Minister.

COP26

Mr Muir: I express my and my party's deep concern about the outcome of COP26. After two weeks of negotiations, the Glasgow climate pact, with all its restrained and diplomatic language, is weak and insufficient. COP26 has been yet another missed opportunity. We now face a fight for survival. Put simply, it is a cop-out.

While some progress was made at the climate conference, the commitments fall well short of what is required to limit temperature rise to 1.5°C by the end of the century. New projections from the Climate Action Tracker show that, even with all the COP26 pledges being met, the planet is on track to warm by between 2.1°C and 2.4°C if only the proposed 2030 targets are met. Beyond that point, catastrophic impacts, such as sea level rises and more intense and frequent natural disasters, will be unleashed, with those who are least responsible for the climate emergency being impacted on most by the consequences of the changing climate.

Put simply, we cannot afford any more missed opportunities. After so many squandered years of denial, distraction and delay, Northern Ireland must set a stronger example by putting in place a climate change Act, as well as a green new deal that integrates economic and social transformation with the measures required to address the climate emergency. Climate adaptation should not be seen as a threat. Rather, it should be seen as an opportunity to create thousands of new green jobs. The solutions are in front of us, and the answer is very clear: we now need, urgently, to step up and take the decisive action that was dodged at COP26.

Health Service Crisis

Mr Gildernew: The ongoing and unprecedented pressures in Craigavon Area Hospital are yet another symptom of a healthcare system in crisis. Clearly, the situation in Craigavon is not limited to that area. The pressures in the hospital and emergency department are simply being pushed into other areas that are also under intense pressure, such as Daisy Hill Hospital, and the wider health and social care system. It is a recipe for disaster.

Week after week, we are confronted with crisis after crisis. While there are myriad problems, and significant financial resources have been made available, the underlying cause is the chronic staff shortage and the Department of Health's failure to come forward with a workforce plan with the urgency that it deserves.

We must think of the fear and worry that the headlines generate for staff and patients across the North, who, respectively, are faced with intolerable work stresses and sitting at home with a sense of hopelessness about their ability to access the healthcare that they need or that they are, indeed, discouraged from accessing. We must also consider the families who desperately need a care package for a loved one but have little hope of getting one in the current climate. What kind of worry and stress must that cause?

A chairde, we must do something about the health and social care crisis. It is our job. It is why we are in the Assembly. The solutions must be found, and we must possess the political will to find them. A health summit that includes the Department of Health, the Committee for Health, health and social care workers, patients, professional bodies and all others engaged in the sector must be convened immediately so that we can discuss and decide on measures that will mitigate the worst of the crisis in the tough months ahead.

Southern Health and Social Care Trust

Mrs Dodds: Like colleagues across the Chamber, I voice my concern about what has happened, and continues to happen, at Craigavon Area Hospital, and, indeed, in the wider Southern Health and Social Care Trust. At the outset — I know that colleagues will agree — I thank the staff who turned up last night, having been called in at very short notice,

and those who will continue to do so night after night.

There is no doubt that the situation in the Southern Trust is at breaking point. Many Members here today have identified some of the crucial issues. One such issue, which is a long-term issue that keeps coming up, is lack of investment in the Craigavon Area Hospital estate. It is hugely important that we see a long-term plan for the hospital estate.

Other Members have pointed to other areas in which we see a huge gap in services. That gap relates to the number of beds that are taken up by those who cannot get appropriate care packages to enable them to go home. In my constituency office, I have dealt with a number of those individuals in past weeks. The situation is critical. The chief executive of the trust, whom I will be meeting later today, has said that families should work to get their relatives into care or residential areas, as that would help relieve the pressure on beds. I have been in contact with the trust on a number of occasions in past weeks about the types of visiting arrangements that care homes allow. In June, one constituent's mum went into a care facility run by the Southern Trust. She was not allowed to go into the facility to see her mum. She was confined to what are lovingly called "window visits".

There are a lot of areas in which we need to address the problems that create the pressure points in the hospital. For the purpose of workforce planning, if we simply cannot get staff — staff are tired, weary and, at times, burnt out from what has happened to them — we should consider using our armed forces —

Mr Speaker: The Member's time is up.

Mrs Dodds: — as a short-term intervention.

Mr Speaker: That concludes Members' Statements. I ask Members to take their ease for a moment or two.

Assembly Business

Public Petition: Improved Addiction, Rehab and Crisis Services — Jack's Promise

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

Ms Flynn: It gives me no joy to present this petition to the Speaker today, as it comes from a place of great sadness and tragedy.

I have worked with Jack Brennan's family and his mother, Lorraine, since his untimely death in January of this year. The petition that I bring to the House today has been organised by the Brennan family and signed by over 2,000 people. It calls for improved addiction, rehabilitation and crisis services in west Belfast for all those who are battling the awful disease that is addiction and also a mental health condition. Sadly, Jack's experience of seeking help was not an isolated one. Arguably, it is the most common experience that many families are facing in west Belfast and many other areas across the country.

I will conclude my remarks by reading one of Jack's poems. He wrote it just before he went into rehab in Liverpool, and it is called 'The Days of My Life':

"Surrounded by people yet all alone trapped within this darkening zone.

A world where chaos and hate overtake any but of happiness that tries to escape.

Laughter and positive thoughts never seem to last, because I am haunted by my memories of the past.

Running the distance with nowhere to go, these are the days of my life, a Broadway show.

I scream out for help yet they never really hear, the demons of death are coming so near!

Echoes in my head tormenting me all day, breaking the man who was once whole and strong.

What does serenity mean anyway?

Is it the spring in my step or the words I say.

Suicide seems the answer many times I've tried, happiness seems to be the tears that I have cried.

Unable to distinguish what's real from fiction.

Hope is an illusion, an optimists prediction.

I wonder what will it take to get me right, a visit from the devil on a lonely night?

Angels prepare to battle and take a stand to remind me of their holy land.

When I want to give up they push for me to be strong and in my head I hear their comforting song.

Life is an illusion, a constant mind trick on me... who knows what my fate will be.

Heaven and hell are both a fair game, will I find peace or leave them with shame.

Surrounded by people, yet all alone, trapped within this darkening zone".

Those are Jack Brennan's words.

Mr Speaker: I thank the Member for that. I would normally invite the Member to bring her petition to the Table and present it. However, in light of social distancing, I ask the Member to remain in her place and to make arrangements to submit the petition to the Speaker's Office electronically. I thank the Member for bringing the petition to the attention of the Assembly. Once the petition is received, I will forward it to the Minister of Health and send a copy to the Committee. I thank the Member for the petition.

Members may take their ease for a moment.

1.00 pm

Ministerial Statements

'Mother and Baby Institutions, Magdalene Laundries and Workhouses in Northern Ireland - Truth, Acknowledgement and Accountability'

Mr Speaker: I have received notice from the Executive Office that the First Minister and deputy First Minister wish to make a statement. Before I call the Minister, I remind Members that, in light of the social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members who are participating remotely must make sure that their name is on the speaking list if they wish to be called. Members in the Chamber who wish to be called must rise in their place, as well as notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their question, as this is not an opportunity for debate per se, and long introductions should not be made. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during the statement or the question period that follows.

Mrs O'Neill (The deputy First Minister): We wish to update Members on the Executive's decision following our consideration of the truth recovery design panel's report on mother-and-baby institutions, Magdalene laundries and workhouses. Let me say at the outset that, as is always the case when I speak about the issue, our thoughts are very much with the women and their children who were treated in the most barbaric, inhumane and disrespectful way in those institutions across the island. It can never be forgotten that what we are talking about in many cases is women who have had their babies taken from their arms and moved, without their consent, across and between jurisdictions. Those babies are now grown children who do not know their identity, their family or their medical history. The publication of the report represents a major step forward for victims and survivors. I am therefore pleased to inform Members that the Executive have agreed all the recommendations in the panel's report. I will outline the five recommendations and how the Executive propose to proceed.

As Members will be aware, in January this year, the former First Minister made a statement to the House in which she reflected the decision by the Executive to undertake an independent

investigation of the institutions following the publication of research by Queen's University Belfast and the University of Ulster. That lifted the veil on the horrendous experiences of the women and girls and their children who were admitted to the institutions over many decades up to the late 1990s. The research uncovered some shocking and disturbing facts. Over 10,500 women entered mother-and-baby institutions over a 68-year period between 1922 and 1990. The youngest was 12 years of age, the oldest was 44 and around a third of the girls were under 19. They came from across Ireland, and a smaller number came from Britain and elsewhere. Appallingly, a number were the victims of sexual crime, including rape and incest, and, shamefully, the majority were made to feel that they and not the perpetrator were to blame. Shamefully, around a quarter of the babies born in the institutions were placed for adoption, a further third were sent to baby homes and others were boarded out or, in today's terms, fostered. The outcome was that countless women and girls were separated from their babies at birth or soon after, often without their consent or an understanding of what was happening. It fills me, as a mother, with unfathomable sadness that anybody would have to go through that.

A further 3,500 women and girls entered industrial homes or Magdalene laundries. Some were transferred after their baby's birth from the mother-and-baby home in order to atone for their so-called sins. Some were admitted because they had learning disabilities, and others were admitted because they had mental health issues. In the Magdalene laundries, women and girls were forced to work without pay and were stripped of their identity. Some spent their whole life there, and, when they died, they were buried from there.

The fact that their children would also suffer the consequences of those practices, with some facing horrific abuse in children's homes and many others spending years of their life trying to find out who they are and being misled, is not acceptable. The fact that adopted people still cannot access their records that contain information about who they are or their family medical history is also not acceptable or tenable.

The research, which is there for us all to see, shows the stark reality that, when the women should have been shown love, sympathy and kindness, they were isolated and excluded. Suffering was compounded by suffering. Let us call it out for what it was: abuse and violation. Women and girls had done no wrong, and they were punished for becoming pregnant outside

marriage. They were punished because they were the victims of rape and incest. They were humiliated and subjected to forced labour. They were robbed of their babies and denied the truth. It was wrong on every level.

I am sure that Members share my deep outrage that any of that was allowed to happen. The shameful truth is that it did. It involved a cover-up by Church and state. Although the research was comprehensive, it left unanswered questions, particularly in relation to adoption and infant mortality. That prompted the Executive to undertake an independent investigation shaped by the views of victims and survivors of the institutions, including the now-adult children of women from mother-and-baby institutions. In April, the Minister of Health took that forward and established a truth recovery design panel, which included experts Dr Maeve O'Rourke, Professor Phil Scraton and Deirdre Mahon. Ms Mahon served as the chair. I put on record my personal thanks and the entire Executive's thanks for the panel's delivery of a comprehensive report within a challenging six-month time frame. I also acknowledge the importance of the co-design and participatory nature of how the work was undertaken. I particularly thank the 186 victims and survivors, some from as far away as California, Australia and Canada, who worked alongside the panel tirelessly and were devoted to the pursuit of justice. I also thank Judith Gillespie, the independent chair of the interdepartmental working group that was responsible for overseeing that work. It is also important that we recognise the contribution of a range of individuals and bodies, some of whom have maintained a long-term interest in the institutions and the fate of their residents.

The panel published and delivered its report on 5 October. Along with the First Minister, the Minister of Health, junior Minister Middleton and Judith Gillespie, I met the panel to discuss the report's findings and recommendations. The panel's report makes five core recommendations and explains the rationale, timing and interdependencies of each one. That means that, challenging as implementation will be, it is not a question of choosing one recommendation over another but, instead, delivering them as a package. In doing so, we cannot lose sight of the fact that we are trying to address past and present human rights violations. Cherry-picking the report's recommendations was not an option. Unequivocal acceptance and full implementation of the panel's recommendations is the very least that we can do for victims and survivors. The age profile of the victims and survivors means that we cannot afford to delay

progress for one day longer. Many are likely to be in their 70s and their adult children in their 50s. Sadly, some are no longer with us. They have all waited far too long, and we are not going to stand by and allow them to wait any longer.

Before I take Members through the implementation proposals, it is worth reflecting on the individual recommendations. Recommendation 1 sets out the six integrated principles designed to guide all of our future work and to reflect the priorities identified by victims and survivors. They include sufficient funding to support the implementation; the centrality of human rights; full information access; trauma-informed policies and practices; accessibility of future investigations to victims and survivors, particularly for those with disabilities; and the inclusion of victims, survivors and their relatives affected by cross-border practices and the wider diaspora, as well as the relatives of the deceased.

Recommendation 2 focuses on the responsibility for implementation and makes specific reference to securing funding and cooperation with the Irish Government. That is relevant, as we know that a strong all-island dimension was at play. Some women and children moved of their own accord, and many babies were moved across the jurisdictions, often without the consent or knowledge of their mothers. As a result, for some women and their adult children, the full picture will be established and the absolute truth arrived at only when full access to information in both jurisdictions is secured. That places an onus on both the Irish Government and the Executive to work together on its delivery.

Recommendation 3 is unique. It proposes the establishment of an integrated truth investigation, made up of an expert independent panel and a public inquiry. They will both have an investigative role, gathering, assessing and analysing information from records and individuals to make evidence-based recommendations. They will differ, however, in that the expert panel is non-statutory, whereas the inquiry will be established in law by the passage of an appropriate Assembly Bill. That dual approach means that we can press ahead with the expert independent panel virtually immediately. There is also a real opportunity for it to shape the public inquiry and its final terms of reference. It is hoped that the institutions will cooperate with the expert panel voluntarily, but, if they do not, the public inquiry can compel them.

The needs and wishes of victims and survivors will be front and centre. How each individual chooses to engage with the integrated truth investigation is totally at their discretion. They can participate publicly or privately in the panel and the inquiry or in one only, and they can change their mind at any time. Finally, the records that will be generated will, potentially, be the nucleus of a permanent archive.

Recommendation 4, on access to records was, I understand, a matter of universal importance to victims and survivors, including the now-adult children who were taken from their mothers at birth. Full access to existing records is what is overwhelmingly wanted and needed to give a true picture of the past and to help victims and survivors to come to terms with the present and move forward with their lives. There are a number of elements to the recommendation. The first is the introduction of a statutory duty to compel the relevant institutions, adoption-related bodies and baby homes to preserve and not destroy relevant records. Therefore, material that is relevant to any future investigation is properly secured and readily available. The second element is the development of data protection guidance designed to advise data controllers of historical institutional and adoption records on the fulfilment of their obligations. The third element is the establishment of a dedicated, permanent, independent repository underpinned by legislation. It is likely that that will include all personal and administrative records relating to historical practices in a range of social care institutions and the adoption system.

Finally, recommendation 5 is concerned with the redress and reparation package, including the resourcing of services that have been identified by the Victims and Survivors Service (VSS) co-design exercise; financial assistance; a prominent memorial; citizenship for those who, due to their removal from the jurisdiction as a child, lost their entitlement; and a financial redress scheme for women and their adult children made up of an automatic standardised payment and the entitlement to a further, individually assessed payment. Victims and survivors should be consulted on the design of the package. It should not be means-tested, nor should it compromise existing social welfare benefit. There should be engagement with non-state institutions, organisations and agencies to establish a potential financial contribution.

As you can see, the recommendations are comprehensive and far-reaching. There is no doubt that their implementation will involve a significant work programme and a sizeable funding package. We are committed to

engaging and to listening. As I have indicated, however, we do not have the luxury of time. It is crucial that we move rapidly on all the issues. Therefore, the Executive have agreed all the recommendations, and work will continue at pace to finalise details and take the next steps as quickly as possible; indeed, such is our determination to move forward at speed that we have agreed some actions that will be taken forward immediately. We will establish the consultative forum, in line with the accessibility principle in recommendation 1, and an expert panel within the next six months, as outlined in recommendation 3. Victims and survivors will be represented on the independent expert panel, and the consultative forum will be given a role in the appointments to the panel.

Although the legislation required to establish the public inquiry can be progressed only in the next mandate, we can and will initiate any required groundwork now. We will begin the work on financial redress right away, including discussions with HMRC and the Treasury. We will undertake the groundwork for the legislation that will be required to ensure that payments are not means-tested and that welfare benefits, for example, are not affected. The Department of Health is already considering including a duty to preserve and not destroy relevant records in the Adoption and Children Bill that is before the Assembly, and instructions to counsel have issued.

It is clear that it will be complex and cross-cutting work. For example, the creation of an archive may appear straightforward, but the practicalities of it, including the use of the Public Record Office, are unclear. Any memorial will require careful thought and attention and must be progressed in a process of consultation and co-design with the victims and survivors. Citizenship is a reserved matter that falls to the Home Office and is, therefore, outside the Assembly's ambit. Those issues and others that arise will be considered in detail by the programme, which will be led by the Executive Office. To ensure strong coordination across all Departments, we have agreed that the Executive Office will lead on the programme, including on the inquiry and on redress.

One of our senior officials in TEO will take on the senior responsible owner role as the key decision maker. TEO will, therefore, have the overall responsibility for delivering the objectives of the programme. Other Departments will, of course, have significant involvement in the work as it progresses.

1.15 pm

Earlier, the First Minister and I met a group of victims and survivors virtually. We are making arrangements to meet them in person in the coming weeks. This morning, we discussed with them the decisions of the Executive and outlined our next steps. They welcomed those decisions. They felt a sense of relief, they felt that they were being acknowledged and they felt that this was a momentous day. They also left us in no doubt that what they need to see now is concrete action and full delivery of the recommendations. Today, on behalf of the Executive, we make that commitment to them.

This is a watershed moment for the women and adult children of mother-and-baby institutions, Magdalene laundries and workhouses. We must remember that this will be a difficult and emotional day for many. Our thoughts are very much with all the victims and survivors who were so grievously failed and have lived for many years with the unimaginable pain and trauma inflicted on them. Their needs are our absolute priority. It has been a long and arduous journey, but today they are one step closer to getting the truth that has been denied to them for decades.

Today, we stand united in support of all victims and survivors. We want to send a clear message that we will do everything in our power to ensure that you get the truth, justice and redress that you deserve. We will continue to keep Members updated as we make progress. All of us in the House will have a part to play in delivering on this crucial work. I commend to the House the report of the truth recovery design panel. I will finish by echoing the words of the report: let the truth be known and transparency achieved.

Ms McLaughlin (The Chairperson of the Committee for The Executive Office): I thank the First Ministers for the statement and welcome some action on the matter, the lack of which to date has caused considerable frustration among the victims and survivors. On behalf of the Committee, I echo the sentiments that what the women and their children endured should never have happened, that we all must ensure that it never happens again and that we address the harm caused to those who had to go through the institutions.

The Committee has been working to address concerns raised by victims and survivors of historical institutional abuse, not least the impersonal, legalistic approach to the redress process and the long-standing need for a formal apology. What steps have the First Minister and deputy First Minister taken to ensure that the

same mistakes are not made with victims and survivors of the mother-and-baby homes?

Mrs O'Neill: I thank the Member for her questions. I look forward to working with the Chair of the Committee as we progress the recommendations.

My message to everybody today is, "Let's do this together". We have a huge opportunity to support victims and survivors who have been failed at every turn. I want to work with every Member to make sure we do right and start to lift some of the burden that was inflicted on those women and girls for far too long. I will work with the Member.

It is really important that we learn lessons from what happened here and what happened in other jurisdictions and do not fall foul of the things that have been identified elsewhere. For example, when it comes to the issue of an apology, it is important that we reflect what is requested by the victims and survivors. The consultative forum will be the key mechanism by which to allow victims and survivors to input to that. Then, let us speedily return with a full apology from us to the victims and survivors. I want to do that as quickly as possible.

I have set out some of the things that we can do more quickly and some that will take a bit longer. However, let us keep building on the momentum that we have at this point. Let us continue to make progress and to make sure that we send a strong message to the victims and survivors, many of whom are watching today's debate, that we will work together and do this together and that we will support them together as we work our way through all the things that we have taken on board from the recommendations.

Ms Dillon: I thank the Minister for her statement. She is correct when she says that many of the victims and survivors will be watching the statement and the questions that we ask. Our thoughts are with all those victims and survivors.

Minister, I regularly engage with the birth mothers and the adopted children, and I engaged with them again over the past weekend. While they may have started their journey from the same place, their journeys are and have been different, and, therefore, their needs are different. Could we get some assurance that the needs of both those groups of people and their families will be fully met? Can you also acknowledge that the women and girls who went into the institutions suffered abuse, shame and stigma that they have

carried with them through their entire lives? That shame is not theirs, and they should not own it. Today, we need to ensure that we remove that shame.

Mrs O'Neill: Thank you for the question. I am conscious that you work closely with a lot of victims and survivors, so I absolutely take on board your point. I am particularly conscious of the fact that there are different needs, particularly among birth mothers and adopted children. It is a terrible indictment of society that, for many decades, so many mothers were burdened with that immeasurable shame and stigma, and that burden was placed on them by society and by those who sought to cover up what happened in institutions. It was the worst kind of abuse and trauma that anybody could experience. I hope that, today, our taking forward the recommendations goes some way towards lifting that burden from the women. The message that we should send strongly together today is that the stigma and shame must end now.

Mr Stalford: When you take someone's child from them and, in some cases, sell that child to wealthy couples, you engage in human trafficking. When you force someone to work, sometimes to the point of their death, without paying them for that work, you engage in slavery. When you then attempt to apply a veneer of the love of Christ to it, you engage in lies. The institutions responsible for this gave it up not because they had some turnaround or change of heart; they gave it up because the profit went out of it. Given that some of those institutions sit on vast resources, will the deputy First Minister and her colleague the First Minister and all Executive Ministers pursue them to ensure that adequate and fair recompense is made to the victims of their actions?

Mrs O'Neill: Yes, and, again, I acknowledge the Member's work in the area. He has been consistent in raising the issue for many years. You are absolutely right, and it is necessary that the institutions that were involved in those heinous crimes against women and spent so many years trying to cover them up should pay for the redress. It is appropriate that we seek the right contribution from them, and I hope that they will comply willingly. If they do not, we will legislate to take that power. We want the victims and survivors to hear the strong message today that we will act and compel organisations that fail to do the right thing when it is asked of them.

Mr Nesbitt: I thank the Minister for her statement. I give an unconditional welcome to the unequivocal nature of the statement and the commitment that, finally, the victims and survivors of mother-and-baby homes and Magdalene laundries will join the victims and survivors of historical institutional abuse in gaining redress. There is, however, a third group: the victims and survivors who were abused in non-institutional settings. Some of them may be watching this today in hope rather than expectation. What can the deputy First Minister say to that group of victims?

Mrs O'Neill: I want to say that nobody will be left behind and that we will do everything that we can to make sure that everybody is properly supported and has access to truth and justice. People had the same experience of trauma, whether that happened in an institution or in a home, and that needs to be acknowledged and rectified. We need to send a message to all victims and survivors that no stone will be left unturned by the Executive to support them. Whether it be clerical abuse, institutional abuse or abuse in the home — all those things — we have to make sure that we do the right thing for all those who, over many decades, have been hurt in such a horrible way.

Ms Bradshaw: I thank the First Minister and deputy First Minister for the statement. Before I ask my question, I put on record my immense admiration of the dignity shown by the birth mothers and adoptees throughout the process and in getting to this point. It has been inspiring.

