



# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 17 May 2021

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

*Members observed two minutes' silence.*

## Matters of the Day

### Inquest into the Ballymurphy Massacre

**Mr Speaker:** Mr Pat Sheehan has been given leave to make a statement on the Ballymurphy inquest, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should do so by rising in their place and continuing to do so. All Members who are called will have up to three minutes to speak on the subject. I remind Members that I will not take points of order on this or any other matter until the item of business has finished.

**Mr Sheehan:** Go raibh maith agat, a Cheann Comhairle. I grew up just a few hundred yards from Ballymurphy, where those killings took place. I have worked for the last number of years with relatives of the victims to support them and to try to get to where they got to last week. Going back to 9, 10 and 11 August 1971, strangers came into the Ballymurphy area, supposedly a crack regiment from the British Army. They were there, ostensibly, to take people from their homes and throw them into prison and internment camps without any due process. In fact, most of those people were not, in any way, connected with the IRA.

Over three days, that crack regiment of the British Army systematically swept through the Ballymurphy area and killed 11 citizens. The British Army and British Government set about blaming the victims, claiming that those who were killed were gunmen and a gunwoman. There was no proper investigation carried out: in fact, the coroner, Justice Keegan, said that the lack of investigation in some of the cases was shocking. The British Army took the lives of innocent civilians. They cared nothing for their families and the hardships that they faced afterwards. They took the truth from them, they denigrated the dead, and they offered only lies and deceit. They left the families with nothing — or so they thought.

What they had not factored in was the determination of the families of the victims, their tenacity, stamina and integrity and their unwavering commitment to clear the names of their loved ones. Last Tuesday, the world heard what the families have always known.

Justice Keegan read out the names in court: Father Hugh Mullan; Frank Quinn; Daniel Teggart; Joan Connolly; Noel Phillips; Joseph Murphy; John Laverty; Joseph Corr; Edward Doherty; and John McKerr. She said that they were entirely innocent of any wrongdoing. The British Government now need to resolve that situation and give justice to those families, who have been wronged for 50 years.

**Mr Carroll:** I thank the Member for bringing the matter to the House. "Unarmed" and "innocent": that is how, at last week's inquest, Justice Keegan described the Ballymurphy victims gunned down in cold blood 50 years ago. That is despite the barrage of abuse and propaganda that tried to misrepresent and falsify who those people in Ballymurphy were and what they were doing in August 1971 and despite the actions of the British media, Government and state representatives to project those people as gunmen and gunwomen. They were not, and that is what Justice Keegan clearly articulated last week. No ifs, no buts and no whataboutery can alter that fact.

The Ballymurphy families have shown courage, bravery, grit and determination in the face of the huge obstacles and adversity placed in front of them. However, the same cannot be said of Boris Johnson or his ministerial colleagues, who went into hiding last week and treated the families with utter contempt. At first, there was no apology; then one was eventually issued in secret. There was no attempt to empathise or sympathise with the families. Despite his pronouncements, Boris and the Tories do not give a damn about truth, justice or reconciliation. The campaign for an amnesty that he is pursuing is about shutting the door in the face of families who want truth and justice. It is not necessarily about protecting the

soldiers who fired the shots on the day in August 1971; Boris Johnson wants to cover for those at the very top who directed soldiers in the North during the Troubles, including people like General Mike Jackson, who was there on the ground directing soldiers in Ballymurphy in 1971 and at Bloody Sunday in Derry six months later.

When the state murders its citizens, it is in the interests of all people and all communities to seek truth and justice. We say that the British state should be on trial for what it did in Ballymurphy and that those who were culpable in that massacre — the soldiers, the generals and the politicians at the very top — should go on trial in court and be locked up for what they did. What happened in Ballymurphy revealed to the eyes of the world the rotten role of British imperialism in Ireland. It was imperialism in the form of internment without trial, torture, state collusion with loyalist paramilitaries, shoot to kill and, ultimately, the murder of innocent people, and that was how the British state responded to basic demands for civil rights and democracy. In that month, the British Army left 54 people in Ballymurphy without a parent. Some were evacuated to the South and put into refugee camps, and others were taunted by the military after having their families brutalised. Those families deserve truth and justice, and, while Boris does not want to see that enacted, we need to press to make sure that it happens.