As the deputy First Minister will know, during the research period, disclosures were made to the researchers on the nature of the sexual crimes. What support will be given to birth mothers and adoptees during the criminal investigations? The public inquiry will not stretch that far.

Mrs O'Neill: Like the Member, I acknowledge that this day belongs to the victims and survivors who have campaigned for so long to get to this point. I reflected in my introductory comments some of the things that they told us in the meeting that we had before coming to the Chamber. They have described today as a momentous day, but what they expect from us in return is to hear what we will do and how we will drive this forward. We want them to hear that this is a priority and that we will deliver all the commitments that we have set out.

The Member asked how we would support victims and survivors, particularly through the public inquiry. We are doing something that

nowhere else has done: a statutory public inquiry, which is more legalistic. Alongside that, however, we have the work of the independent panel. People can choose to be part of either or both. The other leg of that work is the consultative forum, which is where victims and survivors will tell us what they need. That is where people will get support to approach the panel and make their contribution, whether in writing or verbally — whatever suits the individual. A crucial part of supporting victims and survivors is that we get that right. We will let them tell us what they need as part of the consultative forum.

Ms Sheerin: I thank the joint First Minister for her statement. I acknowledge that the Executive Office has undertaken responsibility for the public inquiry. Why does the process have to be a legislative one? How long is the legislative process for the public inquiry and the redress board likely to take?

Mrs O'Neill: Essentially, we are putting the public inquiry into legislation because it gives us the power, if we need it, to compel organisations to cooperate. As I said, we hope that that is not where we get to. We do not want to have to do that, but we will. I hope that organisations will cooperate with the panel and that that work starts now, ahead of the inquiry. We need to ensure that we have the legislation just in case we need it.

We will work to get this moving as quickly as we can. Furthermore, it is essential that there is appropriate consultation with victims and survivors. We have made a firm commitment to them that they will be at the heart of everything that we do. We want to talk to them about that.

We are coming towards the end of this mandate, and it will be the next mandate before the legislation can be introduced. However, that is not to say that we will wait until then. We will start work now and have the groundwork done so that we can hit the ground running in the new mandate.

Mr Newton: I thank the Minister for her statement. In it, she emphasises that the shame lies not with the girl or the woman; indeed, they were the victims of males who created and brought about the abuse of those individuals. It was also males who created the institutions and propagated them throughout their long history. The male of the species is in a bad place in the report.

I thank the Minister for her agreement that the report has the unanimous support of the

Executive and that she will not cherry-pick aspects of its recommendations.

1.30 pm

Minister, you outlined in the statement the details of the financial redress scheme for women and their adult children. That is to be made up of entitlement and individually assessed payments that will not be means-tested or compromised. That is a big task, and not one that can be settled in Northern Ireland. When will the direct contact work begin, and when do you expect to have the package in place for victims?

Mrs O'Neill: I concur with the Member's commentary. There is a very shameful truth in our history out of what happened to far too many women and girls.

A number of things have yet to be decided on redress and, indeed, many other issues. We said that victims and survivors would be at the centre of it all. There are a number of matters that we need to develop further. Particularly on redress, we are looking at schemes in other jurisdictions and at how redress has been done elsewhere. We are talking on board successful examples and trying to avoid anything that has not worked elsewhere.

A lot of decisions need to be taken in the period ahead. Although there are a number of things to be decided over the coming months, it is important to say that we will not delay in trying to address them. Even as we move towards bringing forward legislation on the public inquiry, redress etc, there are things to be considered, such as avoiding there being a knock-on impact on people's benefits. We will therefore engage with the Treasury and Revenue and Customs on that.

We need to do all that work now. It starts today, and there is to be no delay with that work. While we work up legislation, we will work our way through all of that.

Mr Sheehan: Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for her statement. I welcome her commitment that the work will start today. Can the joint First Minister outline what immediate steps will be taken to progress the recommendations?

Mrs O'Neill: Thanks for that. Again, as we know, victims and survivors have waited too long. One of the questions that was put to us this morning was on what the time frames look like and what we can expect. They have been

failed at every turn and waited for so long, so one can understand the anxiety that there is.

We have agreed that there are some things that we can take forward immediately. The consultative forum that I have spoken about on a few occasions is a key recommendation in the report. There will be a meeting to discuss that later this afternoon, so we are actively progressing that. We have said that the independent panel will be in place within the next six months and that we will prepare the legislation to establish the public inquiry. We will also begin the work on financial redress straight away. That is about, as I said, engaging with the Treasury in London and working up the legislation.

The Department of Health is also looking at doing a piece of work. A crucial area is that of people having access to their information and records. Victims and survivors universally accepted that as being a key area that needs to be addressed immediately. There cannot be another day of delay. One of the things that the Department of Health is looking at is whether it can amend the Adoption and Children Bill that is currently before the Assembly. Doing that would allow us to bring in that legislative change very quickly.

Hopefully, all of that demonstrates that there is no long-fingering of things here and that we are actively working our way through them as we speak.

Ms S Bradley: I welcome the statement and align myself with the sentiments expressed across the House in support of victims and survivors. The deputy First Minister touched on the issue that I wanted to raise. Although I welcome the commitment to embrace all the recommendations, I was particularly eager that instructions be issued to counsel about the duty to preserve records, and I am pleased to hear that that has happened. For clarity, does that need legislative underpinning or can it be actively embraced today? Can we reach out to those organisations and tell them that they must preserve all the documents and data that they may hold?

Mrs O'Neill: As I said, the Department of Health has started that work and instructed legal counsel. There must be legislation to underpin it, so it is about whether we can amend the Adoption and Children Bill to allow us to do that.

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

Let me to very clear to all the organisations that have a role to play: everybody should be preserving records. Organisations should not need to wait for legislation. That should be done today. There should be no delay. I believe that the Department of Health has encouraged all organisations, particularly those within the Health estate, or the Health family, if you want to call it that, to do so. However, it is important that the message is heard: we will legislate to protect records, but records should be secured today. That is important.

Mr Chambers: I thank the Executive Office, through the deputy First Minister, for the comprehensive statement. Minister, this whole heart-wrenching story, going back many years, has been a very dark period and is a stain on our history. It reflects badly on those who let it happen and allowed it to continue. The love and compassion of Jesus was certainly in short supply in those institutions.

My question is really the same as that asked by Ms Bradley a few moments ago. The Executive are bringing forward a statutory duty to compel the retention of relevant records, but is the Minister confident that some damning records have not already been destroyed in an attempt to obstruct full disclosure?

Mrs O'Neill: Obviously we are concerned about that, given the passage of time and particularly given that those organisations deliberately set out to deny people, including victims and survivors, access to information. They perpetrated this violence towards women and then spent decades trying to cover it up. That does not bode well for confidence in their ability to do the right thing. I send the message again, very clearly, that all information should be restored. Victims and survivors are entitled to have access to their information. It is theirs, they have been robbed of it, and it is time to give it back to them. If we are going to be able to get a fulsome public inquiry and get all the information out there, that will be a vital component.

Mr Delargy: I thank the joint First Minister for her statement. On the back of the commitment that it will be implemented, will she give an assurance that the process will commence urgently?

Mrs O'Neill: Yes. It is so important that people know, and I hope that I have demonstrated, that we will move at pace and that there will be no delay. We are talking about women having been treated in the most barbaric way. As one of the Members said earlier, it was child

trafficking. It was a cover-up that involved both church and state. It is time to do the right thing by victims and survivors.

If you will indulge me, when we met victims and survivors earlier, one of the things that they said to us was, "Whilst our names might have changed in the past, we always mattered". They want to hear that from us, and I want to say to victims and survivors: you matter, and you always mattered. I send that message to them today, because it is important, as we get to this point, of acknowledging and accepting the things that we need to do, that they hear that also.

Mr Muir: I thank the deputy First Minister for her statement. It is important to acknowledge the lifelong pain and trauma that many have endured. Is a timescale envisaged for the apology? The apology is an important thing, but it has to be done correctly, and an understanding of the timescale for that is important.

Mrs O'Neill: I agree. The principal point — it has to be done correctly — is so important. This morning, we said to victims and survivors that we will work with them through the consultative panel. I do not have a time frame per se, but I assure you that we will do it as quickly as possible. I stand before you, and before the victims and survivors, and say that we will do it right and do it justice.

Ms Brogan: I thank the joint First Minister for her statement. I welcome its emphasis on the importance of victims and survivors having access to records in this jurisdiction, but, as the Minister is aware, babies were moved across the island. Will she detail how access to records in the South will be facilitated, please?

Mrs O'Neill: That is a very important point. The Member is right to highlight the need for an all-island approach to the matter and for that cooperation, particularly in cases where babies were moved across jurisdictions. We know that that is the real experience of so many. The panel has made a recommendation that we should cooperate with the Irish Government in order to get maximum possible access to information, and I can say that that process has started at official level and that it will intensify in the period ahead. I have also raised it with the children's Minister in the South, and we will continue to raise it. It will be really important for us to get that joined-up approach exactly right because it will have an implication for people getting full access to all their information.

Mr Catney: Thank you, joint First Minister, for giving the report here today. It represents a major step forward, as already stated. Out of the 10,500 women who went through those institutions, there are some who probably want to remain anonymous, and everything must be done that possibly can be done to keep their identity as private as they would like. Do you agree?

Mrs O'Neill: Yes, of course, and that is why the way in which we are responding to and taking on board the panel's recommendations, particularly on our having the statutory inquiry and then the panel work, will allow the individual to decide which part they wish to be part of, and it is very important that their identity is protected through all that. No one will be compelled; people will have a choice of which avenue to take or they can participate in both. That is essential if we are going to allow victims and survivors to participate in a way that is meaningful and important to them.

Mr Beggs: I welcome the statement by the First Minister and deputy First Minister indicating that they will adopt the recommendations of the panel. Recommendation 5 is on redress and reparation. It speaks of engagement with non-state institutions, organisations and agencies in order to establish a potential financial contribution. Those non-state organisations and institutions abused women, they inflicted a form of modern slavery long after it was banned and they profited from that slavery. What process will be put in place so that there will be significantly appropriate reparation from those non-state institutions and organisations for what occurred?

Mrs O'Neill: It is time for them to do the right thing. It is time for them to pay for and support the redress that victims and survivors are entitled to. We will engage with them on their contribution. However, we will legislate to compel, and that is important. It will not be a question of saying, "Will they or won't they?". They will be compelled to comply if they do not comply.

Miss Woods: I thank the deputy First Minister for making the statement today. Let us call this for what it is: one of the greatest scandals of our time. Last week, a number of us met representatives of the truth recovery design panel in Northern Ireland, and I thanked them for their openness and honesty and for engaging with us during that meeting. I hope that all records and information will be retained and released when required, and I hope that interpretation of GDPR will not be an issue

either, as that was a crucial point that was raised with us. I know that the process is now going to be led by the Executive Office rather than Health, so will the deputy First Minister say that she is committed to adequate funding and resources being allocated from the Executive Office for long-term support services for victims and survivors of the mother-and-baby institutions?

Mrs O'Neill: I concur that this is a shameful truth in our history. I think that we all recognise that, as we stand here today, the journey has been very long and very difficult for the victims and survivors. We all readily acknowledge the abhorrent failure and the trauma that was inflicted on women and girls. Now is the time for us to respond and to show them that we hear them and are listening to them; that we acknowledge what happened and acknowledge that it was wrong, and we are going to work with them on redress. We have taken on board all the recommendations, including funding a redress scheme, so the political priority is there, and we have to find the money to do the right thing by the victims and survivors.

Mr Deputy Speaker (Mr McGlone): Thank you, Members. That concludes questions on the statement. Go raibh maith agat, a chomh-Chéad Aire. Thank you, joint First Minister.

Members, please take your ease as we move to the next item of business.

1.45 pm

I will allow two minutes, Members, and then we will move on.

British-Irish Council: Transport

Mr Deputy Speaker (Mr McGlone): I have received notice from the Minister for Infrastructure that she wishes to make a statement. Fuair muid fógra ón Aire Bonneagair gur mhaith léi ráiteas a dhéanamh.

Ms Mallon (The Minister for Infrastructure): With your permission, Mr Deputy Speaker, and in compliance with section 52 of the Northern Ireland Act 1998, I wish to make a statement to the Assembly on the British-Irish Council (BIC) ministerial meeting of the transport work sector that was held on 22 October. Before I do, I offer an apology to Members: due to an administrative error by my private office, this statement was delayed; it was due to take place last week. I apologise for the inconvenience

that was caused to Members as a result of that error.

To ensure that there was appropriate community representation at the meeting, Members will note that junior Minister Middleton was also in attendance. He is aware that I am making this statement to the Assembly.

Members will be aware that the British-Irish Council, which was established in 1999, is a forum for its members to discuss, consult and use best endeavours to reach agreement on cooperation on matters of mutual interest within the competence of its member Administrations. The British-Irish Council transport work sector is chaired by the Northern Ireland Executive. The group has proved to be a constructive forum for facilitating thematic evidence exchange and practical collaboration as Administrations seek to decarbonise transport. The meeting of the transport work sector was particularly timely; it allowed Ministers to take stock, in advance of COP26 in Glasgow, of the ongoing efforts across these islands.

As I have highlighted, the Executive were represented at the ministerial meeting by me and junior Minister Middleton. The Government of Guernsey were represented by Deputy Lindsay de Sausmarez, President of the Committee for the Environment and Infrastructure. The Government of Ireland were represented by Mr Eamon Ryan TD, Minister for Transport and the Minister for the Environment, Climate and Communications. The Isle of Man Government were represented by Tim Crookall, Minister for Infrastructure. The Government of Jersey were represented by Deputy Kevin Lewis, Minister for Infrastructure. The Scottish Government were represented by Mr Graeme Dey MSP, Minister for Transport. The UK Government were represented by Trudy Harrison MP, Parliamentary Under Secretary of State at the Department for Transport. The Welsh Government were represented by Lee Waters, Deputy Minister for Climate Change.

During the meeting, Ministers considered a paper that had been prepared by the work sector on the electrification of vehicles and discussed how that transition will make a key contribution towards the decarbonisation of transport and to achieving the efficient and cleaner movement of people and goods across BIC member Administrations. Ministers shared experiences and perspectives on pathways towards the electrification of vehicles, including aspects such as charging infrastructure and supporting the transition to electric vehicles through financial and fiscal mechanisms.

Ministers noted and agreed the content of the forward work plan for the transport work sector, which will support all Administrations' efforts towards addressing climate change and decarbonisation, and which identifies the areas of focus for the work sector for the next three years as modal shift and the decarbonisation of public-sector transport and the freight fleet. With the declaration of a climate emergency across many Administrations and the commitment to achieving net zero, the need to increase the urgency of efforts to address climate change is a shared priority. Member Administrations are in accordance that an intensive programme of decarbonisation is required to meet those targets, including in the transport sector as it is one of the largest contributors to carbon emissions.

We, as an Assembly, have committed to taking action to tackle the climate crisis and reduce emissions across all sectors, including transport. In that context, the British-Irish Council continues to offer an essential framework for sharing challenges and best practice across the Administrations.

Finally, I place on record my appreciation to the ministerial colleagues across the BIC member Administrations who participated so productively in the ministerial meeting. I look forward to learning about the outcomes that arise from the transport forward work programme and the associated ministerial meeting, which should take place in 2023. I am happy to take questions from Members in respect of the ministerial meeting.

Mr Deputy Speaker (Mr McGlone): As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. Questions on the statement will begin after Question Time, when the next Member to speak will be the Chair of the Committee for Infrastructure, Jonathan Buckley.

The business stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

The Executive Office

Mr Speaker: Question 9 has been withdrawn.

Good Friday Agreement

1. **Ms Brogan** asked the First Minister and deputy First Minister for their assessment of how the institutional and constitutional arrangements, outlined in paragraph 5 of the Good Friday Agreement, are interdependent and interrelated. (AQO 2709/17-22)

Mr Givan (The First Minister): Strand one of the agreement established the Assembly as the primary source of authority in respect of all devolved matters, with an Executive Committee of the Assembly discharging executive authority on its behalf.

Ms Brogan: I thank the First Minister for his answer. All the institutions of the Good Friday Agreement are interdependent, including, of course, the North/South Ministerial Council (NSMC), the DUP boycott of which has been branded unlawful by the High Court and is creating unnecessary tension and instability. The outworking of that can be seen in the recent criminal attacks on buses, bus drivers and passengers. Will the Minister give a commitment here and now that they will show some belated leadership, tone down the reckless rhetoric and end the boycott of the North/South Ministerial Council?

Mr Givan: There was an inevitability about North/South relationships when the east-west relationship was damaged as a result of the protocol, which is a point that I made when I met Members of the European Parliament this morning. That has upset the delicate balance that the Belfast Agreement created, which required unionist and nationalist support for all the institutions. There is not a single unionist Assembly Member, Member of Parliament or unionist in any local government authority who supports the protocol. I urge Lord Frost and the European Union to intensify that process this week because we need to see a resolution to those issues.

Ms McLaughlin: Does the First Minister accept that the failure of some Ministers to attend the

North/South Ministerial Council is a breach of obligations under the Good Friday Agreement and is, at the very least, an act of bad faith?

Mr Givan: The act of bad faith was the imposition of the protocol. The Member knows that her party and others in the Chamber tabled repeated motions calling for the rigorous implementation of the protocol. It is at least progress that the parties that called for that rigorous implementation no longer seem to call for it.

Let us all encourage those who are involved in the talks over the next week or two to make the progress that is needed because Members from all sides have said that they do not want North/South barriers or east-west barriers. Therefore, there needs to be a solution that delivers on that. That will respect the Belfast Agreement.

Mr Allister: Though he is now a functionary of the Belfast Agreement, does its First Minister accept that its core assurance of no constitutional change without consent has proved to be a fable and a deceit, in view of the finding in the High Court that the protocol has had the effect of repealing a cardinal principle of the Acts of Union: article 6. If that is so, why is the Minister's party, through his preferred leader, continuing to implement the Union-dismantling protocol?

Mr Givan: The Minister of Agriculture, Environment and Rural Affairs is not implementing the protocol; indeed, if he had been, we would face a much worse situation. It is as a result of the DUP Minister holding that Department that we have not had the protocol implemented. It was that Minister who introduced grace periods for pets, and he continues to ensure that the protocol is not implemented. Therefore, the Member, as a functionary of the Belfast Agreement who takes his seat in the Assembly created by the very Belfast Agreement to which he refers, should recognise that it is the Democratic Unionist Party that is pursuing a policy to try to eradicate the border that has been created down the Irish Sea. He should join us to encourage fellow unionists to take forward our strategy.

Mrs Dodds: Like the First Minister, I met Members of the European Parliament this morning. Does he agree that the Northern Ireland protocol is not just destroying trade between Great Britain and Northern Ireland and is injurious to our United Kingdom's internal market but damages relations in Northern Ireland, in that the unionist community, in

general, does not consent to the protocol and, indeed, no unionist in the House consents to the protocol? Surely that should give rise to concern, not just for the MEPs who are visiting but for those who are engaging in negotiation.

Mr Givan: The Member is absolutely right in the points that she makes. It is vital that those concerns, which have been articulated for some time by Members on these Benches, are listened to carefully. It was a commitment in 'New Decade, New Approach' (NDNA). That commitment was that Northern Ireland would have its place in the United Kingdom and internal market restored. We entered the institutions on the basis of that promise, which was made by the United Kingdom Government. They must deliver on that promise. They can do it by either of two ways: they can reach an agreement with the European Union that delivers on the seven tests that we have set, or they can trigger article 16. However, they need to move, and they need to do so quickly.

Protocol on Ireland/Northern Ireland

2. **Mr Chambers** asked the First Minister and deputy First Minister for an update on what representations they have made through the EU-UK Joint Committee regarding the protocol on Ireland/Northern Ireland. (AQO 2710/17-22)

3. **Mrs Erskine** asked the First Minister and deputy First Minister what opportunities they have taken to highlight the need to address the issues arising from the protocol on Ireland/Northern Ireland. (AQO 2711/17-22)

Mr Givan: With your permission, Mr Speaker, I will answer questions 2 and 3 together.

We continue to utilise every opportunity available to us to represent our respective positions on the protocol to the UK Government and the European Union to secure the best possible outcome for our citizens and businesses. We have attended all eight meetings of the Joint Committee and will continue to ensure that our position is taken into account by all sides in order to protect the interests of all our citizens and businesses. The deputy First Minister and I met Lord Frost and the Secretary of State for Northern Ireland on 22 October and again on 9 November to receive updates on the ongoing discussions between the UK and the EU, during which we raised the issues that needed to be addressed regarding the protocol and reiterated the need for certainty. Junior Ministers Middleton and Kearney also regularly attend ministerial Cabinet Office meetings to ensure that our

views on the protocol are heard and understood by the UK Government.

Mr Chambers: I thank the First Minister for his response. Far from what some parties are trying to claim, the EU non-paper on 13 October provided little detail or certainty. Does the First Minister agree that, no matter what political discussions or deals might take place elsewhere, equity of access to all new medicines and vaccines for patients in Northern Ireland should be non-negotiable? Will the Executive therefore endorse utilising whatever contingency measures are necessary to deliver that?

Mr Givan: The Member is absolutely right to indicate that the proposals put forward by the European Union fall short of addressing a range of issues, not least the matter that he has raised in respect of medicines. There is an issue with the role of the Medicines and Healthcare products Regulatory Agency (MHRA) and the European Medicines Agency (EMA) in matters of patient safety. The EU proposals failed even to put forward anything in respect of veterinary medicine to provide the medicines needed to address animal welfare issues. There are also issues in respect of sanitary and phytosanitary (SPS) arrangements around certification, definition and scope. Beyond the headlines that accompanied the EU proposals, the proposals lack the substance required to address vital issues, not just constitutional matters when it comes to governance but issues with the provision of goods, including medicines, that affect all our communities.

Mr O'Toole: Earlier this year, the pharmaceutical company Almac described its position under the protocol as giving it and its customers:

"unique seamless, uninterrupted and flexible access to both the UK and European marketplaces."

Last week, Almac announced the creation of 1,000 jobs here. First Minister, what is it about the potential for economic advantage and job creation that your party wants to throw away? In your discussions with businesses and business groups, has a single one supported your idea of triggering article 16?

Mr Givan: Yes. Many have, when it comes to the engagements that I have had with businesses [*Interruption*] —

Mr Speaker: Order.

Mr Givan: — about a range of issues that affect them. You need only look at the UK Command Paper, which I commend, that was published before the summer. It gives great detail on the impacts that the protocol has had. The Member raises his eyebrows and dismisses that, because he is blind and deaf to the reality of what the protocol has done, such is his sycophantic nature when it comes to being pro-European. He should look at the devastating impact that the protocol has had in diverting trade away from coming from Great Britain into Northern Ireland. If the Member is so concerned about our pharmaceutical companies and medicines, he should listen carefully to the Health Minister. Over 90% of our medicines come from Great Britain, and, when it comes to his position on the protocol, the Member should reflect on that rather than lecture me on the issue.

Mrs Erskine: I thank the First Minister for his answer. It was reported last week that, from next year, the Irish Government intend to inspect fuel crossing from Northern Ireland in order to enforce new air quality rules. Does the First Minister believe that that announcement is consistent with the approach that the Irish Government have taken to resolving the problems created by the protocol?

Mr Givan: The Member raises an interesting point that the media picked up on last week. It dismisses the myth of the Irish Government's position of not wanting to have a border on the island of Ireland, because, when it comes to this issue, they want a border on the island of Ireland and to carry out checks at that border. I do not believe that any Member of the House has said that the Irish Government are in violation of the Belfast Agreement as a result of their desire to put in place those checks; I certainly have not heard any Member say so. I hope that that translates to the talks process that is under way and that the Irish Government use their influence to persuade the European Union to take a much more pragmatic approach to finding solutions.

Mr Dickson: First Minister, in all the meetings that you have had with the Joint Committee, what positive aspects of the Northern Ireland protocol have you promoted? The vast majority of representatives of businesses tell Members of the House that there are great benefits to being in the economies of both the United Kingdom and the European Union. Those are great benefits to Northern Ireland; indeed, an Executive Minister was promoting those benefits in the Netherlands just last week.

Minister, will you tell the House what you have been doing to promote Northern Ireland positively? The situation stands in sharp contrast to national newspaper reports of empty shelves in supermarkets and other businesses across the UK —

Mr Speaker: Will the Member come to the question?

Mr Dickson: — but rarely in Northern Ireland

Mr Givan: I thank the Member for the question. The most recent meeting of the Joint Committee took place on 9 June, which was before the UK Command Paper was published. The deputy First Minister and I discussed with Lord Frost and the Secretary of State having another meeting of the Joint Committee. The indications were that that would be premature, given the issues that are now being discussed and negotiated. That process needs to come to a conclusion for there to be value in having any such Joint Committee meeting.

On the broader point that the Member makes, I say that it should not be beyond the realms of possibility to protect the European single market and for the integrity of that market to be upheld without having the checks that are in place and that, indeed, would be much worse had not the grace periods for the east-west dimension been extended.

Mr Sheehan: While most people agree that there are operational difficulties with the protocol that need to be ironed out, the EU has put reasonable proposals on the table to do just that.

Does the First Minister agree that, if the British Government reject those reasonable proposals, it will be because the Tories want to engage in perpetual war with Europe rather than deal with tangible solutions, and that we will end up as collateral damage in that agenda?

2.15 pm

Mr Givan: I will resist ratcheting up the rhetoric by using the word "war", given that Ms Brogan said in her supplementary question that we should dial down the rhetoric. I note that it was the European Union that said:

"We are ready for peace but prepared for war."

That did not come from anyone on this side of the House or, indeed, from the processes of the

United Kingdom Government. Let us encourage them to continue to intensify the talks process this week. They really do need to make progress on those issues quickly.

Mr Speaker: I call Christopher Stalford.

Mr Stalford: I seek clarity, sir. Is it in relation to this, or is it the question that I am listed for next?

Mr Speaker: It is the listed question.

FICT Report: Publication

4. **Mr Stalford** asked the First Minister and deputy First Minister for an update on when the Commission on Flags, Identity, Culture and Tradition (FICT) report will be published. (AQO 2712/17-22)

Mr Givan: I invite junior Minister Middleton to answer this question.

Mr Middleton (Junior Minister, The Executive Office): I thank the Member for his question. The FICT report was discussed at the most recent Executive meeting on 23 September, and there was agreement that the report should be published. Consideration is being given to how best to facilitate that.

Mr Stalford: In light of recent decisions in relation to the display of a memorial stone in the grounds of this Building to mark the centenary of this country, the lighting up of this Building and even the planting of flowers in the grounds of this estate, does the junior Minister agree with me that if we, as a society, are going to progress in these very sensitive areas, it needs to be on the basis of mutual respect and not one party seeking dominance over the rest of us?

Mr Middleton: I agree that we need mutual respect right across the board to move forward, and that works both ways. The report discusses culture, conflict and rights, cultural identity and society. It looks at the issue cultural public spaces as well. That being said, whilst these reports can be brought forward, it is about actions and how people behave and feel. People have been disappointed by how certain political parties in the Chamber have conducted themselves during the centenary of Northern Ireland.

The report has 45 recommendations. There are a number of areas in the report where consensus was not reached. They are described as "where challenges remain". We

need to see mutual respect. Unfortunately, over the course of the past 12 months, we have not seen that.

Ms Sheerin: Junior Minister Kearney has already said that the delay in publishing the FICT report did not sit with the Sinn Féin side of the Executive Office. Can the First Minister or the junior Minister outline why they are blocking the publication of the implementation plan alongside the FICT report?

Mr Middleton: I thank the Member for her question. As I said in my answer, at the Executive meeting on 23 September, there was agreement that the report should be published. In July, at the most recent FICT working group meeting, that was our position. Unfortunately, we have not been able to get to the position where that report will be published. The blockage is not from our side. I urge Members across the House to allow that report to be released. It is important that the public see the report and have their say. The blockage is certainly not from our side.

Mr McGlone: At a practical level, what more will be done to protect workers who are doing their job? They have to remove some of the more contentious flags from areas where they simply should not be.

Mr Middleton: I thank the Member for his question. Again, we urge that the FICT report be published. That being said, the report is not going to solve all the ills in society. That is not to stop particular Departments from taking forward work in their areas. Of course, people and workers should not feel threatened when they are dealing with contentious issues. We have to work together with our local communities and reps. Speaking in my personal MLA capacity, I know that we do that in my constituency. Waiting for the report to be published should not prevent Departments doing work that is within their remit. Again, the report can be published, it should be published and we are certainly not blocking that.

Miss Woods: Will the junior Minister give an assurance that the FICT report and plan will be published in this Assembly mandate?

Mr Middleton: The FICT report can and should be published. That is the position that was taken at the September Executive meeting. We want to see that happen. It is a matter for others to say why it has been blocked. People will judge that for themselves. The FICT report could be published today if there were a willingness to do so.

UK City of Culture

5. **Mr Beattie** asked the First Minister and deputy First Minister whether they gave a letter of endorsement to Armagh City, Banbridge and Craigavon (ABC) Borough Council for its opening UK City of Culture bid. (AQO 2713/17-22)

Mr Givan: Unfortunately, we were unable to provide a formal letter of endorsement to the council on behalf of the Executive in advance of its opening bid. However, we are pleased that that did not impact on the council's bid and were delighted to learn that it has been successful in making the longlist in the 2025 UK City of Culture process. Success in that competition would create a once-in-a-generation platform to showcase to a wider audience the wealth of the culture, arts and heritage that the heartlands of Armagh and Down, their communities and their people have to offer. In light of that, we have written to the council offering our full support, and we wish it the utmost success with its submissions.

Mr Beattie: I thank the Minister for his answer. It is disappointing that the Executive did not give a letter of support before the initial bid went in, even though the council had asked for it in a timely manner. All the other city bids had those very important letters of support. You raise a really good point, First Minister, about giving the council the support that it needs now, and that is the important thing. I understand that the Communities Minister will be looking at the issue, but what support will the Executive Office give?

Mr Givan: I will comment on the timing of the letter and say why we were not able to respond as soon as we would have liked. The letter came in on 9 July and requested that a response be made in less than a week. We sought input from the Department for Communities, as the Member rightly raises, but it was over a month before we got that back from that Department. Having said all that, we, as First Minister and deputy First Minister, are communicating and have communicated to the chief executive of the council our full support and the work that we can do with the Departments in seeking to support the bid. The Department for Communities will be and is the primary Department with responsibility for that, but where the Executive Office can assist, the council will get our support.

Mrs D Kelly: Will financial support be on offer? Will there be support in kind? If so, how much, and when might the council know?

Mr Givan: I will let the Department for Communities engage with the council on financial resources, commitment in kind and whatever that will look like. The primary responsibility on how the Executive can support the bid will come through the Department for Communities. As I said to Mr Beattie, the Executive Office will be happy to assist where it can, but it will be led by the Department for Communities.

Mrs Dodds: I am delighted that ABC council is proceeding with the bid. Last week, I was talking to the chief executive, who was in London talking to others about the bid. In the wider upper Bann and ABC council area, we have the city of Armagh, with all its culture, traditions and built heritage. We will also show some of the popular culture of today when the Game of Thrones exhibition opens in Banbridge in the not-too-distant future, hopefully. However, County Armagh is also the birthplace of Orangeism —

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

Mrs Dodds: Yes. Does the First Minister agree that it is important that we celebrate the widest range of culture, including the Orange tradition?

Mr Givan: The Member is right to raise that. The Armagh, Banbridge and Craigavon council area has a very rich heritage. It has a very strong sporting heritage, but, in particular, it has a cultural heritage. When I think about the Orange institution, its birthplace in County Armagh, Dan Winter's cottage, and things like that, I, of course, expect Armagh City, Banbridge and Craigavon Borough Council to include the Orange Order, as it very much brings its rich diversity to that part of Northern Ireland.

Ms Ferguson: As an MLA for Foyle, I wish the ABC council all the best in its City of Culture bid. Derry's year as the City of Culture in 2013 is still fondly remembered. Minister, what is your assessment of the legacy stemming from Derry's time as the City of Culture?

Mr Givan: The Member speaks from experience about the impact. I remember well the profile of the north-west, the city of Londonderry and all the different cultures, businesses and so on that were put on show right across the United Kingdom and attracted media attention. We have a legacy from that. We can see that there is significant investment coming to the north-west. We have the expansion of the university at Magee. The

Member rightly commends that, and we hope that ABC council will be successful in its bid and can benefit in a similar way to the Member's constituency.

Climate Crisis: Mitigation Action

6. **Mr McNulty** asked the First Minister and deputy First Minister what action they plan to take to ensure that Northern Ireland meets its commitments to mitigate the impact of the climate crisis. (AQO 2714/17-22)

8. **Mr Carroll** asked the First Minister and deputy First Minister what climate commitments they will make following their attendance at the 26th UN Climate Change Conference of the Parties (COP26). (AQO 2716/17-22)

10. **Ms Á Murphy** asked the First Minister and deputy First Minister to outline the details of their discussions at the 26th UN Climate Change Conference of the Parties. (AQO 2718/17-22)

Mr Givan: With your permission, Mr Speaker, I will answer questions 6, 8, and 10 together.

We attended the opening ceremony of COP26, along with leaders from participating countries, and held discussions with the UK Government and the other devolved Administrations. We also met the US delegation and discussed potential economic opportunities from using clean energy. The discussions provided the opportunity to share best practice on the challenges of climate change. We also met some of our local organisations and, hopefully, helped to highlight their expertise in addressing climate change issues. We discussed the Executive's plans and our recognition of the need for action.

The New Decade, New Approach commitments include a strategy to address the immediate and longer-term impacts of climate change. We need to achieve a balance in sustainable living, protect the environment and develop economic opportunities. That will be a theme throughout the next Programme for Government.

Our actions include introducing the Executive's Climate Change (No. 2) Bill, which is now with the Assembly, and the green growth strategy, which was developed in consultation with many stakeholder groups, particularly young people. The Executive have also endorsed our environment strategy, which will be one of the main strategies underpinning our overarching green growth agenda. An energy strategy, sustainable transport and other plans will not

only provide the strategic basis to reduce carbon emissions but create new jobs in the green economy and drive innovation.

Mr McNulty: I thank the Minister for his answer. How will the Executive Office bring Ministers and Departments together to tackle the climate crisis in a collective, meaningful, impactful and consistent way, and do you recognise and appreciate the urgency of the word "now"?

Mr Givan: I absolutely appreciate it. When I was in Glasgow, I made the point that the next generation of younger people absolutely get that. At times, they can be the strongest advocates, because they challenge us, just as my children challenge what I do or what their grandparents do in our home environment. Our schools have a fantastic eco scheme right across Northern Ireland, and that has a real and positive impact.

When it comes to all the issues, as I highlighted in my original response, we are signed up, as an Executive, to delivering on a wide range of different strategies that have meaningful objectives and will have tangible impact. Collectively, as an Executive, we take that seriously.

Ms Á Murphy: Minister, as a result of COP26, there is now an increased global focus on the need to combat the climate crisis. With that in mind, will you commit to supporting my private Member's Bill to ban fracking, so that we can all play our part in the greatest challenge facing humanity?

Mr Givan: I have not had an opportunity to look at the Member's private Member's Bill. As someone who has introduced a private Member's Bill, I know that a lot of work goes into that. Without commenting on its substance, I commend the Member for developing a private Member's Bill. I will, obviously, look at what it contains.

On the broader principle, when it comes to tackling climate change, having clean energy and driving forward our environmental strategies, we need to ensure that Northern Ireland is energy sufficient and that we have our own security of energy supply. Therefore, we need to make sure that we make changes in a sustainable way.

Mr Speaker: I will allow Christopher Stalford to ask a very brief supplementary question.

Mr Stalford: We all recognise the scale of the challenge that we face and the role that the

Executive Office has in coordinating the response across all of government. Will the First Minister confirm for my constituents in Belfast that this Government will not clobber them with a congestion charge?

2.30 pm

Mr Givan: That has not been discussed at the Executive, nor, indeed, has the Minister for Infrastructure brought forward such a proposal. I am not anticipating one coming forward.

Mr Speaker: That ends the period for listed questions. We will move on to 15 minutes of topical questions. Topical questions 5 and 7 have been withdrawn.

Bill of Rights Panel: Appointments

T1. **Mr G Kelly** asked the First Minister and deputy First Minister to comment on media reports that he is refusing to appoint the eminently qualified human rights expert Colm Harvey to a bill of rights panel and, if true, to state his reasons, given that he recently told the House that work on New Decade, New Approach (NDNA) commitments is progressing well, and he will be aware that the appointment of a panel to take forward a bill of rights is an NDNA commitment. (AQT 1771/17-22)

Mr Givan: First, it would be inappropriate for me to comment on any individuals who have applied in a process that is private and confidential. I have not been presented with a list of names for me to select from. As I understand it, the history of this is that there was a potential panel of five people. An agreement was reached in the Executive Office that it would have three members. No list of the number of people who applied or their identities has been presented to me.

Mr G Kelly: Gabhaim buíochas leis an Chéad Aire as a fhreagraí go dtí seo. I thank the First Minister for his answer. I note that he did not deny or, for that matter, confirm what was in the question. Let me say this: the days of unionist discrimination and exclusion are over. Does he accept that the DUP's anti-rights position belongs in the past and should stay there? The DUP can delay this, but it will not stop the progressive and necessary change for the better.

Mr Givan: It was not a DUP Minister who was found guilty of discriminating against people from the Protestant community who were seeking positions. Our party does not

discriminate against anybody; we have not done so in the past, nor, indeed, will we. The Assembly's Ad Hoc Committee on a Bill of Rights has been looking into this issue. I understand that it has consulted extensively with people who have been able to provide information to it and a course of work has already been carried out. The issues to do with the appointment of the panel have certainly not been to the detriment of the Assembly and the Ad Hoc Committee in carrying out their work.

Mr Speaker: I call Roy Beggs.

Mr Beggs: Sorry, I was not aware that I was listed to speak.

Mr Speaker: You are listed for a topical question. OK, thank you. I call Christopher Stalford.

Protocol: EU Amendment

T3. **Mr Stalford** asked the First Minister and deputy First Minister, given that the European Union has itself indicated a preparedness to amend aspects of the protocol, albeit it goes nowhere near far enough for him, what that says about the foresight of those who demanded its rigorous implementation. (AQT 1773/17-22)

Mr Givan: The Member is right to raise the matter. The Assembly debated four motions, I think, calling for the rigorous implementation of the protocol. Delegations from Sinn Féin, the SDLP, the Alliance Party and the Green Party went down to Dublin to demand the rigorous implementation of the protocol, yet, now, at last, there has been a recognition that there are very serious problems with how it has been implemented. Had the protocol been implemented in full, had a DUP Minister not been able to thwart efforts to implement it and had we not got the grace periods, there would have been much more serious impacts as a result of the protocol. Let us hope that, over the next number of weeks, we will get the progress that we need and that the UK Government and the European Union will find a permanent resolution.

Mr Stalford: The central issue, of course, is the writ of the European Court of Justice. The present position adopted by the European Union is, "We will water down some of our rules, but we reserve the right to make the rules for you forever in perpetuity". Does my colleague the First Minister agree that that is a position that no Prime Minister, but certainly no

Conservative and so-called unionist Prime Minister, should ever sign up to?

Mr Givan: When I met Maroš Šefčovič, I made this point, and when I met MEPs this morning, I made this point: when it comes to the democratic deficit, the lack of democratic legitimacy of the new arrangements is not acceptable, nor should it be, for any democrat in the House who values the mandate that they have. The laws that impact upon the people of Northern Ireland should have their basis in Northern Ireland or as part of the wider UK framework from which we derive our authority. That is encapsulated through the European Court of Justice, which represents the apex of that governance arrangement. We need to see progress made in respect of the governance issues as well.

Ministerial Code

T4. **Mr O'Dowd** asked the First Minister and deputy First Minister on what other planet, other than on the DUP planet, would it be acceptable for a Minister to refuse to carry out his lawful duties under the ministerial code, and to state whether the joint First Minister agrees that he should now come forward and say that he, as joint First Minister, will act in accordance with his ministerial code, albeit, on listening to him carefully throughout Question Time, it is clear that he has studiously avoided using the word boycott in relation to the North/South Ministerial Council. (AQT 1774/17-22)

Mr Givan: I politely remind Mr O'Dowd that, in 2008, Sinn Féin boycotted Executive meetings. It was not that long ago when Sinn Féin pulled down these institutions and deprived the Assembly from sitting, British-Irish Council meetings from taking place and, indeed, North/South bodies from being able to operate in any shape or form. When it comes to thwarting the activities of the institutions created by the Belfast Agreement, Sinn Féin has been the master of that.

Mr O'Dowd: I note that you avoid the question again, Minister. The reality is that you are acting unlawfully. You cannot blame your diary secretary for not arranging meetings. If I was acting on a point of principle, I would say, "I'm standing up for what I believe in, and I am boycotting a, b or c". Instead, you are blaming a diary secretary for not arranging meetings. When will you act lawfully and send a message out to those people on the streets who are acting unlawfully in the hijacking and burning of buses and other activities, and ensure that you

are living up to your legal obligations under the ministerial code?

Mr Givan: The Member knows full well that there is an active case in the courts in respect of these issues. It would be inappropriate for me to use the Chamber to make points that ought to be made in the courts. This is a case that is under active judicial proceedings, and information is being provided to the courts.

I wish that I was able to have legal representation to reflect what I and my colleague Gary Middleton have been doing, but that has been denied on not one but two occasions in terms of the legal representation that should be coming from the Executive Office, and that blockage has not come from my side of the office.

Strategy to Prevent Violence Against Women and Girls

T6. **Miss Woods** asked the First Minister and deputy First Minister for an update on the long-awaited and much-needed violence against women and girls strategy. (AQT 1776/17-22)

Mr Givan: That is an important strategy and one that the Member and I talked about when we were on the Justice Committee together. Progress is being made in developing the strategy. Recently, an official was appointed to lead that for us. A lot of engagement work is being taken forward, and a specific lead official is now responsible for that.

Miss Woods: I thank the First Minister for his answer. The First Minister will be aware of comments by the Secretary of State for Northern Ireland during a recent visit that the failure to roll out abortion services in Northern Ireland was abhorrent. Are the Executive on track to implement abortion services for Northern Ireland no later than March 2022?

Mr Givan: The Secretary of State lost court proceedings in respect of this issue. Judgement is awaited on another judicial review taken by the Society for the Protection of Unborn Children (SPUC). That has fed in to the Department of Health's consideration of a paper that is its responsibility to bring forward to the Executive.

The Secretary of State should respect the devolved settlement. He said in his interview that this is a devolved issue, and, therefore, he should not interfere, as he did when he issued the directions. He should resist the temptation

to overstep his role and should allow the Executive to deal with what is a sensitive issue. I have proposed that there should be an Executive subcommittee, which my party would attend, at which these things could be considered by those who are elected, through the Assembly, into the Executive so that we can find a position that is more reflective of where the people of Northern Ireland are on these issues. The directions that were issued by the Secretary of State were abhorrent.

Porous Protocol Protest

T8. **Mr Allister** asked the First Minister and deputy First Minister why the First Minister's protocol protest against the North/South bodies is so porous that, under the guise of health, he allowed to be approved multiple appointments of a non-health nature to five North/South bodies so as to keep them wholly operative. (AQT 1778/17-22)

Mr Givan: When it comes North/South issues, Jeffrey Donaldson made it clear that health is one area that we would not seek to thwart. Indeed, it would not be appropriate for us to thwart other Ministers who decide that they want to participate in North/South bodies, the Minister of Health being one of them. That is why the subsequent meeting took place — because they were not DUP Ministers who were attending. They were other Ministers of the Executive who wanted to attend that meeting.

Mr Allister: The First Minister has avoided the question. Business can be conducted at any North/South meeting only if the agenda and content is approved by the First Minister and deputy First Minister. At the health meeting, on non-health issues, the First Minister approved appointments to five of the six North/South bodies. Why did he do that if there is a real, persistent, determined campaign, based on opposition to the protocol, against the operation of North/South bodies, given that our east-west relations have been trashed?

Mr Givan: I want to have good North/South relations, and I want to see institutions operating in good faith. As I indicated to the House earlier, because of the protocol and because of the disruption on an east-west basis, that inevitably has consequences for North/South matters. What is being talked about in respect of the meeting that was held in June, when it came to North/South Ministerial Council meetings, were indicative meetings that were to take place. They were not legally scheduled, and Ministers were not put under

obligations at that meeting. Diary offices and private secretaries cannot put Ministers under legal obligations. There is a process set out under statute so that, when meetings become officially scheduled, Ministers are placed under legal obligations. That has not happened.

Teachers: FETO Exemption

T9. **Mr Butler** asked the First Minister and deputy First Minister for an update on discussions that their office has had about the removal of the exemption for teachers from the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO). (AQT 1779/17-22)

Mr Givan: It is accepted in the Executive Office that that issue requires review. The Department of Education, obviously, has a significant role in that, and I know that that Department has engaged with a wide range of stakeholders about FETO and the current exemption when it comes to the recruitment of teachers. There is a historical context for this, as the Member will know. In the past, exemptions were sought because of the nature of the education system in Northern Ireland in reflecting a particular ethos. It is accepted that the issue needs to be reviewed, but that requires work to be carried out by the Department of Education.

Mr Speaker: We have time for a very brief supplementary.

Mr Butler: Thank you, Mr Speaker. Is it the First Minister's view that it might happen before the end of this mandate?

Mr Givan: We have not had any indications from the Department of Education about the time frame by which it will have carried out the necessary engagement with stakeholders. It is unlikely that we will see change within this mandate, but the Department of Education is engaging with stakeholders on that.

Mr Speaker: Time is up. Members, please take your ease for a moment or two before we move to the next part of Question Time.

2.45 pm

Education

Mr Speaker: Question 6 has been withdrawn.

Special Schools: Staff Shortages

1. **Miss Woods** asked the Minister of Education what action she is taking to address staff shortages in special schools. (AQO 2724/17-22)

Miss McIlveen (The Minister of Education): I am aware that many schools have experienced high levels of absence of teaching and non-teaching staff due to a number of COVID and non-COVID factors. In these circumstances, principals have taken the difficult decision to close some classes or class bubbles, move to remote or blended learning, or avail themselves of exceptional closure days. These actions have been necessary to maintain the safety of pupils and staff alike, and, importantly, they have been taken in light of the extant public health guidance.