**Mr Givan:** The families of Ballymurphy have received the verdict that they wanted to receive: "innocent". The tragedy of what happened to them is something that all of us feel deeply from whatever section of the community we come. The apology has not been well managed at all, and there has, rightly, been criticism of the Prime Minister for that. I hope that that can be put right so that the issue can be put to rest.

Let us not, however, use what happened in Ballymurphy as a platform to attack the British Army for its role during the conflict that took place. It is right that, where criticism is justified and there are findings, people are rightly held to account. When we look back at the conflict that took place, we see that those British soldiers were here to deal with the armed conflict and the terrorist war being raged by the Provisional IRA. The IRA is responsible for the murder and maiming of hundreds and thousands of people. British soldiers did not come here with the intent of killing anybody; they came here to defend basic freedoms and democracy. Where is the apology, the truth and the justice for the hundreds and thousands of victims of terrorist organisations? When will they get that? When will they hear an apology?

As we deal with the legacy and the past, let us all be fully aware of the hurt and the pain that exist on all sides.

Let us not go into the future waging a war based on the past; let us make sure that we never go back to what happened. Let us try to build a better place and a better future for the next generation and all of our people.

**Ms Mallon:** On behalf of the SDLP, first and foremost, I pay tribute to the Ballymurphy families, who have been tireless in their fight for truth and justice and in the face of deliberate attempts to blacken the names of their loved ones, deliberate attempts to deny the truth and deliberate attempts to rewrite the past. The Ballymurphy inquest vindicated the Ballymurphy families and their loved ones. They were innocent — all innocent.

The inquest was clear. The murder of innocent people in Ballymurphy 50 years ago was shrouded in "basic inhumanity". Inhumanity: that is a damning indictment of the British state. It is shameful that the British establishment forced innocent people to fight for truth and justice for so long. It is shameful that the British Government today continue to fail to account publicly for the injustice. It is shameful that the British Prime Minister, Boris Johnson, cannot even apologise up front and publicly.

Victims across our society have been consistently failed and re-traumatised, and the House should unite today to send an unequivocal message that no victims, whether of state or paramilitary violence, should ever be obstructed in accessing truth and justice. All of us should resolve that the Prime Minister must today come out of hiding, come out from behind closed doors and give a public apology to the families in Ballymurphy. Instead of trying to sweep the truth under the carpet, the Prime Minister's efforts, along with all of us, would be better focused on once and for all dealing with legacy and dealing with our past in an open way.

Like many others, I have been struck and moved by the immense dignity and respect shown by the Ballymurphy families to all victims of our past, and we would all do well to follow their lead so that the deep, painful wounds of all victims are given a chance to heal.

**Mr Beattie:** In 1971, 180 of our citizens were murdered as part of the Troubles. The year after that, nearly 500 were murdered, and many more thousands were injured. Northern Ireland was on fire. Sectarianism was taking hold.

Three-way gun battles took place virtually every day. We were descending into chaos. Some people will paint themselves into a corner and will never criticise anybody whom they deem to be on their side. Let me be clear: as an ex-soldier, I will criticise anybody when I think that they are wrong. What happened at Ballymurphy over those three days was wrong, and, because of what happened, 10 people — nine men and one woman — who had aspirations for the future and had families to be with and loved ones to share a life with were killed. They were totally and absolutely innocent, and they should not have been killed.

My thoughts today are with their family members as they think back to the times that they could have had with the loved ones who were killed over those three days. I commend them for seeking justice. Everybody deserves truth and justice, even when the truth and justice are hard to hear. For 50 years, that is what the Ballymurphy families strove for. I met them a number of years ago. It is the only time that I met the families. They gave me their testimony, which was harrowing back then and has been confirmed by the coroner.

We must take notice of that. It is a plea to everybody: do not say, "They are on my side, and I can justify what they did", when you cannot. We should look at what is happening and what has happened in our past and work for reconciliation. Part of that is to give a simple impact statement: "What we did on that day was wrong. What happened to those families in Ballymurphy over those three days in 1971 was wrong". I commend the families in seeking justice.

**12.15 pm**

**Ms Armstrong:** On behalf of the Alliance Party, I join others in recognising how the Ballymurphy families pursued their long and tortuous path to seeking justice with immense courage and dignity.

While truth cannot bring back loved ones who were lost, the families have received complete and utter vindication. Not only were the victims completely innocent and the use of force utterly without justification but the families had to put up with the libel that the victims were IRA gunmen. Even in the most challenging of circumstances in 1971, these deaths should never have occurred.