The Education Authority (EA) has established an emergency resourcing team to support principals in addressing staffing pressures and to provide support where required. That team has also reviewed the Northern Ireland substitute teacher register (NISTR), asking teachers to identify an interest in and/or experience of working with children with SEN or complex needs. The team has also provided to priority schools updated lists of NISTR teachers who are available to work and have indicated a willingness to travel within a specific geographical area.

Officials continue to meet regularly with the special schools' strategic leadership group to ensure that issues and pressures faced by special schools are considered and addressed as they emerge.

My key priority is ensuring that all schools remain open to provide teaching and learning for children, young people and their families, and I have asked officials to keep me regularly updated on this issue.

Miss Woods: I thank the Minister for her answer. Does she agree that the shortage of staff in special schools is an urgent matter and that it affects the ability of classes to run, which has a negative impact on our children, young people and their families? Will she outline how her Department is ensuring that enough professional, fully qualified, skilled and experienced staff are available to fill positions in special schools?

Miss McIlveen: I thank the Member for her question, and I absolutely agree with what she said about special schools. It is a priority to ensure that those schools are resourced appropriately. My officials are working closely

with the EA to address that. As I indicated in my original answer, through the emergency resourcing team and special school support officers, we have been working to give particular support to schools that are finding it much more difficult than others to manage.

A number of schools have had class closures and had to close on particular days to address that problem. That concerns me because I do not want any pupil to miss out on learning, and I am also aware of the pressures that this places on families. I give the Member my assurance that my officials are working to address the current difficulties.

Ms Brogan: Is the Minister aware of the particular pressures facing Arvalee special school in my constituency of West Tyrone? Will she outline what she is doing to ensure that the school can remain open safely and provide the wide range of services needed for the children who attend it?

Miss McIlveen: I thank the Member for her question. I am aware of a particular issue at Arvalee before the Halloween break, where the school closed for two days. That was to allow a 12-day window for teachers and young people to return to school.

As I have said in previous answers, I am aware of the challenges that are presenting in special schools in particular. The EA is working very closely with schools to address some of the issues. If there is anything else in particular with Arvalee, I am happy to speak to the Member. Having visited the school and seen the service that it provides in the area, I know that it is a resource that we do not want to see closed at any point.

Mr McCrossan: Minister, can you provide an update on the impact that COVID infections are having on teaching and non-teaching staff in special schools? Do you have an exact figure for the number of teachers who are off at present?

Miss McIlveen: I thank the Member for his question. I have that information to hand. On the week beginning 1 November, four schools had class closures. In the week beginning 8 November, seven schools had class closures, and there was one full school site closure. The number of teachers absent in the week beginning 1 November was 91. In the week beginning 8 November, 111 teachers were absent. The number of classroom assistants absent in the week beginning 1 November was

239. In the week beginning 8 November, 298 classroom assistants were absent.

Mr Dunne: I appreciate the answer that the Minister gave me in correspondence about Clifton School in Bangor. We appreciate the very real challenges that the special schools sector is facing at this time. What other avenues are the Department and the EA exploring to address the staffing challenges throughout the system?

Miss McIlveen: I thank the Member for his question. As I referenced, the EA emergency resourcing team has supported the establishment of a number of relief registers across a range of non-teaching roles. Officials continue to work closely with the chair of the special schools' strategic leadership group to provide support in response to the staffing challenges that are faced by special schools.

The childcare course placement coordinators in the five regional FE colleges have been contacted and advised that special schools may be in a position to host placement students with an interest in working with pupils with complex needs. They have been asked to contact their local schools directly to explore whether that is an option. Colleges have also been provided with information about the classroom assistants' emergency register and asked to bring it to the attention of students who may be qualified or available for casual work. The placement coordinators have circulated that information to their colleagues on all campuses.

I am aware that there have been issues with Access NI in the past. It recently confirmed that there are no delays in processing vetting checks and that the education sector is being prioritised for a quick turnaround.

SEN Pilot Projects

2. **Mr Beggs** asked the Minister of Education what lessons have been learnt from education pilot projects that relate to special educational needs provision, which provide support and resources more directly to schools. (AQO 2725/17-22)

Miss McIlveen: The targeted additional teacher support project for post-primary children with complex interaction of needs, a pilot programme that the Education Authority implemented, is based on the reallocation of classroom assistant hours to provide newly qualified teacher (NQT) hours to support children with statements of SEN. The Education and Training Inspectorate (ETI) report on the

initial pilot from March 2020 found that there was very positive collaborative work and practice, with skilled differentiation and good relationships among staff and pupils. It also found that pupils demonstrated a positive attitude towards engagement with learning.

A further pilot project has been rolled out and is being evaluated to track pupil progression against academic, social and emotional indicators, staff structure and management processes. Following the 2021 Public Accounts Committee recommendations, the Department has begun the procurement of an independent review of EA special educational needs services. The review includes:

"an assessment of the impact of adult assistance on children's outcomes".

The independent review report is due in the summer of 2022. The EA has decided to pause the expansion of the pilot project until it receives and considers the independent review report.

Mr Beggs: I thank the Minister for her answer. In some post-primary schools, there can be three, four or even five classroom assistants standing at the back of a classroom waiting to intervene should the need arise. EA officials, EA board members and, indeed, the permanent secretary have all acknowledged that that is not a good use of public funds. When will all principals be given flexibility with their SEN funding so that they can employ additional SEN teachers and classroom assistants for one-to-one learning and small-group work and thus improve educational outcomes for pupils with special educational needs?

Miss McIlveen: I thank the Member for his question. He raises an interesting point that needs to be addressed. As he is aware, there are a number of reviews. Recommendations have come through from a number of reports, which, hopefully, will start to address some of those issues and make sure that need is identified and help is targeted appropriately to those who need it.

Mr Lyttle: This is Anti-bullying Week, the theme for which is "One Kind Word", so I offer a kind word of compliment to the Education Minister on the odd socks that she is sporting today in support of Anti-bullying Week. I also ask the Minister how far over capacity and how under-resourced our SEN provision is. Who is accountable for responding to that matter?

Miss McIlveen: I thank the Member for his question. I have seen his socks as well; he was displaying them in the canteen earlier.

There is a growing need in SEN, as we all very much appreciate, and there is an issue about how it is resourced. That, in itself, is a challenge for us. I am hopeful that the reviews that I indicated are being carried out and the seriousness with which my Department and the EA are taking SEN will lead to a much more focused outcome to address the need for special educational needs provision.

Mr Sheehan: The Finance Minister recently announced a significant funding boost for special educational needs in the October monitoring round. Will the Minister give us further detail on how that money will be allocated? When can we expect to see special supports reach our classrooms and schools?

Miss McIlveen: I thank the Member for his question. Obviously, the October monitoring round was a challenge. My Department supported special educational needs bids totalling in excess of £23 million. Of that, £7.7 million was secured, which leaves a residual pressure of £15.9 million, which is not insignificant. The funding secured was £4.6 million for EA block grant pressures, combined with additional COVID funding totalling £3.1 million, which comprised £0.4 million for PPE for special schools, special schools substitute teaching staff and other staff cover of £0.5 million, additional SEN pupil support services of £1.2 million and asymptomatic testing in special schools of £1 million.

Meeting the needs of SEN pupils with a statement of need is a statutory requirement for us. Obviously, work will continue. Each child will have some support. However, there will be consequences for other aspects of what we deliver if we continue with that burden. The Finance Minister has given an assurance that he will give priority to SEN pressures in January monitoring, depending, of course, on whether funding is available. Given the significant level of pressures that I have indicated, however, it is imperative that the EA also takes action to manage pressures in order to avoid an overspend at the end of the year.

I will continue unashamedly to make the case for the funding of special educational needs at every opportunity. I hope that I will receive the necessary support from other parties in the Executive for that. As for when we will see the money being spent, that spend will be immediate.

Mr McNulty: Minister, you will be aware of the educational trauma experienced by children and young people awaiting a statement and support; the ripple effect of that, which cuts through not just their family but their community; and its impact on them in later life. Will you give us an update on the waiting lists for special educational needs assessments and support, and will you update us on the conversations that you are having with the Health Minister around tackling waiting lists?

Miss McIlveen: I thank the Member for his question on the statements and the need to move them on quickly. The EA has reported that the proportion of statements being completed within 26 weeks each month has fallen from 96% — 161 out of 168 statements — in April 2021 to 73% — 382 out of 525 statements — in September. That has been as a direct result of a significant spike in the number of referrals received across May and June 2021, which is more than double the number received in the same period of 2020. Although that spike has since fallen away to a degree, referral numbers are still significantly higher across the subsequent months compared with the same months in 2020. In response to those pressures, the EA has already accelerated the expansion of staff resource that had been planned for early 2022 to prepare for implementation of the Special Educational Needs and Disability Act (Northern Ireland) 2016 — the SEND Act. That recruitment process is under way, and I hope that it will assist in restoring the 26-week time frame compliance. I absolutely agree with the Member about the pressures that the situation puts on families.

Craigavon Senior High School: Lurgan Campus

3. **Mr Beattie** asked the Minister of Education when she will make a decision on the future of the Lurgan campus of Craigavon Senior High School. (AQO 2726/17-22)

Miss McIlveen: Development proposal (DP) 574, which proposes:

"Craigavon Senior High School will operate on a single site, 6-34 Lurgan Road, Portadown, with effect from 1 September 2022, or as soon as possible thereafter."

was published by the Education Authority on 22 April 2021. The statutory objection period ended on 22 June 2021. A submission containing all pertinent information on the proposal will be presented to me for my

decision in due course. I assure you that, as soon as the proposal is presented to me for consideration, I will not unduly delay my decision.

Mr Beattie: Thank you, Minister. The process has been going on for over five years, given our slight interlude for a short period in between. It has a detrimental effect on the community and the pupils. Parents do not want their kids bussed out of Lurgan just because they were not selected for grammar education and nor do businesses, sporting clubs, the local council and educational experts. Will the Minister please listen to the people in Lurgan who say that it is not a good idea to bus those children out of Lurgan to Portadown and that it will not help their education?

3.00 pm

Miss McIlveen: I thank the Member for his question. As he will understand, I cannot comment on what he said; however, all information and arguments that have been given to officials on the matter will be collated and presented to me for a decision in the coming weeks. At this stage, it would be unfair for me to comment on what the Member said, but I reassure him that all comments will be taken into consideration.

Mrs D Kelly: We are one of the parties that supported the retention of a site in Lurgan. Minister, I heard you say in response to Mr Beattie that you are not able to comment, but a proposal was put forward that Lurgan Junior High School campus would allow the sharing of accommodation in the absence of any agreed way forward on academic selection. I urge you to consider that and to meet the principal and the board of governors of Lurgan Junior High School on their proposal about providing an alternative site.

Miss McIlveen: I thank the Member for her question. Maybe the question is timely, as I am meeting representatives of Lurgan Junior High tomorrow.

Mrs Dodds: I know the Minister is aware of the problems with the school estate on the Lurgan campus of the senior high school. Will the Minister confirm that the overwhelming majority of those who responded to the development proposal rejected the premise that it is now based on? Will she confirm what other proposals were considered?

Miss McIlveen: I thank the Member for her question. Unfortunately, I am not in a position to

confirm the number of responses or to say at this stage whether they were positive or negative about the DP because I have not received the information from my officials on it.

The latter part of the question was on the other options. The case for change for DP 574 sets out the four specific options that were considered, as well as an investigation of a number of suitable sites in the area. The first option was the proposed relocation of the Craigavon Senior High School campus to the Lurgan Junior High site, with a new build for 250 post-primary pupils. Option two, which was the preferred option, was Craigavon Senior High School operating on a single site on the Portadown campus. The third option was the extension of the Lurgan campus, following the relocation of the Southern Regional College in Lurgan. The fourth option was Lurgan Junior High operating as an 11-16 school, with the option to transfer to grammar provision at the age of 14.

Mr Speaker: I call Andrew Muir.

Mr Muir: Thank you, Mr Speaker. My question has already been asked.

Pay Awards

4. **Mr McGlone** asked the Minister of Education for an update on all pay awards for the last three years. (AQO 2727/17-22)

Miss McIlveen: Teachers in Northern Ireland received a 2% cost-of-living increase in 2018, 2019 and 2020. In addition, staff who were eligible for incremental progression will have progressed up the teachers' pay scale at an estimated cost of 0.8% per year. The vast majority of non-teaching staff in Northern Ireland receive the National Joint Council (NJC) pay award each year. The headline NJC cost-of-living increase was 2% in both 2018 and 2019, although higher awards were made to staff on the lowest pay points. The NJC agreement for 2020 was 2.75%. Non-teaching staff eligible for incremental progression will also have progressed on their pay scale at an estimated cost of 0.5% per year. Both the teaching and non-teaching pay awards for 2021 have yet to be agreed.

Mr McGlone: I thank the Minister for the detail, specifically regarding the role that teachers and ancillary support staff have played throughout. I have visited about eight schools over the last three to four weeks, and I see complete dedication shining through from classroom assistants to principals and other teaching staff.

Is it not within the realm of the Department to give those people what they require: a decent pay rise? I know that some have had a pay rise here and a pay rise there, but it should be something that is at least compatible with the cost of living and that recognises their worth and the dedication that they have put in while the schools were open and while they were not open. That dedication shone through when I visited those schools over the last three to four weeks.

Miss McIlveen: I thank the Member for his question and his commentary on the dedication of teachers and support staff. I absolutely agree with every word that he said about that. As you know, I maybe visit that number of schools every week. I have made it a priority to get out to speak to teachers and classroom assistants. I see their dedication, and I appreciate it.

As you are aware, however, there are a number of factors that impact on and influence the pay awards of staff. The pay award for Northern Ireland teaching staff needs to follow the Northern Ireland pay policy guidance set out by the Executive. That takes into consideration the constrained Budget position in Northern Ireland and the pressures on public services. It also advises that pay awards need to be affordable in the context of a Department's budget allocation. The latest pay policy guidance notes that pay awards of up to 1% are allowable, subject to there being a commitment to reform and efficiency initiatives.

The vast majority of non-teaching staff are contractually entitled to the NJC pay award, which is agreed by the National Employers for local government services. Northern Ireland officials do not have any input to the negotiation process or the final settlement from that. That does not take away from the fact that those people have worked incredibly hard through very challenging times.

Mr Delargy: I have met with classroom assistants from across my constituency over the last number of weeks, Minister. There was consensus among them that there is real concern about their pay and working conditions. I know, from a lot of the classroom assistants whom I have worked with, that it is difficult to retain those brilliant, skilled people. Will you detail the provision that you are putting in place to retain classroom assistants in our schools?

Miss McIlveen: I agree with the Member's sentiments about the work that they do. The assistance that they give is exceptional. They

also have a longer-term impact on the children with whom they work very closely each day. That is to be commended. As I indicated, non-teaching staff are contractually entitled to the NJC pay award. My officials are not involved in those negotiations. There are ongoing negotiations about the final offer, which was made in July 2021. I would support a review of grading, if there were to be one, but that would be very much dependent on need and justification. The Northern Ireland Executive pay policy guidance would also need to be taken into consideration.

Mr Harvey: Minister, will you outline what the pressures are in the education budget for next year? If the Department gets its baseline again, what will that mean for education in Northern Ireland?

Miss McIlveen: I thank the Member for his question. The Department of Finance has provided my Department with an indicative 2022-23 baseline of £2,269.6 million for planning purposes. If the position does not change at draft or final Budget stage, that baseline would represent a 4% cut to the 2021-22 education resource budget, before taking account of other inescapable or pre-committed pressures, which are estimated to be in excess of £350 million for next year. That is inclusive of the £84 million shortfall in the indicative baseline. Those pressures cover a wide range of education priorities but relate largely to school-based pressures such as teaching and non-teaching pay, special educational needs, EA block grant pressures and maintaining the programmes that were previously supported through confidence-and-supply funding, such as Sure Start and the early years pathway fund.

Without significant additional funding, the budget position for the Department of Education is likely to continue to be extremely challenging. Some difficult decisions will have to be made that could have serious consequences for front-line services in education. That would result in a detrimental impact on the futures of our children and young people.

Ms Armstrong: Minister, when teachers go through their pay reviews and assessments to see how they are behaving in their job, it does not matter how well they perform; it seems that there will be no pay reward unless there is additional money. Can you assure young teachers that there is a career pathway for them to develop through, given the fact that you are saying that a pay increase will depend on how much money Education will get?

Miss McIlveen: I thank the Member for her question. She will understand that, as a consequence of the action short of strike, there was an agreement with the unions that we would undertake a workforce review project to deliver nine reviews in the teachers' pay and workload agreement. That is progressing well. A number of pieces of work are following through on that. As a former teacher, I am more than aware of the commitment that is required and the long hours that teachers put in in order for all of our young people to have positive outcomes. I am committed to supporting them in any way that I can. However, we are, obviously, cognisant of the fact that we are in serious and difficult times with our budget. All of those things have to be taken into consideration. I want to be positive though: teaching is a career that we want people to enter, be committed to, enjoy and feel supported in.

Mr Speaker: I call Philip McGuigan. The Member may not get a supplementary.

Active School Travel Programme

5. **Mr McGuigan** asked the Minister of Education what work is under way between her Department and the Department for Infrastructure to increase rates of active travel to and from school. (AQO 2728/17-22)

Miss McIlveen: My Department engages with the Department for Infrastructure and the Public Health Agency on the Active School Travel programme. That initiative is funded by the Department for Infrastructure and the Public Health Agency and delivered by the charity Sustrans. Its officers work to equip children with the necessary skills to enable them to walk or cycle safely. The overall objective of the programme is to increase the number of pupils who walk, cycle or scoot to school.

My Department is supporting DFI in a programme to allow the installation of cycle shelters in schools. By providing a secure storage facility and improving the infrastructure within school grounds, it is hoped that we will be able to encourage a higher number of children to cycle. DFI is providing the funding for that scheme.

3.15 pm

My Department also offers teachers opportunities through the curriculum to cover the issue of road safety. For example, at primary level, the personal development and

mutual understanding area of learning requires teachers to enable pupils to develop knowledge, understanding and skills in keeping themselves healthy and safe. At post-primary level, the learning for life and work area of learning requires that pupils have opportunities to develop preventative strategies in relation to accidents in the home, school and on the road.

Mr Speaker: That ends the period for listed questions. We move on to 15 minutes of topical questions. Topical question 3 has been withdrawn.

GCSE/A-level Students: Support

T1. **Ms Á Murphy** asked the Minister of Education, who will know that our young people are under pressure as they try to prepare for their GCSEs and A levels after two years of interrupted learning, with a number of students and parents in Fermanagh who are greatly concerned about the exams and the huge level of content that they have to catch up on contacting her, to outline how those young people will be supported through this hugely stressful time. (AQT 1781/17-22)

Miss McIlveen: I thank the Member for her question. I absolutely understand where she is coming from on that issue. My priority has been that we return to examinations in this academic year, so that our young people can be assessed fairly on the work that they do, because that is the best thing for them.

The Member will be aware that, due to the disruption to learning over the past two academic years, mitigations have been put in place for the assessment of the Council for the Curriculum, Examinations and Assessment's (CCEA) GCSE, AS and A-level qualifications. We were very early in making our announcement on what that would look like, doing so on 17 May, compared with the other regions. For the majority of CCEA's GCSE, AS and A-level qualifications, one unit of assessment has been omitted, which reduces the number of exams that young people and candidates are required to take. In addition, CCEA has provided exam aids for GCSE maths, which were made available to schools early in September. I am very mindful that our A-level students, for example, will not have sat any public examinations, and obviously assistance will be required to give them reassurance and confidence to go into exams.

Ms Á Murphy: Minister, thank you for your answer. Schools continue to report a number of COVID-related absences, which obviously adds

to the disruption caused by the pandemic. Will you outline what support your Department can make available to schools to assist young people in keeping up with the demands of their courses despite that ongoing disruption?

Miss McIlveen: I thank the Member for her question. As I outlined in my initial response, mitigations have been put in place to reduce the number of units that pupils will have to take. We are very mindful that COVID is still with us, and, while we do not want to be at a stage where we put in so many mitigations that the qualifications become meaningless, all these things will have to be taken into consideration as we move forward to the examinations in May.

The Member will also be aware that I committed to the Engage II programme in September, allocating £545,000 that was targeted directly at those who were going through GCSE maths, starting in November. We are keeping all of that under review. However, the Member will be aware that, as I said, the mitigations that we have in place on behalf of CCEA are much greater than those that are in place in England and Wales.

NI Centenary: School Celebrations

T2. **Mr Allister** asked the Minister of Education whether her Department did enough to encourage the celebration of the Northern Ireland centenary in our schools. (AQT 1782/17-22)

Miss McIlveen: I thank the Member for his question. A number of programmes were announced earlier in the year, including the Northern Ireland centenary art competition, which closes in the next couple of weeks, time capsules, a digital programme and other resources that are being made available through the CCEA website. Alongside that, the Member will be aware of the centenary tree-planting initiative, which was facilitated by the NIO. I have had the privilege of being able to attend a number of schools to plant those trees.

Mr Allister: Why was no memento of the momentous occasion of the centenary offered to pupils through schools that wanted it? Was there any curriculum coverage of the centenary?

Miss McIlveen: I thank the Member for his question. There are a number of resources on the CCEA website on a hub that schools can access. We have set aside further moneys for various celebrations, which schools have taken up. I can go back and review whether that was

considered at the time, but the Member will know that, while there are only a number of weeks left, some initiatives will be ongoing until the end of the year.

School-starting Age: Flexibility

T4. **Ms P Bradley** asked the Minister of Education for detail around timescales and steps in the process that she announced last week in her intention to introduce new legislation to give parents more flexibility in when children start their education. (AQT 1784/17-22)

Miss McIlveen: I thank the Member for her question. She will be aware that that has been a priority for me. I was very supportive of the concept when it was brought forward by John O'Dowd during his tenure as Minister.

I am delighted that the public consultation on the deferral of school-starting age began last week on 9 November. It will close on Tuesday 4 January. I will then bring forward a final policy decision and seek Executive approval to bring forward legislation.

I remain optimistic that, with the agreement of the Committee, legislation can be quickly taken through the Assembly to make that much-needed change. I am delighted to have launched the eight-week consultation last week. It has been received fairly positively to date. Within that, children born in April, May and June are the youngest in the school class.

We have excellent schools and a well-regarded play-based curriculum in the early years of primary school. The vast majority of children, regardless of their age in the class, thrive at primary school. However, some parents feel that starting school shortly after their fourth birthday is not right for their very young child, and they have concerns, particularly around issues such as social skills, emotional readiness, the longer school day and independence in personal care. That is the main body of what we are consulting on as an option.

We are proposing that flexibility with regard to the school-starting age will be available on parental request to any child born between 1 April and 1 July. That does not need to include an educational assessment.

Ms P Bradley: I thank the Minister for her answer. As someone who was born in the last week in June, I understand all too well how much that can affect you as the youngest

person in your class the whole way through school. Minister, it is good to know that you want to get this passed before the end of the mandate. Will you highlight again how parents can get involved before the consultation closes?

Miss McIlveen: I thank the Member for her question. I encourage everyone to get involved. The easiest way to do that is by completing the online questionnaire that accompanies the consultation document. That is available from my Department's website and from nidirect.

Officials will also be organising a number of engagement events with parents, young people and other stakeholders. I advise them to look out for further details regarding that.

Climate Change: School Curriculum

T5. **Miss Reilly** asked the Minister of Education whether she plans to make education on climate change a core part of the curriculum, given that COP26 demonstrated how immediate the climate crisis is, with urgent action required to reverse the trajectory that we are on, and showed that young people have most at stake in the climate crisis and it is they who are leading the charge in saving the planet. (AQT 1785/17-22)

Miss McIlveen: I thank the Member for her question. It is very timely, given that COP26 was taking place last week. Education plays a critical role in mitigating climate change. A number of aspects of the curriculum already address that, particularly the world around us at primary level and environment and society at post-primary level. We need to ensure that young people are investigating and exploring the impacts on the environment of climate change. We want them to have a greater understanding of the interdependence of society, the economy and the environment in order to be able to respect what we currently have. Obviously, the Executive are committed to tackling climate change through the New Decade, New Approach commitments, which I support. We will then look at how we can review, in education, the best ways in which to be able to work through this.

Miss Reilly: Given the urgency of the crisis that faces us, does the Minister agree that we must equip young people, from an early age, with the knowledge and skills to make a positive impact on reducing the climate crisis and that incorporating that into the curriculum would be a good start?

Miss McIlveen: I thank the Member for her question. If she is out and about in schools, she will see that young people are very engaged with the environment. They have been involved in action against plastics and so on. They are probably much more engaged than we ever were when we were at school. Now, there is an ethos in a number of schools, particularly primary schools. Last week, on visits to post-primary schools, I met school councils that are taking up various opportunities to try to address that. That currently happens in schools. I am certainly content to review any further educational aspects that are needed to enhance that and support them through it.

Major Capital Works

T6. **Dr Archibald** asked the Minister of Education, in light of the Finance Minister recently announcing a capital funding boost for Education of about £20 million, when she will announce the next round of major capital works. (AQT 1786/17-22)

Miss McIlveen: I thank the Member for her question. Obviously, whatever amount the Finance Minister announces for capital will never be enough to address the current issues in the school estate. It is my intention to announce a further round of capital works towards the end of this financial year.

Dr Archibald: I thank the Minister for that response. At the beginning of July, I wrote to the Minister about St Patrick's College in Dungiven. I invited her to visit the school because, despite the best efforts of the highly committed staff, they are struggling to maintain the school to the standard that they would like. Patchy, small repairs here and there are no longer enough. The young people at that school deserve the same good facilities as any other young people. Will the Minister commit to visiting the school to see at first hand what is needed?

Miss McIlveen: Absolutely.

Mr Speaker: Christopher Stalford is not in his place.

'A Fair Start': Update

T8. **Mr K Buchanan** asked the Minister of Education for an update on the actions that she is taking in relation to the 'A Fair Start' report on educational underachievement. (AQT 1788/17-22)

Miss McIlveen: I thank the Member for his question. 'A Fair Start' was compiled by the expert panel on educational underachievement to meet a New Decade, New Approach commitment. It was launched at the beginning of June 2021. The report identifies eight key areas and 47 actions, spread across six years. I am keen to see that progressed. It is an incredibly important programme. I have £4 million set aside in this year's budget to begin the work.

Of the 47 actions, 22 — that is 40% — have been initiated within five months of the plan's being published, and an additional seven are being progressed. The investment will initiate fundamental change in early years, including enhancing the Getting Ready suite of programmes, a review with Health colleagues of the role of health professionals and Sure Start, and taking forward additional nurture provision. My Department will continue to prioritise the provision of digital devices to learners who need them and will commission a review of alternative deprivation measures for free school meals entitlement. Time will be needed in the Department to secure staffing resource to support the delivery of the action plan. The Member might also like to note that I have met a number of Executive colleagues, as it is a cross-departmental commitment.

Mr K Buchanan: I thank the Minister for her answer. She referred to the money from this year's budget. Given that it is a New Decade, New Approach priority, does she have a commitment that she will have the budget for it next year?

Miss McIlveen: I certainly hope that I can get the money for it next year. However, given the constraints that we have, there will be pressures. I am conscious that it is an ambitious and important programme. I am committed to its delivery, hence I have met other Ministers, including the Health, TEO and Communities Ministers, to ensure that they see the value of it.

We have to view it in the context of the other pressures to which I referred earlier in Question Time. From a budget perspective, it would be best to await the draft Budget proposal before a firm decision is made, but I will certainly make the case for 'A Fair Start'.

3.30 pm

Mr Speaker: The time for questions is now up. I ask Members to take their ease before we move to the next item.

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

Ministerial Statements

British-Irish Council: Transport

Business resumed.

Mr Deputy Speaker (Mr McGlone): Glaoim ar Cathal Boylan chun cainte. I call Cathal Boylan.

There is the Chair now. You are on time, Johnny. I will give you a minute to get settled. Are you OK?

Mr Buckley (The Chairperson of the Committee for Infrastructure): Thank you, Mr Deputy Speaker. My apologies, but I was caught up in another meeting about the Southern Trust. As that was the issue, I know that the Minister will not mind.

I thank the Minister for her statement. This is a huge issue for the Committee, which has just completed an inquiry into decarbonisation of road transport. The Minister's statement referred to a paper prepared by the transport work sector on the electrification of vehicles. Can the Committee and the Assembly be provided with that paper, or will she expand on its content?

There are a lot of good intentions in the statement, but was any thought given to private funding streams for the private sector and councils in order to incentivise the move towards electrification?

Ms Mallon: I thank the Chair of the Committee for his question. The paper that was submitted entailed each Administration setting out the state of play on the electrification of vehicles and infrastructure, and on the actions that each is taking, and plans to take, to accelerate that. The British Government have, through the Office for Zero Emission Vehicles (OZEV), set aside funding of £20 million for the provision of on-street residential charge points. It is not possible for my Department to draw down that funding, but it is available for councils. That funding will provide 75% of the capital cost of installing the on-street residential parking. To date, none of our councils has successfully applied, but, to incentivise them, I am offering match funding of 25% from my blue-green fund. Therefore, if a council successfully bids for that money, 100% of its capital costs will be covered. My officers are working closely with different councils to encourage them to draw

down that funding. Across the water, other councils and local authorities have drawn down that funding. We are hopeful that councils will apply in the near future so that we can draw that funding down and dramatically improve the infrastructure.

I advise the House that, as Members will know, our e-charging infrastructure is owned and operated by the Electricity Supply Board (ESB). I have been working with ESB to upgrade its system. Phase 1 of the upgrade is complete, and phase 2 is being rolled out. Members will be aware that ESB made a successful application to the Levelling Up Fund as well. There are a lot of opportunities that were not there before. We will continue to work with councils, ESB, other energy providers and the motor industry.

Mr Boylan: Gabhaim buíochas leis an Aire as a ráiteas. I welcome the statement. The Southern Government gave £10 million for the climate action fund. Can we expect any more investment for that? Did that come up as part of the discussions? Also, can you give an update on the uptake of the funding by councils?

Ms Mallon: I thank the Member for his question. Members will know that I have made a significant investment in a zero-emission and low-emission fleet for our public transport network. There has been £74 million invested to provide 145 zero- and low-emission vehicles. Members will also know that I have recently announced additional funding of £30 million to ensure that Derry is the first city in these islands to have a zero-emission urban bus fleet by 2023. That is another demonstration of how we are putting our money where our mouth is to advance the climate action agenda.

With respect to the uptake from councils, I have been disappointed that, to date, no councils in the North have made an application to draw down that funding. However, they are working at pace on applications, and my officers are working to support them. I hope that councils make an application. If they draw down the 75% of funding, I will provide match funding of 25% to cover the full capital costs for councils. I appreciate that financing can often be a concern. I hope that, by removing that barrier, we will see a number of councils apply to the Office for Zero Emission Vehicles and draw down that funding.

Ms Hunter: I welcome the Minister's statement to the House this afternoon and also her announcement at COP26 about the new task force for increasing electric vehicle charging in

the North, which is badly needed. I note that the Minister attended a British-Irish Council (BIC) panel at COP26. Minister, can you update us on what further plans you have to work collaboratively across these islands to tackle the climate crisis?

Ms Mallon: I thank the Member for her question. I have said many times in the House that, since taking up the post of Minister for Infrastructure, I have found collaboration across these islands invaluable. It was brought home to me during the COVID crisis when I had very regular engagement with Ministers responsible for transport right across these islands. We shared learning and advised each other where things could perhaps have been done better, and that is the case when it comes to climate action as well.

The transport sector group has been formed quite recently, but I am delighted that we have agreed a work programme across the three pillars. Certainly, if we are to tackle the climate emergency, we need to work collaboratively across these islands. When chairing that particular BIC meeting, I learned that each of us is on the same journey. However, we are all at different points and different scales. I believe that we can only be stronger when we work right across these islands, and I remain committed to doing that.

Dr Aiken: Thank you very much for your remarks so far, Minister. I had the opportunity to meet quite a few representatives from other regions of our nation. Obviously, one of the biggest questions from COP26 is about the electric charging network. The real concern we have is that ESB is not up to scratch. Indeed, ESB is not even capable of providing the bare minimum of a service. Can the Minister outline what she is doing to get ESB to do what it is supposed to do now, never mind increasing the network?

Ms Mallon: I thank the Member for his question. When I took up post, there was a bit of progress in the sense that the cap on pricing was lifted. The expectation was that that would draw other providers into the market. However, as the Member has rightly identified, ESB is the sole provider and operator of our e-charging infrastructure. Phase 1 of the work to upgrade its existing infrastructure is complete, and it is rolling out phase 2.

ESB also successfully applied to the Levelling Up Fund, and I think that around £3.2 million was secured specifically for e-charging infrastructure. I am awaiting confirmation of

what ESB intends to do with that money and whether it will entail charging hubs and the provision of new charging infrastructure, as well as upgrading our existing infrastructure. There is a lot of work going on, and, as I referenced in previous responses, there is also the Office for Zero Emission Vehicles for councils and match funding from my Department.

Cara Hunter referenced the electric vehicle (EV) infrastructure task force. We are awaiting final confirmation of its membership, but I am clear that it needs to have representation from the motor industry, people with lived experience of using e-vehicles, the Department for the Economy, councils and energy providers. That wide spectrum of expertise needs to be brought to the table so that we can have a very clear action plan that will deliver a modern and reliable e-charging infrastructure right across Northern Ireland.

Mr Muir: I thank the Minister for her statement. It is good to see east-west relations being strengthened as a result of the British-Irish Council. It is also important that North/South meetings are able to occur.

What engagement has the Minister had with the Minister for the Economy, the Utility Regulator and NIE on EV charging? One of the issues that I am seeing is the provision of sufficient electricity supply for those EV chargers. The inability to get sufficient electricity supply is holding back the roll-out of those chargers across Northern Ireland. What engagement has the Minister had to address that?

Ms Mallon: Members will know that the Minister for the Economy has been leading on the energy strategy. My officials have been leading on the transport work theme in that, and the electrification of vehicles is a key component of that work. I have met a number of energy providers, and the need to have them on the EV infrastructure task force is very clear.

Mr Muir, rightly, identifies that there are a number of barriers to people making the switch. One is affordability, but that will resolve itself through the motor industry and having a better second-hand market. Another barrier is range anxiety. That is where the EV infrastructure is key: it has to be in the right place. Underpinning all that, of course, is the need to ensure access to the grid. That work is ongoing, and I expect it to feature heavily in the EV task force work that I announced recently.

Mr Delargy: I thank the Minister for her statement and answers so far. I noticed,

Minister, that you mentioned the electrification of vehicles, particularly buses. That is obviously very welcome. Will you confirm whether that will be extended to rail travel, particularly for the north-west? Obviously, there is an absence of rail infrastructure across the west in Derry, Tyrone and Fermanagh. If that is to be developed, it is very important that it is developed in line with sustainability as well as connectivity.

On another point, I noted that you are looking at the half-hourly service for Derry and that the report on that is due this month. Will you clarify the date on which that report will be published?

Mr Buckley: [*Inaudible*] published.

Mr Delargy: Pardon?

Mr Buckley: Well done.

Mr Deputy Speaker (Mr McGlone): There were a couple of questions there. It is at the Minister's discretion whether she chooses to answer both of them.

Ms Mallon: No, that is absolutely fine, Mr Deputy Speaker. The work of the all-island strategic rail review is ongoing. It is very clear that there has been historical underinvestment in our rail network, particularly in the north-west. One has only to look at a map to see the lack of rail connectivity that needs to be addressed. That strategic piece of work is ongoing. I have also commenced a number of feasibility studies. The half-hourly service is part of that, as are additional rail halts. I am expecting that report from my officials this month. I am asking for regular updates on it, because I, along with other representatives, met into the West on a number of occasions, and I want to stick closely to that commitment and ensure that there is no slippage. I confirm that that timeline is still in place.

The decarbonisation of freight and the use of rail for our freight is a component of the all-island strategic rail review, but it is also a new pillar of our focus and work in the British-Irish Council. We are, therefore, trying to come at it on an all-island basis, as well as across the islands.

3.45 pm

Mr Robinson: Minister, owing to that meeting, will firms in Northern Ireland, such as Wrightbus in Ballymena, benefit from new orders for more decarbonised transport?

Ms Mallon: Yes. That is correct. I was delighted to make such significant investment in zero-emission buses. The Member will know that local company Wrightbus is building those buses, so, for me, the investment is a win-win on multiple levels. It is a win for the environment, given that they are zero-emission vehicles. It is a win for our local economy, because it is securing employment, and I hope to see growing employment. It is also a win for our passengers, because, as well as being cleaner vehicles, they are much more attractive and comfortable, which is key if we are to get people out of their private cars and on to sustainable public transport.

Ms Kimmins: I thank the Minister for her statement. Minister, it is vital that we electrify our vehicles, but we also need to promote walking and cycling and to build the essential infrastructure that will enable people to safely take up active travel. That is certainly an issue in my constituency, particularly in Newry, where there are many keen cyclists but, unfortunately, the infrastructure is very poor. Have you had any discussions with your Welsh colleagues about active travel legislation, which they already have in place? Do you have any plans to introduce similar legislation in the North to try to put walking and cycling at the heart of our transport strategy?

Ms Mallon: I thank Ms Kimmins for her question and for highlighting the importance of active travel. Members may be aware that, in 2015-16, we invested just over £2 million in active travel in Northern Ireland. This year, I am investing £13.5 million in the provision of active travel and to advance our greenways. There is still so much more to do. I am keen to continue to work with councils and local communities through the blue-green fund to maximise the infrastructure that is there for people to safely walk, wheel and cycle.

There were no detailed discussions with Deputy Minister Waters around active travel legislation in Wales, but I have been mindful of that. It is one of the frustrations that I have, because we should look at putting change on a legislative footing. Of course, the remainder of the mandate is so short that it is not possible to legislate in that time frame. However, I have asked my officials to look at what preparatory work we can do so that the new Infrastructure Minister, whoever they may be, can take the issue forward.

Mrs Cameron: I thank the Minister for her statement, and I apologise that I was not in the Chamber for the beginning of it. The Minister

referred to supporting the transition from electric vehicles through financial and fiscal mechanisms. Will the Minister expand on that and tell us more about the types of support that are being considered?

Ms Mallon: There was an initial discussion with the British Government in particular to see what more could be done to incentivise the use of electric vehicles, whether through taxation or rebates. We have asked whether the British Government are actively considering that. Different Administrations are looking at providing support in different ways. We have limited fiscal levers in Northern Ireland. That is why, for me, it was important that I helped to encourage councils to draw down the £20 million from the Office for Zero Emission Vehicles. I have chosen to do that by offering match funding to our councils as well.

My Department will continue to look at how we can support people to make that transition, but there also has to be focus on the fact that many people carry out short journeys by jumping into their car. For me, the other component is making sure that we can provide the facilities for people to walk, wheel or cycle for those shorter journeys and that, where that is not possible, they have the option of cleaner, greener, more sustainable public transport as well, while continuing to make sure that people who are reliant on their private cars can make that switch to electric vehicles.

Mr O'Toole: It is critical that we learn lessons between the islands about active travel and public transport as we move towards decarbonisation. People on this island can, of course, note the state of the rail network on the island of Ireland versus the island of Britain. They are about to cancel High Speed 3 in Britain; we have not had High Speed 1 on this island. Does the Minister agree that, in learning lessons, working together and collaborating as we tackle the challenge of this century, which is ensuring that we have a planet that we can live on, the key thing is to continue to go to meetings, whether it is the North/South Ministerial Council or the British-Irish Council, and that people expect us to go and engage on the issues rather than boycotting and walking away from our responsibilities, as others in the House are wont to do?

Ms Mallon: I tend to find, in my experience, that boycotts do not achieve anything; the clue is in the name. As I have said on a number of occasions in the House, collaborating across these islands is the right and responsible thing to do, but it also improves your performance as

a Minister. All of the Ministers across these islands are on the difficult journey of tackling the climate emergency. Difficult decisions have to be taken. When we work together, we can collaborate on the difficult issues and share learning, which is invaluable.

When I was at the Conference of the Parties (COP) 26 to speak at one of the events, a ministerial colleague from Scotland made the point that, sometimes, if you are from a small place on the global stage, you can feel that you cannot make any contribution. However, when you look at it, you see that small places can make a big contribution. I am pleased to see what we are doing in the North on public transport; in many ways, we lead the way in the transition to zero emissions. I will continue to work across this island with local communities right up to Governments. By doing that, we will work harder, better and smarter in transforming our citizens' lives.

Mr Beggs: There is an extremely low number of publicly available electric charging points. The Electric Vehicle Association Northern Ireland has expressed concern about their unreliability; indeed, 75% of people say that they are not satisfied. Does the Minister accept that, to have a sustainable model, it is important that maintenance is built and that there are incentives to ensure not only that they are all working but that, when a car is fully charged, the customer will move on and leave the space free for the next driver to make use of the service?

Ms Mallon: I agree. One of the first things that I did when I became Minister was to change the planning rules so that it is much easier to install e-charging infrastructure. Mr Beggs is right to say that maintenance is key as well. I have met representatives from ESB to encourage them to do it. ESB has completed phase 1 of a retrospective upgrade of existing infrastructure. It is due to do phase 2, and it will have the money that it will draw down from the Levelling Up Fund. All of that will see increases in the e-charging infrastructure.

I have provided match funding to the EU FASTER project, which will establish 73 rapid-charging points across the west of Scotland and border counties here on the island. I am providing 25% match funding from my blue-green fund to encourage councils here to draw down funding from the Office for Zero Emission Vehicles. I am also supporting our community transport organisations with a pilot project to see how e-vehicles can suit their needs, given the critical role that they play in communities. The electric vehicle infrastructure task force will

bring all of those people together so that we can have the holistic approach that Mr Beggs outlined.

Miss Reilly: I note that the forward work programme includes looking at public sector transport. The Minister will definitely agree that it is vital that we support our public transport network. I believe that Belfast black taxis should benefit from the same concessionary fare scheme as Translink. Minister, you met Belfast Black Taxis and Paul Maskey in July and assured them that you would look favourably on their inclusion in the concessionary fare scheme. You said at that meeting that you would look at putting a bid in at one of the monitoring rounds to make that a reality. Can you give me an update on that? Was a bid made in the monitoring round for Belfast Black Taxis?

Ms Mallon: The October monitoring round was not discussed at the British-Irish Council meeting, which the statement is concerned with, and nor was it on the agenda. On the issue that the Member has raised, I have met Belfast Black Taxis and been working with it. I was hugely disappointed that Translink was not given a single penny of an allocation in the October monitoring round. Of course, I will continue to work with the Finance Minister to ensure that we get the required revenue funding so that we can roll out our existing public transport network and the concessionary fare scheme. I have great ambitions that we could expand that scheme, particularly for people with disabilities, who currently only qualify for half fares.

Mr Dickson: I thank the Minister for her statement. Recent consumer reports have referred to a substantial backlog in the provision of home-charging points in the rest of the UK. What is the situation in Northern Ireland in relation to the provision of home-charging points through providers or one provider, as it is in the rest of the UK — British Gas, I understand? In addition, there are homes in Northern Ireland for which the electricity supply is insufficient to deliver home-charging points: what action does she intend to take with regard to that?

Ms Mallon: I recognise that that is an issue, and I hope that we will be able to address it through the energy strategy and the transport work that my officials have been working on. We are working with the Department of Finance on building regulations and the need to have suitable e-charging infrastructure for new

developments. We are mindful of that and are working across partners to address it.

Mr McNulty: I welcome the new Member for West Belfast. It is good to see two gold fáinnes in the Chamber at the one time. Excellent.

Minister, will you update me on the FASTER project and the ESB monopoly in providing the EV charge points, and will you tell me how someone who is a provider and innovator in that space and might be useful on the EV task force can get on that task force?

Ms Mallon: My Department has provided match funding of £450,000 for the FASTER project. That funding will install 73 EV rapid-charge points across Ireland and the west of Scotland. That is being taken forward by SEUPB, and we are being told that they should be in place by March 2023.

ESB is the current owner and operator of the EV charging infrastructure in the North, but it is, of course, open to other providers. In meetings that I had with British Ministers, that issue was talked about. The Office for Zero Emission Vehicles said that it would raise the matter with other providers.

If the Member has anyone in mind for membership of the EV infrastructure task force, he can write to my private office and highlight that. In all these things, I am clear that the task force needs to be focused on an action plan. It needs to have membership that covers the key areas that we need to focus on. However, we need to keep membership at a level that does not render it unwieldy and unable to function efficiently and effectively. I am happy to give consideration if the Member has someone in mind.

Mr Lyttle: Can I ask the Education Minister what work she is doing to raise —?

Mr Allister: Infrastructure.

Mr Lyttle: Sorry, Infrastructure. Apologies. *[Laughter.]* Thanks, Jim.

What work is the Minister for Infrastructure doing to raise public awareness of the benefits of electrical vehicle use and to incentivise their private purchase in Northern Ireland?

Mr Deputy Speaker (Mr McGlone): Well retrieved.

Ms Mallon: I thank the Member for his promotion. *[Laughter.]* The issue is very much

in the public domain. While my Department is not involved in any public awareness campaign at present, the people who care passionately about the issue — I think primarily of users of electric vehicles — are good at having an online social presence. As we embark on the journey to tackle the climate emergency, this issue will come more and more to the fore.

What I am pleased about now is that we see decisive action to improve the e-charging infrastructure. There is a host of actions being taken by the motor industry as well. The issue is very much to the fore in the public mind, but we need to make sure that making that switch is accessible and affordable. I will continue to work with the motor industry and, through the EV infrastructure task force, to address the issues, so that we can roll out a modern and reliable public e-charging infrastructure so that people who want to make that switch can and are not afraid to do so. Seeing is believing, and I believe that, once people see a more fit-for-purpose e-charging infrastructure and more electric vehicles on the road, that will give them the courage to make the switch as well.