The Ballymurphy massacre had wider repercussions for the UK Government and their predecessors, both in how the massacre was

able to take place and how it was handled afterwards. However, in the immediate aftermath of the inquest findings, the UK Government needed to give an unqualified and comprehensive apology to the families. The manner in which that was handled last week was not only clumsy but offensive. In the aftermath of the Bloody Sunday inquiry, there is a clear model in the way in which the then Prime Minister, David Cameron, gave such an apology. It was almost as though the current Prime Minister did not want to be bothered and was just going through the motions.

The Matter of the Day is rightly around the Ballymurphy families. However, in recognising them, we need to recognise the many thousands of other families across Northern Ireland and further afield who still wait for their justice and truth.

There will be other occasions on which to debate what the Government are doing around legacy and what should happen now. However, it is worth noting that what is now in train does not have the support of the Ballymurphy families, other victims' groups, most of the political parties or many veterans.

The approach of the Government appears to be framed through the lens of addressing the false narrative of vexatious investigations and then bolting on whatever else it takes to get there, rather than taking a holistic approach to maximising truth and justice. We already have a legacy process agreed by the UK and Irish Governments and most of the Northern Ireland political parties in the Stormont House Agreement of 2014. Although far from perfect, it has the potential to deliver outcomes in truth and justice. As recently as January 2020, with New Decade, New Approach, there was a commitment from the Government to the implementation of the Stormont House Agreement.

Today, I pay my respects to Patsy, Geraldine and the Mullan family, from Portaferry and beyond, and to all the families, whose names were read out by Mr Sheehan. Those families have been through hell.

**Miss Woods:** I will not speak for long as much of what needs to be said has been said already. This is rightly about the Ballymurphy families. The verdict of the coroner affirmed what the families of those killed in Ballymurphy in 1971 have always known: their loved ones were entirely innocent. It is shameful that it has taken 50 years for official recognition of the killing of these 10 people. The families have lived through the past 50 years with the heavy toll of

injustice that was visited upon them, and they have not given up.

I hope that the coroner's verdict comes as a degree of comfort after decades of distress and compounded grief, but it is nowhere near enough. I pay tribute to the fortitude of the Ballymurphy families and the grace and dignity that they have shown during this very difficult and protracted inquest process.

**Mr Allister:** The sheer tenacity of the Ballymurphy families brought them to the point at which they had recourse to due process. As a group, they obtained the verdict that their loved ones were innocent. It behoves us all to accept the verdict, and it was a long time in coming. Of course, the manner of their dying will remain a very heavy burden for many.

It would be wrong, however, not to note the very tumultuous circumstances in which all of that happened. Although much has been said of an adverse nature about the security forces, the reality is that, in so many instances, they stood between this community and the horrendous death and destruction that was intended by the terrorists. Bombers who went out to bomb and murderers who went out to murder chose to be terrorists. No one who joined the security forces chose to be a murderer, yet terrible things happened, and, when they happen, they leave a desperate scar on society.

That scar also plays up to what many other innocent victims have never had recourse. They have never had due process. The victims of La Mon, Teebane and Kingsmills never had public inquiries or fulsome inquests. They certainly never had trials. They too need to be remembered, as does the pain and hurt that they continue to bear, with little sign that anyone will bring respite to them.

Undoubtedly, things happened in the past that were wrong in every way, but that is not an excuse for those who brought this Province to that point of uprising and tumult —

**Mr Speaker:** The Member's time is up.

**Mr Allister:** — to rewrite the history that is the truth of the past.

**Mr Sheehan:** Weasel words.

**Mr Speaker:** Thank you.

**Mr Sheehan:** Weasel words.

**Mr Speaker:** Thank you. Order, please. That concludes that item of business.

## **Breaches of International Law in Palestine by Israel**

**Mr Speaker:** Ms Emma Sheerin has been given leave to make a statement on breaches of international law in Palestine by Israel, 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 who are called will have up to three minutes to speak on the subject.

**Ms Sheerin:** Mr Speaker, you set out how this Matter of the Day meets the criteria. To satisfy the criteria, it must meet two requirements: it must be a matter of exceptional public interest and it must affect the people of the North. I do not know how anybody could watch the events that we see unfolding in Palestine at the minute without feeling affected. As inhabitants of the world and members of the human race, an injustice against any of us is an injustice against us all. That is what is happening.