Mr Allister: Will the Minister clarify whether she is still pursuing the anti-growth proposal of congestion charges in Belfast, a proposal that has been rightly and roundly condemned by Retail NI?

Mr Deputy Speaker (Mr McGlone): That may not be a British-Irish Council matter, but I am sure that the Minister will want to answer.

4.00 pm

Ms Mallon: I am content to answer the question, Mr Deputy Speaker. I was asked a very specific question, and, as a responsible Minister, you should give consideration to things rather than dismiss them out of hand. I had time to delve into the matter further with one of our media outlets, but I am not sure whether it was broadcast. I am also of the view that households are facing huge costs right now, including spiralling energy costs and the increased costs of everyday living, and, to be responsible, we need to make sure that the people who have the broadest shoulders are carrying the broadest burden. That is why I am very supportive of the private Member's Bill that my party leader, Colum Eastwood, is bringing through Westminster. That Bill involves a green levy and is about making sure that the big polluters pay and that the big companies that have the financial resource are making financial contributions to provide government with the

investment that it requires to transition our economy and our society.

Mr Deputy Speaker (Mr McGlone): Members, that concludes questions on the statement. Take your ease before we move to the next item of business, please.

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

Executive Committee Business

Non-domestic Rates Valuations (Coronavirus) Bill: First Stage

Mr C Murphy (The Minister of Finance): I beg to introduce the Non-domestic Rates Valuations (Coronavirus) Bill [NIA 44/17-22], which is a Bill to vary the application of article 39A of the Rates (Northern Ireland) Order 1977 in consequence of matters attributable to coronavirus; and to confer power to make equivalent provision for other infections or contaminations.

Bill passed First Stage and ordered to be printed.

Animal Welfare (Service Animals) Bill: First Stage

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): I beg to introduce the Animal Welfare (Service Animals) Bill [NIA 45/17-22], which is a Bill to amend the Welfare of Animals Act (Northern Ireland) 2011 in relation to service animals.

Bill passed First Stage and ordered to be printed.

Assembly Business

Standing Order 10(3A): Extension of Sitting

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

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 15 November 2021 be extended to no later than 9.00 pm. — [Ms Bunting.]

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

Executive Committee Business

Damages (Return on Investment) Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Justice, Naomi Long, to move the Bill.

Moved. — [Mrs Long (The Minister of Justice).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendment has been grouped for debate in the provisional grouping of amendments selected list.

There is one group of amendments, entitled "Panel", which contains a single amendment to the schedule to the Bill. Once the debate on the amendment is completed, the Question on the amendment will be put. The Questions on stand part will be taken at the appropriate point. If that is clear, we shall proceed.

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): No amendments have been tabled to clauses 3 to 6. I propose, by leave of the Assembly, to group these clauses for the Question on stand part.

Clauses 3 to 6 ordered to stand part of the Bill.

Schedule (Schedule C1 to the Damages Act 1996, as inserted)

Mr Deputy Speaker (Mr Beggs): We come to the single group for debate, which contains a single amendment.

Ms S Bradley: I beg to move amendment No 1:

In page 7, line 37, leave out "such persons as it considers appropriate" and insert:

"an expert panel which includes economists, financial advisers and representatives for claimants and compensators".— [Ms S Bradley.]

Mr Deputy Speaker (Mr Beggs): I invite the Member to speak to amendment No 1.

Ms S Bradley: I acknowledge the very late submission of this amendment and the limited opportunity that that gave for discussion with Members and the Minister on the objectives of today's debate. I hoped, however, that submitting at such a late stage would still allow Members sufficient time to consider the amendment's worthiness and whether to carry it through to later stages, even if that means altering it. I therefore chose to go ahead.

The amendment seeks to cover any potential lack of specialist knowledge that could arise in our Civil Service. It seeks to compel the Department to engage directly with the experts listed in the amendment and acts as a safeguard to ensure that the target of 100% compensation is never compromised. It will ensure that any persons in the Department who are charged with making an assessment under paragraphs 14 or 15 of the proposed new schedule C1 to the Damages Act 1996 are given sufficiently scripted cover in the Bill to engage with the level of specialism that they require. Without the amendment, the wording as presented is too ambiguous.

In the Bill, we acknowledge our limitations, resources and specialisms and quite rightly agree to outsource the calculation of any rate to the Government Actuary's Department (GAD). The Department is, however, obliged to consider details in the notional portfolio and whether it remains suitable for a hypothetical investor. The question that we therefore have to ask ourselves is this: should the Department carry out that role by consulting any such person as it considers appropriate, or do we go one step further to safeguard that critical component and make sure that victims receive 100% compensation by making it a requirement to listen to expert advice? That expert advice could bring an up-to-date perspective to the realities behind the table that is included in the Bill.

Some concerns have been raised about the interpretation of the word "panel" in the amendment. I am eager to place on record my willingness to work with the Department or anybody else in the House at a later stage to alter the wording, if it is a requirement.

I ask Members to consider the following. At the centre of this very technical and targeted Bill are victims, who, through no fault of their own, are awaiting financial settlements that will help them rebuild their life after a serious injury. The distressing stories of those who are dependent on the Bill are never easy to hear, and those people deserve our support. We have a duty to ensure that all the victims continue to receive

access to 100% of their compensation, and we should put in place all the safeguards that we can to ensure that that is the case.

If like me, Members believe in the principle of actively listening to expert voices ahead of any review of the portfolio, I urge them to support the amendment. Any concerns with the wording can be ironed out at the Bill's next stage, but the principle is one that I truly believe to be worth supporting.

Mr Storey (The Chairperson of the Committee for Justice): Before I address the amendment, with your indulgence, Mr Deputy Speaker, I will make some general remarks about the Bill in my capacity as Chair of the Justice Committee and to set out the context in which the Committee reached its decisions on the legislation.

The Committee appreciates the need for a stable, long-term personal injury discount rate to be set in Northern Ireland, with provision for it to be reviewed at regular intervals, to replace the current methodology, particularly given the uncertainty that there has been in recent times and the reported negative impact on progressing cases under the previous rate and the more recently set rate of -1.75%. The Committee is of the view that setting the rate under the Wells v Wells methodology no longer reflects how claimants would be advised to invest their lump sum and that a new framework for setting the rate is therefore needed for Northern Ireland.

The Committee supports the Bill. Given the difficulties that are being created with the current rate, which the Committee has been advised is the lowest in the world and has the potential to lead to overcompensation in a large number of cases, with the resultant economic and social ramifications, the Committee supports completion of the passage of the legislation through the Assembly as quickly as possible.

4.15 pm

The personal injury discount rate is a mechanism that aims to ensure that a person is fully compensated for their losses when they have suffered a serious, life-changing personal injury as a result of the negligence of another, but no more or less. That is referred to as the 100% compensation rule, and the Committee fully supports that principle. The compensation payment will include damages for any future financial losses, such as loss of earnings, the cost of future care and support and the

provision of specialist equipment. Where the compensation is paid to an individual in a lump sum, he or she is expected to invest the money with the aim of ensuring that it lasts for the rest of their life. It largely applies to claims arising from medical negligence, road traffic accidents and industrial accidents.

The effect of the personal injury discount rate depends on the size of the award and the period to which it relates. The larger the award and the longer the time, the greater the effect that the discount rate has. It can therefore make a significant difference to the amount of the award. The lower the rate is set, the higher the compensation settlement that is paid to a claimant. Any new framework will set the personal injury discount rate for the foreseeable future. It is therefore important that we get the framework right and ensure that claimants receive the compensation to which they are entitled while also ensuring that, as far as possible, the rate does not lead to overcompensation, given the ramifications that that would have for health and social care provision in Northern Ireland in terms of the costs of settlements, subscription costs for healthcare professionals, including GP indemnity costs, and the potential knock-on effect on the stability of the health and social care workforce and the implications for insurance premiums in Northern Ireland.

Achieving 100% compensation is not, however, an exact science. Assumptions have to be made about the future. That is not easy, and it clearly poses a challenge. The Committee therefore undertook a detailed scrutiny of the Bill and the proposed new framework before reaching its position. The Committee had substantial engagement with the Minister of Justice and departmental officials, including the permanent secretary, on the policy proposals and the Bill's intended content in advance of its introduction to the Assembly on 1 March 2021.

Although the legislation is relatively specialised and was likely to be of interest to stakeholders operating within the personal injury field rather than more generally, the Committee published a media signposting notice in the main newspapers inviting written evidence on the Bill, as well as writing to a wide range of stakeholders. Thirty-one written submissions were received from a range of organisations, including from the Minister of Health, who engaged very constructively with the Committee on the proposed legislation and outlined in clear terms the likely impact on health and social care of the current personal injury discount rate and likely changes under the new framework, if adopted. The then Lord Chief Justice, Sir

Declan Morgan, also provided a very useful commentary on a number of issues on behalf of the judiciary. Several oral sessions were held with representatives of medical, insurance and legal organisations that represented the viewpoints of claimants and defendants in personal injury claims. The issues raised and the evidence received were explored with the Department of Justice in writing and in oral evidence.

The Committee also sought the advice of the Examiner of Statutory Rules on whether the range of powers in the Bill to make subordinate legislation was appropriate. It also commissioned a research paper on the wider impacts of the changes to the discount rate in England, Wales and Scotland and a range of other matters to assist its consideration of the issues highlighted in the written and oral evidence.

The Committee considered the Bill's provisions and the issues raised at 13 meetings before agreeing its report on the Bill at its meeting on 21 October 2021. I thank the members of the Committee for their contributions past and present, because I am well aware that I have taken on the responsibilities of the previous Chair, who has gone on to higher things. I thank him and Committee members for their robust and careful scrutiny of the Bill and the issues raised in the evidence during the Committee Stage. It is complex and technical work that is not easy to understand without expert knowledge, and members spent some time in consideration of it.

I also thank all the organisations who provided helpful written and oral evidence. I appreciate that there was not a consensus on the proposals for the new framework, and many of them would have liked to see additional amendments. However, they were all generous with their time when providing advice and guidance to the Committee from their expert viewpoint, and their contributions generally assisted our understanding of the issues.

I also place on record the Committee's thanks to the departmental officials who provided additional information and clarification, in writing and in oral evidence, during the process. The Committee also appreciates the support and assistance provided by the Assembly staff, including the researcher, the Examiner of Statutory Rules, the communications and broadcasting staff and the staff from Hansard, all of whom played an important role in supporting the Committee in undertaking its legislative scrutiny role in general and in the Committee Stage of the Bill in particular.

Finally, I thank the Committee team, who have supported the Committee not just to complete the Committee Stage of the Bill but to, at the same time, progress the other Bills currently in the Committee, including the Protection from Stalking Bill and the Justice (Sexual Offences and Trafficking Victims) Bill. The Minister certainly is getting her money's worth out of the Committee before the Christmas recess.

In order to assist the Assembly's consideration of the amendment to the schedule, which was tabled by my colleague and Committee member Sinéad Bradley, I want to briefly outline the Committee's consideration of the provisions in the Bill, particularly the various elements provided for in the schedule that make up the framework. We considered those not just individually but in conjunction with one another so that an overall view could be taken of the likely effect that the framework would have in its totality on the potential to achieve as close to 100% compensation or to provide for either overcompensation or under-compensation. First, it is important to highlight that all the organisations that submitted evidence to the Committee supported and were committed to the 100% compensation principle in order to ensure that a person is fully compensated for their losses. However, there was a clear divergence of views on how best to achieve that principle. While some organisations support the new framework in the legislation, the preference of those organisations representing or supporting claimants is to retain the current *Wells v Wells* methodology. Organisations representing businesses, insurance companies and public-sector bodies that are the defendants in personal injury claims, while wanting to see reform of the formula by which the personal injury discount rate is set, are of the view that the framework provided for in the Bill veers towards overcompensation, so they want to see amendments made to it.

The key issues raised with the Committee regarding the proposed new framework included the extent, if any, the social and economic impact of the personal injury discount rate could be taken into account when setting the framework; whether responsibility for setting the personal injury discount rate should remain with the Minister of Justice rather than transfer to the Government Actuary; the provision of five-yearly reviews of the rate; the use of an assumed investment period of 43 years; whether the proposed standard adjustments to take account of the impact of taxation and the costs of investment advice and management as a further margin to recognise that there is a risk inherent in even the most carefully advised and invested portfolio are necessary and are set at

an appropriate level to avoid overcompensation or under-compensation; the composition of the notional investment portfolio; and the description of the hypothetical investor.

In particular, the Committee also sought further clarification and explanation from the Department regarding why the wider economic and social impacts of changes to the rate cannot be taken into consideration when setting the personal injury discount rate, and it discussed at length whether the inclusion of the 0.5% further margin adjustment provided for at paragraph 10 of the schedule was necessary, particularly when considered with the notional portfolio and the other standard adjustments, to achieve as close to the 100% principle as possible or whether, as claimed by a range of organisations, it would lead to overcompensation and therefore should be removed from the Bill.

The Committee's detailed consideration of those and other issues is set out in the report on the Bill, and, having taken all the views into account, the Committee agreed that it was content with the provisions in the Bill as currently drafted and did not seek to make amendments to it. The Committee did, however, make several recommendations for the Department to include, including that it should publish an impact assessment, setting out the potential implications of different rates on Departments and businesses when a review is due, so that the potential consequences and costs are fully understood and necessary mitigations and actions can be considered by the Government and relevant organisations in preparation for a new rate coming in. It should also undertake an assessment of the potential options to gather evidence of actual claimant investment behaviour. Although it appreciates that it may be difficult to obtain information on how claimants actually invest their compensation awards, the Committee believes that there are benefits to doing that and that it could inform future consideration of the framework to set the personal injury discount rate.

I will turn to the amendment to paragraph 16 of the schedule, which was brought forward by Member Bradley. One of the key aspects of the new framework is the notional portfolio, which sets out the types of investment and percentage holdings on which the rate assessor is to determine a rate of return. As the Member outlined, before a review of the rate of return by the rate assessor is due to start, the Department must consider whether it is necessary to make regulations to ensure that the notional portfolio remains suitable for a

hypothetical investor and, in considering that, the Department must consult such persons "as it considers appropriate".

In the evidence received by the Committee, several organisations highlighted that the legislation does not define with whom the Department must consult and stated that it is not clear whether, or how, the investment portfolio is to be reviewed each time a new rate is to be set. In response, the Department confirmed that the Bill places on it a duty to ensure, in advance of each review, that the notional portfolio remains appropriate. It confirmed that any amendments to the portfolio would be made by regulations that would require the assent of the Assembly. The Department also stated that, when considering whether any changes are required to the notional portfolio before each review, it is likely to seek expert advice from the Government Actuary and that it does not believe that it is necessary to specify who it should consult with.

When the departmental officials attended to give oral evidence on the Bill, the Committee took the opportunity to ascertain whether the Department intended to undertake a public consultation so that all interested stakeholders can submit views on whether the notional portfolio remains suitable for investment in by a hypothetical investor. The officials advised the Committee that the next review will be required in July 2024 and that, while they cannot speak for what a future Minister of Justice might do, the likelihood is that the Department will want to consult with the Government Actuary and that it may wish to take other views as well.

With regard to the accountability arrangements, a number of organisations that would, in the main, prefer the new methodology to be based on the model adopted in England and Wales, rather than the one adopted in Scotland, also stated that the Justice Minister should have the power to exercise judgement over the investment portfolio and any adjustments, but that they should be required by law to consult on those matters with an expert group. Many of them recommended that the panel should go further than the panels in England and Wales, which consist of the Government Actuary, another actuary, an economist, a person with experience of managing investments and a person with experience in consumer matters as relating to investments and that it should also include economists, financial advisers and representatives of claimants and compensators, so that consideration is given to the current and future economic environment, investment options, the advice that is available to claimants

and how claimants actually invest their damages.

When discussing the accountability arrangements and the different models, the departmental officials outlined that an expert panel is involved in the scheme in England and Wales, which results in extending the time taken to fix the rate. They highlighted that, in previous experience in the context of the statutory discount rate, such panels have not been helpful as the experts could not agree.

The Department was also very clear that wider societal or economic factors cannot be taken into account in setting the rate, otherwise the person who suffered serious injuries due to the negligence of another person would only be entitled to be compensated to the extent that society is able or willing to pay and that that would be a fundamental departure from the established 100% principle.

As I outlined earlier, having considered the issues raised and the responses from the Department, the Committee agreed that it was content with the provisions of the Bill.

That draws to a conclusion my comments as Chair.

4.30 pm

I will now make a few observations as a member of the Committee. I place on record my appreciation and thanks to the staff of the Justice Committee for the outstanding amount of work that they did in bringing forward the report. The depth of the report gives an indication of how much work was carried out. We thank them for that.

It is not our party's intention to support the amendment. There was an opportunity to deal with the issue in the Committee. I appreciate what the Member said about timing, but, given that there has been a long process to get us to this point, it would have been helpful if we had had a discussion. I made a point about the experience in England. There is a slight difference in what constitutes a panel. The Member makes reference to a panel in her amendment, but, having had discussions with her earlier, it seems as though it is more about the persons with whom the Department will consult. That is an issue for the Minister to consider when she responds later.

The focus for us has to be on getting to a point where the legislation comes into operation. We cannot allow the current situation to prevail.

Time is of the essence. It is appropriate for us to ensure that the draft legislation continues to progress through the House towards completion.

Ms Ennis: As a new member of the Committee who has not had the chance to address this issue before, I seek your indulgence, Deputy Speaker, to make some brief general remarks before addressing the amendment. They will put our response to the amendment in context.

As the Chair outlined, and as Members across the House have probably gathered, the Damages (Return on Investment) Bill is complex and highly technical in nature, but it will have a massive impact on those whom it affects. When a person suffers from a personal injury that is not of their doing, it is only right that they are compensated fairly by way of an award of damages. The purpose of personal injury damages is to return the victim to the same financial position as they would have been in had they not been injured. That is an extremely difficult thing to do, given the variables.

Throughout the Justice Committee's scrutiny of the Bill, our focus was on achieving the 100% rule, which is that the damages that are awarded put the injured person in the same financial position as they would have been in had they not been injured, including loss of earnings and future care costs, without overcompensating or under-compensating them.

The personal injury discount rate (PIDR) is an adjustment to the damages that are awarded to a person to ensure that as close to 100% compensation as possible is achieved. During the Committee's consideration, we heard from a wide variety of individuals and organisations, including those representing defendants and claimants. It became clear that setting a legislative framework for the setting of a PIDR required a number of highly subjective choices, and that it would be very difficult to get agreement from all of the interested parties on how that would be best achieved.

We considered, as the Chair outlined, whether to follow the English model or the Scottish model or adopt our own unique model. We considered whether the responsibility for setting the rate should fall to the Justice Minister or the Government Actuary's Department; whether we needed additional statutory adjustments to the rate to prevent under-compensation, and, if so, how much; how often we should have a review of the rate to prevent us arriving at the stalemate position at which we have arrived;

and a number of different issues relating to the technical make-up of the rate-setting process.

You will be glad to hear that I do not intend to speak about the technicalities of the Bill. The Minister and the Department have explained their choices throughout, and they have provided ample evidence to justify those choices. It is for that reason that we will support the Bill as drafted and oppose the amendment.

As the Chair said, I was surprised to see a last-minute amendment being submitted to the Bill after the Justice Committee unanimously supported all of its provisions as they are currently drafted. The Committee did not have time to scrutinise or fully discuss the proposed amendment nor did it have time to call witnesses or seek evidence on it. That is not a good way of doing business, and, whilst I do not doubt the Member's sincerity in their reasons for tabling the amendment or doubt that it has been tabled in good faith, it is ill-thought-out and could have wider implications than it would first appear to have.

As the Justice Committee heard from a wide variety of people involved in the personal injury claims process, it became obvious that a clearly agreed way forward would not be achieved. Whether we like it or not, claimants and defendants approach the issue from a different perspective and are unlikely to agree. Therefore, to place a statutory requirement on who the Minister must consult and seek agreement with prior to amending legislation that directly impacts parties from very different perspectives and interests could lead to stalemate and potential deadlock.

Ms S Bradley: Will the Member give way?

Ms Ennis: No, I will not. Thank you.

If the last number of years have shown us anything, it is that having a stalemate on this issue will prevent claims from being settled and have a massive negative impact on injured people who are awaiting compensation. The public purse cannot afford for that to be stalled any longer.

The point of the Bill is to place the responsibility for the rate-setting process on the Government Actuary rather than on the Minister; it is a financial and actuarial process, not a political one. That will speed up the process and put it in the hands of an independent adjudicator to ensure that it is free from inappropriate interference.

I agree with the accurate summary in the Justice Committee's report that, rather than looking at any individual clauses in isolation, it is important to look at the Bill as a whole. Therefore, we cannot look at amending just one section of the Bill without looking at the impact on the Bill as a whole. Although the amendment looks minor, its impact could totally flip the principles of the Bill. It will expand the scope of the Bill and put all its aspects back on the table for negotiation. That is inappropriate and will further delay legislation that has already been delayed for too long. For that reason, we will, as I said, oppose the amendment and continue to support the Bill as drafted.

Due to the time that it has taken to get the Bill to this stage of the process, an interim rate of -1.75% was brought in in May of this year. That rate had to be calculated under the current framework of *Wells v Wells*, which is widely accepted to be outdated and inappropriate. There is a general view that the current rate under the current legislation veers towards overcompensation and needs to be changed. Therefore, it is hugely important that the Bill is passed in a timely manner to allow the Government Actuary to get to work on setting a new rate, which is likely to be somewhat higher than -1.75%.

I am fully aware of the wider societal and economic impact of a new rate, including on the health service. However, I accept the view of the Department that taking those into account would mean that we would be compensating victims only to the extent that society is willing to pay. That would be a fundamental departure from the 100% principle, and all victims deserve full compensation for injuries that have been caused to them.

Although it is not within the scope of the Bill, I have concerns about the potential impact on GPs through their indemnity costs. The problems faced by GPs are well rehearsed. We know that GPs have played a key role on the front line for a long time, and that has been exacerbated by COVID. I urge the Health Minister to explore all options for reducing the burden on GPs to allow them to focus on caring for their patients.

Finally, I recognise the many victims who have been gravely injured through no fault of their own. Many of those people have had their life turned upside down and been left with life-changing injuries and trauma. Those people are often vulnerable and require support to navigate the challenges that they face in their new life. I make no apology for saying that we need to look after those people.

Defendants, on the other hand, are often represented by multimillion or multibillion pound insurance companies that make great profits. Those defendants have a huge advantage over claimants in that they are in a much better position to pay. Instead, victims are left in a position where they are under-compensated and have their money run out leaving them unable to meet their basic needs. I am surprised to be quoting Jim Allister, but he summed it up quite well in the Second Stage debate when he talked about the under-compensation of victims meaning that you run the risk of their money running out. When their money runs out, that creates a burden on the state through the benefits system. He said:

"it is important to get it right not only because that is the necessary thing to do but because we need to protect the taxpayer from future underfunded cases by which insurance companies get off lightly." — [Official Report (Hansard), 9 March 2021, p20, col 2].

For that reason, let us get the Bill passed and get it right for victims. I urge Members to reject the amendment and to support the Bill as drafted.

Mr Dickson: I welcome the opportunity to speak on the Bill. It is very important and will ensure that compensation does precisely what it is supposed to do: returning an injured person to the financial position that they would be in if they were not injured, giving them financial security for the remainder of their life following life-changing injuries.

The Bill is transformative. It will end personal injury claim delays for those who have already suffered enough. It will ensure that people with life-changing injuries receive the compensation to which they are entitled, as others said, in respect of a framework that achieves 100% compensation: no more, no less.

I support the Bill completely, but, as others said, it is difficult to consider supporting the amendment, which, I believe, pushes the Bill in a less attractive or sensible direction. As the Chair of the Committee referenced, the amendment is untested within the framework. There is a previous example of an expert panel convened to advise on the discount rate, but it failed to reach any form of consensus. I believe that a panel, including representatives from both sides and defendants with a different competing vested interest, will only lead to more gridlock, not to mention very costly delays as a result of such a situation. Indeed, I

understand that that has been the situation in other parts of the United Kingdom.

It is important that the Bill delivers change and delivers it quickly. We owe that to victims of life-changing injuries and the circumstances in which they find themselves.

I encourage the Assembly to join the voices that I have heard in the House today to support the Bill and not the amendment. I believe that the amendment would only lead to further inertia and stop people from receiving the appropriate 100% compensation to which they are entitled.

Mr Newton: I support the Bill. Like others, I come at this as a recent member of the Committee. Indeed, as the Chairman said, he comes at it as a recent member of the Committee. I recognise that it is a very complex Bill that requires significant advice, which was offered to the Committee over the duration of the Bill's progress.

I also recognise that the Committee wants to do what is right for those people who have sustained, in some cases, life-changing or life-threatening injuries. I also recognise that victims can be up against organisations that have very deep pockets and can put professional bodies into the argument against the victim, who may be limited in the advice that they can seek.

I do not believe that the amendment is mischievous. I think that the Member tabled it for the very best of reasons. She is obviously speaking, as she sees it, on behalf of the claimant. So far, members of the Committee do not see it that way, but I understand that, in her amendment, she is seeking:

"an expert panel which includes economists, financial advisers and representatives for claimants and compensators."

She wants a professional approach to be available, and, in some ways, she is looking to the future. She has apologised for tabling the amendment at a very late stage.

So far, Members have not seen it that way. They are aware of it and have been concerned.

4.45 pm

Members want the very best Bill. They want a Bill that is fair in the way in which it is delivered and one that can be delivered. Members have sought that, and they seek a stable and longer-term discount rate to be achieved in Northern

Ireland. They want more than a set rate to be achieved; they want a rate that can be regularly reviewed. Members want to be able to review not only the Bill but the methodology of its establishment.

I do not see what the Member's amendment would bring. The expertise is there. The Bill addresses the issues that have been raised in the past. There is a framework that will ensure that claimants get their entitlement. The Committee must also ensure, which, I think, it has done in aspects of the Bill, that there will not be overcompensation, given, as mentioned before, the impact that that might have on social services, the health service and so on. I believe that the amendment was tabled for the best of reasons, but I reject it and support the Bill as it stands.

Mr Beattie: First, I thank the Committee Chairman, Deputy Chair and members for all the work that they have done on the Bill. It has been exceptional. It is not an easy Bill to go through; it is difficult. Of course, I also thank the Justice Minister for getting it to where it is now.

We are all working in the same direction. I do not see that I need to labour my words, because we all want the same thing, which is 100% compensation. However, I welcome the amendment, and I thank Sinéad Bradley for tabling it. I know that it was late in the day. However, do you know what? It made me stop and double-check my work to make sure that I was looking at the Bill through the right lens. I engaged with a few people, including some in the Health Department, to ensure that what I was thinking was right. I thank Ms Bradley for the amendment, which was good. It was tabled for the right purposes. I have no issue with it. However, I am content with the wording of the Bill: it absolutely meets its intent of 100% compensation. I want to move that forward as quickly as possible. I do not want any delays to it. I am fearful that there could be delays if there were any form of expert panel, even though the Member said that she could look at that. That is fine.

We will not support the amendment, but I thank the Member for it. We will support the Bill.

Mrs Long (The Minister of Justice): First, I draw Members' attention to a declaration of interest: as Members are aware, my husband is a member of a medical and dental defence union.

First, I will divert slightly from the amendment to put on record my sincere thanks to Committee members past and present for their scrutiny of

what is highly technical but, as others reflected, hugely impactful legislation. I also thank the Chair for a comprehensive and accurate summary of the purpose of the Bill and the rationale for the way in which we have gone about constructing it. It is important that we have transparency and predictability in how the PIDR will be set. That will allow us to avoid the cliff edges that there have been in the past, where, as the Deputy Chair rightly said, we end up with claims being delayed while people await the new rate. At least, with this mechanism, people will know the basis on which any new rate will be calculated. I will not repeat all of that, because Committee members did a more than adequate job of relaying the content. As the Committee Chair rightly said, I have got my money's worth from the Committee in recent months and will continue to do so, but I will not detain it for any longer than is absolutely necessary this afternoon.

The amendment would require the Department to consult an expert panel when reviewing the suitability of the notional portfolio prior to reviews of the rate. The panel would comprise economists, financial advisers and representatives of claimants and compensators. As others have noted, the Bill already makes provision for the Department to consult:

"such persons as it considers appropriate"

when considering whether the notional portfolio remains suitable for investment by the hypothetical claimant investor. The portfolio details the types of investments and percentage holdings of such investments with reference to which the Government Actuary is to determine the discount rate.

The composition of the portfolio described in the Bill was arrived at on the advice of the Government Actuary and constructed on the basis of an analysis of funds categorised as low-risk by an independent investment research firm. It is therefore anticipated that, in fulfilling its duty to consider whether the notional portfolio remains appropriate, the Department will consult the Government Actuary. He has the requisite actuarial experience and the resources of his Department and can seek views from other experts if necessary.

A requirement for the Department to consult an expert panel is unnecessary and is likely only to add delay and cost, as panel members would have to be selected, appointed and remunerated. The use of an expert panel in the context of the new framework for setting the rate is untested, as the first review of the rate in England and Wales was carried out without a

panel. I am also aware that a previous expert panel that was convened to advise on the discount rate failed to achieve consensus.

In this case, the panel would, uniquely, include representation from claimants and defendants, who would, by their nature, have different and competing vested interests, thus making it more likely that there would be deadlock when it came to reaching agreement on the advice to be given to the Department. It would not be helpful for the Department to be presented with conflicting advice from the panel.

Part of the reason for wanting it to become a clear and transparent actuarial process is to avoid either the reality or the perception of lobbying of the Justice Minister by claimants or by those who are paying the claims in making the decisions. By creating a clear and open portfolio and by going through the Government Actuary, it becomes a purely actuarial matter, and the only objective is therefore the 100% compensation to which we are all fully committed.

The Bill already makes it clear that the notional portfolio has to meet the needs of the hypothetical claimant investor described. The expertise that claimants and compensators would have over and above the expertise available to the Government Actuary on the specific and technical question of the detail of the types and percentages of investments that should be included is not immediately clear. While I agree with the Member for South Down that the work that will need to be conducted is important and will have significant impacts on claimants and, indeed, those against whom claims are made, I do not support the amendment. It is not necessary for the coherence of the Bill, and I call on the House to reject it.

Ms S Bradley: I appreciate the contributions that have been made not just on the Bill, which I fully support, but on the amendment. While I apologise for the lateness of the amendment, legislation is a process, and I will defend any Member who sees fit to come to the House with an amendment at any stage, at any time and on any legislation. I say to any Member who suggests otherwise that that is not indicative of a legislative process that is healthy or with which I would want to align myself. Other Members have a different view, and I heard that today.

I thank Mr Newton for his kind words. It certainly was not mischievous in any way. The Deputy Chair of the Committee suggested, as others have, that the panel would have to reach

an agreement. As the Bill Office repeatedly remind us, it is all about the words on the page, and the words on the page do not say that a panel will have to be in agreement. This is merely an opportunity to say to the Department, "That is the list of people whom you must engage with as a bare minimum, because those are the people with the specialist knowledge that the Department may lack". It sets a bare minimum not just in the interests of the victim but to make sure that we keep our eye on the 100% target and do not deviate. Today, whilst we may have built up a table that speaks to 100%, there will be other factors and reviews in the years ahead where we have to listen. We cannot turn a deaf ear to those who know what this is about and know what they are talking about.

Mrs Long: Will the Member give way?

Ms S Bradley: I will.

Mrs Long: On the issue of people knowing what it is about and with all due respect to claimants, their expertise will not necessarily extend to how to manage an investment portfolio over a 43-year period. You are barely likely to find expertise in that unless you go outside this jurisdiction to the UK or further afield, which is why the Government Actuary's Department is the right place to start that discussion. There will, of course, be people who have opinions. However, whether those opinions are informed enough to provide useful advice to the Department is questionable, particularly if the Member is suggesting that, essentially, everyone on the panel of experts that we would engage should be able to return their opinion to the Department, as opposed to coming to some conclusion as a result of discussion and negotiation.

Ms S Bradley: I thank the Minister for her intervention. Perhaps it indicates that I have not fully articulated what I am getting to. There is the pre-assessment period where, before carrying out a review, the Department is charged with looking over paragraphs 14 and 15. I am talking about representatives of victims in that window of time, not necessarily the victims themselves. We must remember that the discount rate does not apply to all settlements, so it is understanding the landscape in which victims are compensated. Some are encouraged to go down another route and do not have to consider the discount rate at all. The Department needs to keep a wide view of that. The Department needs to hold a wide view of the reality of what is happening at any moment in time.

Mrs Long: Will the Member give way?

Ms S Bradley: Yes, Minister.

Mrs Long: If that is the case, I can provide assurance that the Department has referred to that in the Bill and will absolutely take account of it. At all stages, we are aware of the importance of getting it right because it directly impacts, as others have said, not just on the victim making the claim but on the burden on the public purse down the line. If we miscalculate it, we can overcompensate claimants, which is often a cost in healthcare, which is the most obvious place for costs to be found, but also to businesses, so it can have an impact on the economy. Also, if we undercompensate a victim, they can be left reliant on recourse to other public funds to make up that deficit. Therefore, it is important for the Department that we do that, but it cannot impact on the decision about the rate itself, because the legal principle of 100% compensation drives the portfolio choices. It is absolutely crucial to ensure that we get to 100%, because that protects us from those other impacts.

Ms S Bradley: I thank the Minister for her intervention. I take comfort from her reassurance, but it is about having that wider knowledge. I was on the Committee for the duration of the deliberations. The Committee took soundings from a multitude of stakeholders across the platform, and it was only after listening to all those representations that we were able to understand exactly what was in front of us. Only then could we determine whether we were on the right road. When the Bill passes, that will still be true.

5.00 pm

It is only by keeping the parameters open and by fully understanding the absolute effect of the Bill on the reality of 100% compensation that we can say with any confidence that we will retain the 100% for years ahead. I take comfort from the Minister's reassurance on that. Of course, my preference would be to have that scripted in the Bill, because I can look back on what has happened in these institutions in recent times when members of our Civil Service have been charged with something that is perhaps beyond their competency or capability and see that they were charged with getting on with the job. When it goes wrong, the finger is pointed at them. There would have been adequate cover to make sure that the Department was able to resource the measure. The Minister, rightly, pointed to the cost, but, if

there is a cost, I could live with it. If it means one of the victims getting 100% compensation, that is a cost that we would have to take on the chin and subsume into our departmental budget. In order to do that, a bid would have to be made to the Department of Finance, which would have to see that it is something on the face of the Bill and there is no getting away from it.

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

I will not force this to a vote, for obvious reasons, but I ask that Members at least understand that the currency of the debate was never about a panel to reach agreement; it was about a panel of specialist information coming into a system where such knowledge might be lacking. I regret that some Members failed to see that, even after my explanation, but I put it to the House that the amendment was brought in good faith. Perhaps it will be presented in some shape or form somewhere in the legislation, be that in the explanatory and financial memorandum or in some other form in the Department at a later time.

Mr Principal Deputy Speaker: I heard the Member say that she does not intend to put this to a vote, but I am afraid that I have to.

Amendment negatived.

Schedule agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Damages (Return on Investment) Bill. The Bill now stands referred to Mr Speaker.

I ask Members to take their ease for a few minutes before we move on to the next item of business.

Health and Care Bill — Medicine Information Systems: Legislative Consent Motion

Mr Swann (The Minister of Health): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Health and Care Bill dealing with medicine information systems, that will allow an amendment to the Medicines and

Medical Devices Act 2021, to enable information systems in relation to human medicines to be established and managed by the Health and Social Care Information Centre, and will align section 19 of the Medicines and Medical Devices Act 2021 that deals with medical devices information systems with the new provisions for a medicines information system.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on this debate. I call the Minister to open the debate on the motion.

Mr Swann: The Health and Care Bill is being used as the legislative vehicle to amend the Medicines and Medical Devices Act 2021 to extend to Northern Ireland provisions dealing with the medicines information systems. This is similar to the provisions agreed by the Assembly last autumn with what was then the Medicines and Medical Devices Bill for medical devices information systems. A comprehensive UK-wide medicines registry can be a potentially important tool in improving patient safety through better post-market surveillance of the use of medicines and will support the Medicines and Healthcare products Regulatory Agency's (MHRA) regulatory functions.

A UK-wide registry is more robust for pharmacovigilance reasons, and that is particularly important with regard to high-risk medicines, as there is the potential that having mandatory registers will improve the ability to reduce harm. It is important for Members to note that the intention is not to create a registry for all medicines used in the UK, and the need for establishing a particular medicines registry will be justified on public health grounds and when alternative approaches to capturing sufficient data are not feasible.

It is envisaged that a two-stage approach will be adopted for the collection of information about medicines. First, requirements about the information relating to medicines will be provided to NHS Digital, which will combine the data from various sources and hold it in an information system. Secondly, MHRA will use the data compiled by NHS Digital to establish specific medicine registries. The proposal for the establishment of a new registry will be presented to the Commission on Human Medicines, which is an independent advisory group to the MHRA. It would issue a formal registry-specific recommendation if it were considered essential to support patient safety.

It is expected that the powers will initially be used to capture the data needed to establish

the registry on the use of sodium valproate and other anti-epileptics, as recommended in the report of the independent medicines and medical devices safety review, led by Baroness Cumberlege. However, the intention is that the powers will be used to develop registries for other medicines in the future in order to enhance regulatory oversight and the monitoring of specific medicines with which a potential risk of severe harm has been identified.

Clause 85 of the Health and Care Bill also makes some technical amendments to section 19 of the Medicines and Medical Devices Act, which deals with the medical devices information system. The amendments are intended to align with the new provisions of the medicines information system and to enable NHS Digital to share information that it receives that comes from data linkage and to contain commercially sensitive technical information about devices.

Furthermore, in order to align provision for an offence of disclosing information that is already included in the Medicines and Medical Devices Act for the medical devices information system, similar provision is also now made for the medicines information system. That new provision was shared with the Department of Justice, and advice was received from officials that the new offence of disclosure of information is consistent, proportionate and will not have a detrimental effect on the justice system in Northern Ireland.

Clause 85 also makes amendments to section 43 of the Medicines and Medical Devices Act to allow for technical elements of the Health and Social Care Act 2012 that established and constituted NHS Digital to be amended. Those amendments will ensure that the secondary legislation that is taken forward for both medicines information systems and medical devices information systems is coherent and consistent. That power will be exercised only when making regulations under the new provision of the medicines information system or under existing provisions for the medical devices information system. I recognise that, with the enabling provisions that deal with medicines and medical devices information systems, proper safeguards need to be in place to ensure that regulations that are to be developed take account of Northern Ireland's legislation on the disclosure of information, alongside information governance and the code of practice on the sharing of a patient's identifying information for direct care and secondary care.

With particular respect to Northern Ireland, no regulations can be taken forward on the medicines information system without the consent of the Department of Health. When the regulations are to be made under the new section of the Medicines and Medical Devices Act 2021 for the medicines information system, the Department of Health will be the appropriate authority, either alone or jointly with the Secretary of State for Health in England. Therefore, the Department's consent is necessary. That is in recognition of medicines being a devolved matter.

All regulations under the power of the Medicines and Medical Devices Act 2021 on the medicines information system will also be subject to the draft affirmative process and, therefore, subject to the scrutiny of the Health Committee and debated in the Assembly for agreement by resolution before they are made.

Mr Allister: Will the Minister give way?

Mr Swann: Yes.

Mr Allister: I certainly think that this a very wise legislative consent motion. I am sure that the Department has considered this, but I just want to hear from the Minister as to whether any EU protocol consequences touch on it. Does the protocol impinge at all on how things will operate in Northern Ireland under the legislation?

Mr Swann: To be frank with the Member, nothing has been brought to my attention. That is why I have brought these LCMs forward as they are. They are supported by the Executive as they are drafted. However, as always, I will seek clarity for the Member on the detail.

The situation is different for the medical devices information system, for which the Secretary of State has sole authority as the subject matter of medical devices is a reserved matter. Members will recall that, last year, the devolved Administrations negotiated the inclusion of a statutory consultation clause in the Medicines and Medical Devices Bill, and that no regulations can be made without the proper consultation with the devolved Administrations. That means that the devolved Administrations can legally challenge the Secretary of State if there is a failure to consult properly. Furthermore, any regulations to be taken forward will be made within the boundaries of data protection legislation, including GDPR and the Data Protection Act 2018.

I trust that Members will understand how important it is for Northern Ireland to be included in the provisions of the Health and Care Bill as, ultimately, they seek to improve patient safety through generating high-quality evidence on the use, benefits and risks of certain high-risk medicines. I ask Members to support the motion.

Mr Gildernew (The Chairperson of the Committee for Health): I welcome the opportunity to make some remarks as Chair of the Health Committee. The legislative consent motions are being considered as three separate motions. I plan to outline the Committee's general consideration of the LCMs in the first debate. In the second and third debates, I will outline issues that the Committee raised specifically on those LCMs.

It is worth noting that the Committee was briefed on four separate LCMs and that only these three have now been laid. I would appreciate an update from the Minister on the fourth LCM on arm's-length bodies and the transfer of functions. The Committee was first made aware of the LCMs when the Minister wrote to us in July advising that officials would be taking forward a deferred legislative consent approach after the summer recess. The Committee was further advised on 27 February that the Minister would progress the four legislative motions separately. We were briefed by officials on the four separate LCMs on 14 October. A number of issues were discussed, and officials agreed to provide the Committee with further information on a number of areas. The Committee considered that response at its meeting on 4 November and agreed that it was content with the LCMs. A copy of the Committee's report on the three LCMs that were laid was agreed on 11 November, and published and issued to all Members on 12 November.

As a general comment on LCMs, the Committee would like to see better local engagement with stakeholders on the content of LCMs. The Committee is concerned that there is not enough focus on ensuring that there is input from locally based stakeholders. There are concerns that the impact in the North of Ireland is, therefore, not always clear or fully understood. Engagement should happen at British Government level during the formulation of Bills and when the Department of Health has agreed to take forward the legislative consent process.

The Committee has only 15 working days to consider and report on the LCM once it is laid, and it is difficult for us to undertake significant

consultation. Therefore, it is imperative that engagement happens at the earliest opportunity.

5.15 pm

In relation to this LCM on medicine information systems, the British Health and Care Bill provides for an enabling power within the Medicines and Medical Devices Act 2021 to allow for a wider medicines information system, including Britain and the North, to be established and managed by NHS Digital. The Bill proposes to place the system on a statutory basis to ensure that the Medicines and Healthcare products Regulatory Agency will be able to build registries designed to improve the ability to reduce harm to patients.

During the briefing, the Committee sought assurances that any information collected would be necessary and GDPR-compliant. We sought assurances that the systems here in the North were adequate for collecting data and could feed into any broader register. The Committee was advised that work was ongoing to identify any gaps and to make improvements. The Committee was also advised that any registry would not impact on the movement of medicines from the EU into the North. The Committee agreed that it was content with the LCM.

Mrs Cameron: I understand that all three LCMs are on the back of the Health and Care Bill introduced in the House of Commons on 6 July 2021. The purpose of the Bill is to give effect to the policies set out as part of the NHS recommendations for legislative reform following the long-term plan and in the White Paper entitled 'Integration and innovation: working together to improve health and social care for all', published in February 2021.

I support the legislative consent motion on medicines and healthcare products. It is an eminently sensible move, and, like other Members, I will not delay the House for long in outlining my reasons for supporting it.

In health, data is key, and the sharing of data and information is vital to the use, safety and effectiveness of products that are used to secure better health outcomes for those in healthcare settings. The Bill provides for an enabling power within the Medicines and Medical Devices Act 2021 to allow for a UK-wide medicines information system to be established and managed by NHS Digital. I wholeheartedly support that and see NHS Digital as the right mechanism by which this information-gathering can be managed.

Ultimately, we want to reduce risk and potential harm to those in healthcare. It is through this LCM placing the medicines information system on a statutory basis that greater assurance and safety will be delivered. By improving the ability to reduce harm, we are serving patients well. No one in the House can express opposition to that.

The handling of data is a serious issue. As MLAs, we know the responsibility that comes with handling sensitive information. In the right hands, information is a powerful tool, but, in the wrong hands, it is dangerous. For service users, particularly in relation to health, the protection of that personal information comes with a bond of trust that must not be breached. That is why I welcome the fact that the Department stated that the registry would be set up by the MHRA only when alternative approaches to capturing data were not feasible and there was sufficient public health need. There are criteria for when a registry could be initiated. It is important that the criteria are robust and adhered to meticulously.

I commend the LCM to the House and welcome the collaborative approach to the issue on a pan-UK basis.

Mr McGrath: I welcome the opportunity to speak on these LCMs. I welcome the fact that the NHS in England is making changes and introducing reform to its health service, and I hope that we can do the same here, sooner rather than later. Quite simply, our health system is broken, and we are seeing the evidence of it not coping. What we saw over the weekend at Craigavon Area Hospital was unacceptable. We must always boil these issues down to what they are. If you were in an ambulance and needed urgent care this weekend and lived in Armagh, you had to go somewhere else. That is unacceptable, and it highlights the need for us all to work together for urgent reform of our health service.

Today's legislative consent motions relate to the Health and Care Bill in Westminster, which has some 135 clauses and 16 schedules. They amend a number of Acts and have some direct and indirect consequences on healthcare in the North and thus need our consent.

The first motion deals with medicine information systems. The purpose is to allow a registry of medicines in use in the UK, and that will extend to medicines in use here. The registry will enable known and potential risks to be recorded and, where necessary, flagged. That will potentially reduce harm. Until now, there has been no mandate for such a registry.

The Bill is progressing through Westminster, but it has been noted that there has been very little engagement with local organisations or groups and that the 15-day threshold does not permit us much time to do that. That is undemocratic, and I urge the Minister to make that view known to his counterpart in England. If this legislative consent motion and that Bill lead to better and safer practices that will prevent lives being placed in danger and will save lives, the SDLP is happy to support that.

I welcome news from the Committee that the registry bears no impact on the movement of medicines from the EU into the North.

Mr Chambers: I rise to make only a few brief comments on the Health and Care Bill and this LCM.

The Bill has a distinct focus on NHS England. However, it also includes a number of revisions that touch on matters relevant to us in Northern Ireland. The first of those, which we are discussing now, is a UK-wide medicine information system. It makes absolute sense for Northern Ireland to be covered by the new requirements. While I acknowledge that mechanisms are currently in place to capture information, due to a combination of a lack of full clinician buy-in as well as the burdensome nature of data entry on healthcare providers, those existing policies do not work as they should. I welcome the move to develop a new medicine information system and to place that on a statutory footing. It can only be a good thing for patient confidence, and it can only be a good thing for the likes of the MHRA to have absolute faith in the data that it is reviewing.

I do not intend to speak on each of this evening's individual motions, but, needless to say, I also support the Minister's decision, as does my party, to progress the motions on international healthcare arrangements and professional regulation. I certainly welcome comments in the House this evening that we all need to pull together to reform and repair the NHS in Northern Ireland, but calling for any reduction to health budgets will not be helpful in that regard.

Ms Bradshaw: I support the motion, which received unanimous assent in the Committee.

The Health and Care Bill is, largely, technical but important legislation that carries out a range of reforms, predominantly to the NHS and social care system in England. Of course, we watch that with interest as we carry out our reforms, including our own Health and Social Care Bill. While there can be legitimate

differences on exactly how such reforms should proceed, we are long past the phase when we debate whether or not reform is necessary. Therefore, the motion is a welcome reminder that, if we wish to protect the NHS, we need to reform it, and it is also a reminder that social care is an essential and integral part of the overall healthcare system.

The amendments are largely technical, as I say, although I wish to draw attention to one aspect: the wide-ranging amendments to clause 85 in the form of additions under section 7 of the Medicines and Medical Devices Act 2021. The amendments are necessary to regulate information, and there is a specific emphasis that, in Scotland and Northern Ireland, information centres may have more substantial functions. I do not envisage that clauses 86 to 92 will cause any ongoing issues in Northern Ireland.

Mr Principal Deputy Speaker: No other Members have indicated to me that they wish to speak, so I call the Minister to conclude the debate on the motion.

Mr Swann: I thank Members who contributed to the debate. I note not only their support for these clauses but their concerns. Regarding the Chair's specific query about clauses 86 to 92, the arm's-length transfer of functions, which was the fourth LCM, a further assessment by the Department and the Executive was that it did not add any further benefit to health and social care in Northern Ireland and was not required at this time. That is why the fourth LCM was not moved.

I take this opportunity to thank the Health Committee for taking the time to examine the legislative consent memorandum and for their helpful and positive engagement with departmental officials on the matter. I appreciate that the Committee had to work within a challenging timescale and would like to thank the members for their patience, understanding and cooperation with my Department. I also thank Executive colleagues for their support in this matter and for agreeing to the need for a legislative consent motion in relation to the Bill.

Some Members hold the view that, as a matter of principle, any legislation that falls within the devolved competency of the Northern Ireland Assembly should, when possible, be made by the Assembly. I fully agree with that view, but it is important to understand that having UK-wide legislation for a medicine information system will be in the best interests of UK patients. It will ensure a consistent legal framework for the

information system and support the MHRA's regulatory functions as a UK-wide registry. It is actually more robust for the pharmacovigilance that is particularly important for high-risk medicines, as there is the potential that making these registries mandatory will improve the ability to reduce harm. For that reason, on this occasion, it is appropriate and makes good sense for Westminster to legislate on matters that are devolved to the Northern Ireland Assembly.

I consider that the provisions of the Bill provide for a UK-wide medicines information system, which is an important measure to improve patient safety through generating high-quality evidence on the benefits and risks of certain high-risk medicines.

I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Health and Care Bill dealing with medicine information systems, that will allow an amendment to the Medicines and Medical Devices Act 2021, to enable information systems in relation to human medicines to be established and managed by the Health and Social Care Information Centre, and will align section 19 of the Medicines and Medical Devices Act 2021 that deals with medical devices information systems with the new provisions for a medicines information system. — [Mr Swann (The Minister of Health).]

Health and Care Bill — International Health Arrangements: Legislative Consent Motion

Mr Swann (The Minister of Health): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Health and Care Bill to amend a power which could allow the Secretary of State to make regulations to implement the administration of international healthcare agreements.

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

Mr Swann: As has been said prior to this debate, the Health and Care Bill was introduced in the House of Commons on 6 July. On 15 October, the Northern Ireland Executive gave their agreement in principle to the need for legislative consent motions (LCMs) for the transferred matters within the Bill. Specifically, that is clause 122 in Part 5, "Miscellaneous", which concerns international healthcare arrangements. Clause 122 seeks to amend the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 to expand the territorial scope of this Act to countries, territories and international organisations outside the EU, EEA and Switzerland. Those powers will enable the Secretary of State for Health to implement comprehensive bilateral healthcare arrangements across the world, to pay for those treatments outside the UK and to facilitate the necessary data processing.

I will put clause 122 in some context: reciprocal healthcare is a small and important element of general healthcare policy in the UK. It supports people from the UK to obtain healthcare when they live in, work in or visit other countries, and vice versa for people from other countries who are in the UK. Within Europe, UK citizens have benefited from being able to get access to needs-arising healthcare when visiting other countries and have it paid for by the UK. That helps to support student travel, holidays and business travel, and the same applies to visitors to the UK and Northern Ireland from Europe. This clause would expand the territorial scope of the powers, meaning that the Secretary of State would be able to negotiate and implement comprehensive reciprocal healthcare arrangements with the rest of the world. That includes, for example, British overseas territories and Crown dependencies, as the current international healthcare arrangements outside Europe are very limited in scope to, basically, a waiver of charges in limited circumstances.

5.30 pm

I know that some Members hold the view that, as a matter of principle, any legislation that falls within the devolved competence of the Northern Ireland Assembly should be made here, and health is one such competence. As I said, I agree with that view, but I consider that the UK-wide legislation for international healthcare arrangements will ensure a consistent framework for the implementation of the agreements, which are also a reserved matter under international relations.

Any future regulations that cut across devolved competence are subject to a statutory duty to

consult. In addition to that statutory obligation to consult my Department, a separate commitment has been given by the Department of Health and Social Care to revise the memorandum of understanding that underpins the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 to enhance the mechanisms by which the UK nations will work together to deliver international healthcare arrangements from negotiation to implementation.

I hope that Members will support the additional provisions in the Health and Care Bill. Ultimately, the amendments would improve access to healthcare locally and abroad and to support international relations. I ask Members to support the motion.

Mr Gildernew (The Chairperson of the Committee for Health): I will not go through the Committee's consideration of the LCM process, as I covered that in the previous debate; rather, I will outline the issues that the Committee raised about this LCM.

The Minister has outlined what the LCM on the international healthcare arrangements in the Health and Care Bill does in relation to the management of reciprocal healthcare with a number of countries. Essentially, it enables the British Secretary of State to implement bilateral healthcare arrangements with the rest of the world. During the briefing by officials on 14 October, the Committee sought clarity on any impact that the LCM would have on North/South cooperation on healthcare. It also sought an assurance that the Minister of Health would not be prevented from making healthcare arrangements with other regions across the world.

The Committee also sought clarity on the use of the European health insurance card (EHIC), now that we are out of European arrangements. We were advised that travellers could make use of the global health insurance card (GHIC), which would cover healthcare provision in the Trade and Cooperation Agreement and in countries where there are reciprocal healthcare arrangements. The Committee recommends that there be a communication programme to inform travellers of that change.

Again, I flag up the need for better local engagement and input to the legislative consent process. We need to ensure that legislative consent does not have an unforeseen impact here. Local engagement and input is key to ensuring that. The Committee agreed that it was content with the LCM.

Mrs Cameron: Once again, this is a common-sense and entirely appropriate step to enable us to benefit from future international healthcare agreements that are negotiated, secured and delivered by the UK in tandem with international partners.

It seems rather repetitive to reference again the importance of data, but, of course, the ability to exchange data between the UK and other countries is key to international agreements. Without this change or the expansion of the powers that relate to the EEA and Switzerland, we would not have the legislative competence to facilitate the administration of reimbursement arrangements of a reciprocal healthcare agreement between the UK and other countries or to support the effective monitoring of such an agreement. Such an outcome is simply not feasible or desirable. What we have before us therefore makes perfect sense.

In Committee, we received assurances from the Minister and the Department about the impact that the LCM will have on cross-border healthcare and the Trade and Cooperation Agreement. Indeed, it was also welcome to receive clarity that the agreement will not impinge on the ability of our Executive or our Minister to conclude our own international healthcare provision arrangements with rest-of-the-world countries. I thank the Minister and his Department for their willingness to engage with the Committee and for clarifying those issues.

The Minister's clarification on the European health insurance card was also welcome. I have had many queries about that in my office from people who value the safety and assurance that comes with the EHIC. The Department has advised that travellers can make use of the global health insurance card. We need to increase the awareness of the GHIC and ensure that people in Northern Ireland secure their card, given that the European health insurance card is no longer valid.

The LCM is for the betterment of Northern Ireland and has the support of my party.

Mr McGrath: Patients from across the North have become used to reciprocal health arrangements, especially with the South, over the past number of years. With the disastrous Brexit that we have been treated to, that and other arrangements have been placed in doubt. Thankfully, the Department has the North/South arrangements sorted, but, as travellers and holidaymakers, we have become used to carrying the blue card across Europe and accessing local healthcare in emergencies when we are travelling. There is no doubt about

the security and comfort that having that card offered us, but it was yet another sacrifice on the altar of "taking back control".

The LCM will enable us to avail ourselves of the reciprocal arrangements in place in the EU and beyond. It will allow the Secretary of State to enter into bilateral arrangements with other countries from which we can benefit. Such seamless healthcare is important, as it reduces the need for form-filling, especially when people are away from home and in a moment of need. Such arrangements make sense, they are practical and helpful, and the SDLP is happy to support the LCM.

We discussed the European health insurance card in our Committee deliberations. With the introduction of the global health insurance card, members felt that we should promote it to those travelling from the North when the European health insurance card becomes invalid. We are happy to support the LCM.

Ms Bradshaw: With your consent, Mr Principal Deputy Speaker, I will make all my remaining remarks on the motions now, as they are almost all on international agreements. Before I do, I put on record my appreciation of the departmental officials' work on the LCMs and of all their work in recent months on the transition arrangements resulting from Brexit. They have done a marvellous job.

Again, I emphasise that all three motions passed the Health Committee with unanimous agreement.

Clause 122 concerns the ongoing need for clarity on international healthcare arrangements. Specifically, it removes arrangements that were initially put in place in case there was a no-deal Brexit. We need to be clear that that is what the UK Government's taking no-deal off the table is about and that it demonstrates that the withdrawal agreement and all the benefits arising from it, including mutual social recognition enabling reciprocal healthcare arrangements with EU and EEA states, are now a fundamental part of UK policy and law.

To be clear, I wish that we had not needed a withdrawal agreement, because I wish that we had had no Brexit and thus no need to manage its ongoing damage not just to the UK's trade with the EU but to reciprocal healthcare arrangements such as these and to the sharing of best practice in medicines and medical devices. Nevertheless, the withdrawal agreement is where we are, and it will flavour UK policy across a range of issues in the

coming months and years. I therefore support the motion.

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

Mr Swann: Thank you very much, Mr Principal Deputy Speaker. Again, I thank the Members who contributed to the debate.

The Chair of the Health Committee mentioned a number of concerns about North/South healthcare cooperation that had been raised in Committee. I assure him that the clause will have no impact on North/South healthcare cooperation, which is separately delivered under the Department, the Executive and the Belfast Agreement. That was clarified by the contribution of the Deputy Chair, Mrs Pam Cameron.

I thank other Members for their support for the LCM, and I put on record again my thanks to Ms Bradshaw for acknowledging the work of departmental officials who, with everything else that they have been dealing with, have been dealing with these issues as we bring them through a competent legislative process. I thank the Health Committee for taking the time to examine the legislative consent memorandum and for its helpful and positive engagement with my officials on the matter. I appreciate that the Committee again had to work within a challenging timescale, and I thank the members for their patience, understanding and cooperation. I also thank my Executive colleagues for their support in agreeing to the need for the legislative consent motion. I commend the motion to the House.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Health and Care Bill to amend a power which could allow the Secretary of State to make regulations to implement the administration of international healthcare agreements.

Health and Care Bill — Regulation of Healthcare and Associated Professions: Legislative Consent Motion

Mr Swann (The Minister of Health): I beg to move

That this Assembly agrees that the relevant provisions of the Health and Care Bill, introduced into the House of Commons on 6 July 2021, to make provision for widening the scope of the use of section 60 of the Health Act 1999, so far as these matters fall within the legislative competence of the Northern Ireland Assembly, should be considered by the UK Parliament.

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

Mr Swann: We already have on the record that the Health and Care Bill was introduced in the House of Commons on 6 July, and, on 15 October, the Northern Ireland Executive gave their consent in principle for the need for legislative consent motions (LCM) for the transferred matters in the Bill.

Specifically, clause 127 in part 5, which is headed "Miscellaneous", addresses the:

"Regulation of health care and associated professions".

The powers sought through the Bill form part of a wider programme aiming to create a more flexible and proportionate framework across the UK for the regulation of healthcare professionals, which is a framework that is better able to protect patients and the public. The provisions set out in clause 127 of the Health and Care Bill would widen the scope of section 60 of the Health Act 1999 on the regulation of healthcare professionals. The proposed additional powers will enable the abolition of an individual health and care professional regulatory body where the professions concerned have been deregulated or are being regulated by another body. They also provide for the removal of a profession from regulation where it is no longer required for the protection of the public. It also requires the delegation of previously restricted functions to other regulatory bodies through legislation, and it includes the regulation of groups of workers concerned with health and care, regardless of whether they are generally regarded as a profession.

(Mr Speaker in the Chair)

I point out to Members that what is being sought for here is limited to the widening of the permissive power to legislate, under section 60 of the Health Act 1999, by means of secondary legislation at Westminster. In the field of the regulation of healthcare professionals, it does not implement specific policy proposals on, for example, the number and the composition of the UK regulators. Legislative proposals on such matters will be subject to the separate, subsequent process for the making of requisite Orders in Council at Westminster made under section 60 of the 1999 Act. Those will be subject to the affirmative parliamentary process and will therefore be debated and approved by both Houses of Parliament.

I will now expand on the reasoning behind the proposed expansion of the scope of section 60 and illustrate for Members how those widened provisions will be used. The case for reforming the regulation of healthcare professionals has long been acknowledged. There is consensus across stakeholders that the UK model of regulation of healthcare professionals is rigid and overly complex. It needs to change in order to better protect patients, support our health and care services and help the workforce to meet future challenges. In doing so, it needs to be faster, fairer, more flexible and more cost-effective.

The four Administrations across the UK work collectively on the regulation of healthcare professionals under the UK-wide reach of the main regulators. Those are the focus of the measure. In 2017, the UK Government and the devolved Administrations launched a consultation on promoting professionalism and reforming regulation. That focused on high-level principles for reforming the regulatory framework of healthcare professionals. The consultation set out five objectives for the reform process. Those are to improve the protection of the public from the risk of harm from poor professional practice; to support the development of a flexible workforce that is better able to meet the challenges of delivering healthcare in the future; to deal with concerns about the performance of professionals in a more proportionate and responsive fashion; to provide greater support to regulated professions in delivering high-quality care; and to increase the efficacy of the regulatory systems.

To be clear, the UK Government, with the support of the devolved Administrations, are committed to reforming the regulatory framework for health and care professions

across the UK. To be clear, however, there is no intention to change the regulatory framework of the Pharmaceutical Society of Northern Ireland, which is specifically excluded from policy work on the UK's regulatory landscape. No change will be made to the society's legislation without the full agreement of the Northern Ireland Health Minister, whoever that may be.

5.45 pm

The 2017 consultation also included questions related to possible issues for future legislation. The UK Government's response, which was published in 2019, confirmed that the proposals for reform were widely welcomed by stakeholders, including professional organisations, regulatory bodies and employers. That view was also confirmed by stakeholders in Northern Ireland. The consultation response also highlighted the case for broader changes to the regulatory landscape, which included the potential for reducing the number of regulatory bodies that operate on a UK-wide basis. The Secretary of State for Health and Social Care subsequently committed to reviewing the number of such UK-wide health and care professional regulatory bodies in the 'Busting Bureaucracy' policy paper that was published in November 2020.

In March 2021, the UK Government published a further consultation, entitled 'Regulating healthcare professionals, protecting the public'. That document sets out proposed reforms to regulatory bodies' legislation in four key areas: governance and the operating framework; education and training; registration; and fitness to practice. It also committed the UK Government to consulting on the criteria for considering whether health and care professionals should be regulated in the UK.

The powers in respect of the regulation of healthcare professionals that are now being pursued in the Health and Care Bill form a part of that broader reform programme. The Government, with the full engagement and support of the devolved Administrations, are committed to bringing forward the reform of the regulatory framework for the health and care professionals provided on a UK-wide basis. The first priority is to update the legislation governing the General Medical Council and widen the scope of healthcare professions that are currently regulated by that body, which is currently limited to doctors, to include physician associates and anaesthetist associates. Given the UK-wide reach of the National Health Service and the movement of many healthcare professionals across the various healthcare

administrations for education, training or delivery of care, it is vital that Northern Ireland is fully included in the process to reform the regulation of healthcare professionals across the UK.

I hope that Members will support the additional provisions of the Health and Care Bill, as these amendments ultimately seek to improve patients' safety. I ask Members to support the motion.

Mr Gildernew (The Chairperson of the Committee for Health): In relation to the final LCM about the regulation of healthcare and associated professions, the power sought in the Bill seeks to implement a wider reform programme, creating a more flexible regulatory framework for healthcare professionals. The Department outlined that it is essential that the provisions extend to the North of Ireland, as divergence may disrupt the movement of regulated healthcare professionals in and out of the North.

The provisions widen the scope of section 60 of the Health Act 1999 and allow the British Secretary of State to make changes, including the closure of a regulator, taking professions out of regulation where it is no longer required for the purpose of the protection of the public and providing for the future expansion of the use of section 60 to include senior NHS managers and leaders.

During the briefing, the Committee sought assurances about the use of these powers by the Secretary of State on regulators in the North. The Committee was assured that any use of the power that would affect local regulators such as the Pharmaceutical Society would require that a new legislative consent motion be agreed by the Assembly. I welcome your addressing that issue directly in your remarks today, Minister.

The Committee sought further information on the power to extend section 60 to include senior NHS managers. I thank the Committee for the work that was carried out in relation to these LCMs and the Department and the officials for working with the Committee on them. The Committee was content with the LCM.

Mrs Cameron: I welcome the legislative consent motion. I understand that the regulation of healthcare professionals is a devolved matter. I also understand that the intention of our devolved Department of Health is to work on a four-country basis regarding healthcare profession regulatory matters, reflecting the reality that the vast majority of regulation is

performed by bodies that operate on a UK-wide basis, ensuring a consistent approach across the wider NHS.

The third legislative consent motion on the Health and Care Bill provisions is, again, entirely sensible. I commend it to Members. Better regulation, be that in healthcare or any other public service, should be the goal of all Members. The provisions of the Bill are very much focused on that end. I welcome the fact that the Government at Westminster have made that a focus of the Health and Care Bill.

The movement of healthcare professionals across the United Kingdom is vital to the safe and effective delivery of healthcare. We have seen that throughout the pandemic. We, in Northern Ireland, have benefited greatly from the services that have been provided by army medics. Without them, our response to COVID-19 and the roll-out of our vaccine programme in those vital early days would not have been as effective. We simply cannot afford to be without that regulatory framework; it would stop such benefit coming to Northern Ireland in the future. Likewise, on the regulations on the specialist services across our healthcare system, we see the positive impact of practitioners from elsewhere in the UK and how those from here, too, can bring their skills and knowledge to mainland UK.

I welcome that the powers that are sought in the Bill seek to implement a wider reform programme that will create a more flexible and proportionate regulatory framework for healthcare professionals, and that the proposals seek to achieve more responsible and accountable regulation. This is sensible. It will provide more efficient and flexible regulation, which is a good thing. We, as a party, support this legislative consent motion. Finally, I thank the Health officials for all the very good work that they have done and their patience at Committee.

Mr McGrath: The final consent motion is concerned with the regulation of healthcare professionals. The proposed legislation seeks to achieve the more responsive and accountable regulation of professionals. While the North remains part of the United Kingdom, such regulation is necessary to ensure the smooth movement of regulated healthcare professionals across the UK. We sought and heard how the Executive were briefed on the consent motions via approval that was sought by the Health Minister.

It is a positive step that the health service in England is driving forward such much-needed

reform. That has been lacking here for all too long. While I remain supportive of the consent motion, I entirely agree with Committee colleagues that we need assurances on the use of section 60 by the Secretary of State to wind up regulators based in the North. However, I welcome that, in instances in which there is a direct impact on the North, a new legislative consent motion must be granted. Such involvement from the Assembly only underscores the importance of our institutions and of having transparency at the heart of government.

I look forward to the day when this place begins moving on legislation to address our health crisis, but, for the time being, I am content to support the motion.

Mr Speaker: I call Paula Bradshaw.

Ms Bradshaw: Mr Speaker, I made my comments in the debate on the previous motion. Thank you.

Mr Speaker: I call the Minister to conclude and make a winding-up speech.

Mr Swann: I thank the Members who contributed to the debate.

On the assurances that the Chair sought, I point out that the legislation that regulates the Pharmaceutical Society of Northern Ireland is the Pharmacy (Northern Ireland) Order 1976, which falls to the Northern Ireland Assembly. That is why it sits outside the motion.

I thank the Deputy Chair for her comments about her support for the work that was done by my officials in bringing forward the motions. I also thank the Health Committee for taking the time to examine the legislative consent motions and for its helpful and positive engagement with my Department's officials on the matter. I appreciate the Committee's work, patience, understanding and cooperation, along with the support of my Executive colleagues. I know that some Members agree with my view on where Assembly authority should lie. However, on the regulation of healthcare professions that extend across the entirety of the UK, it is appropriate for public safety and the effectiveness of proposed future reform that legislation be taken forward through Westminster.

I commend the last of the three LCMs to the House.

Mr Speaker: I thank the Minister for that and Members for their contributions to the debates on the three LCMs.

Question put and agreed to.

Resolved:

That this Assembly agrees that the relevant provisions of the Health and Care Bill, introduced into the House of Commons on 6 July 2021, to make provision for widening the scope of the use of section 60 of the Health Act 1999, so far as these matters fall within the legislative competence of the Northern Ireland Assembly, should be considered by the UK Parliament.

Private Members' Business

Employment (Zero Hours Workers and Banded Weekly Working Hours) Bill: First Stage

Ms Dolan: I beg to introduce the Employment (Zero Hours Workers and Banded Weekly Working Hours) Bill [NIA 46/17-22], which is a Bill to make provision in respect of zero hours workers and banded weekly working hours.

Bill passed First Stage and ordered to be printed.

Mr Speaker: Congratulations.

Adjourned at 5.55 pm.

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