A few weeks ago, I sat in the Chamber in complete disbelief as Sinn Féin and Gerry Carroll were the only Members not to support the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of "antisemitism", which says that it is antisemitic to criticise the Israeli state. It is not antisemitic to criticise the ongoing Israeli occupation of the Palestinian territories of the West Bank and Gaza Strip, which is in contravention of the Geneva Convention. Those people have to acquire a permit to move around their own homeland and are denied access to basic utilities. The most recent violence erupted following further forced evictions in east Jerusalem. Missiles were fired on a mosque as people were inside. It is ethnic cleansing.

Reports tell us that almost 220 people have been killed over the past week, 209 of whom were Palestinians. The Gaza Strip is smaller than County Louth; 58 children have been murdered there this week, 40,000 people have been displaced from their homes and a building housing international media has been bombed into extinction. Members around the Chamber have just talked about the victims of the Ballymurphy massacre and the long fight for the truth. We, in the North of Ireland, know what colonialism does to people and what human rights abuses do to communities, but you do not have to know that to know right from wrong. We all must stand against the war crimes of the Israeli state.

**Mr Humphrey:** I rise on behalf of the Democratic Unionist Party to condemn the violence in the Middle East. Both sides need to draw back. The international envoys that have been charged and tasked with that highly important and significant role need to be on the ground listening to the views of both the Israeli Government and people and the Palestinians. There needs to be a process of meaningful dialogue.

In the debate in the House two weeks ago, I said that Northern Ireland politicians need to be very careful about the language that they use about the Middle East. Sadly, the words and actions of some Northern Ireland politicians over the last few days have inflamed the situation, and I will come to that later in my contribution.

The first duty of any Government is to protect their people. We, in Northern Ireland, know only too well what happens when a Government fail to protect their people here and on the mainland. Attacking civilians, civilian installations and targets is wrong no matter who the perpetrator is. There are appalling scenes on both sides not least the attack on the Magen David Adom (MDA) ambulance service and its personnel over the last number of days. That is simply wrong.

Hamas terrorists need to stop using innocent people as shields, which is something that has been going on for some time. I do not say that out of ignorance. With my colleague Mr Buckley and some other colleagues from the House and Westminster, I visited Israel in 2018. We visited Ramallah and spoke at first hand to representatives of the Palestinian people. The Palestinian people in Gaza are absolutely terrorised by Hamas, an organisation that will not allow elections to take place. When was the last time that there were democratic elections in the West Bank or Gaza?

The violence must end. Does the House know that Hamas means violence in Hebrew? As I said, Hamas terrorised the Muslim Palestinian population. They are radical Islamic terrorists. Its leaders call for the destruction of Israel and the killing of Jews. Of course, it wants the destruction of the state of Israel from the mountains of Jordan to the Mediterranean Sea.

As I said earlier in my contribution, we need to be careful about the language that we use. Statements and images over the last number of days here have led to Jewish-owned businesses in Belfast and Londonderry being attacked over the weekend: that is simply unacceptable. Our small Jewish community in

Northern Ireland is very fearful. They are citizens of Northern Ireland; they are not spokesmen or representatives of the Israeli Government any more than — I said it in the House a few weeks ago —

**Mr Speaker:** The Member's time is up.

**Mr Humphrey:** — the average American is of an American Administration. I condemn the violence, and I support our Jewish community in this city.

**Mr O'Toole:** First, I welcome the fact that this Matter of Day was proposed and accepted. The images on our screens from Gaza in recent days have been nothing short of horrifying. I send my solidarity and that of my party to those experiencing violence in Gaza.

### 12.30 pm

In relation to the situation in the Middle East, it is worth saying that there is a deep asymmetry between the state of Israel — particularly the state of Israel led by the Government of Benjamin Netanyahu — and the Palestinian people who live in appalling conditions in Gaza. Gaza has 2 million people living in an area that is not much bigger than the Ards peninsula. They have poor medical care and are deprived of much basic infrastructure. While there can be no justification for the actions of Hamas and the firing of rockets — that is unacceptable and not a way to get justice or resolution for the Palestinian people — it is true to say that the actions and conduct of the Government of Benjamin Netanyahu have been not only irresponsible but unacceptable.

What we need to see is, first, a de-escalation, and, secondly, after more than a decade in government, Benjamin Netanyahu and his Government returning to the table and getting serious about a deal that secures peace, justice and security for all communities in the Middle East. That will mean a return to the borders of 1967, as set out in international law and UN treaties and resolutions. That should happen forthwith. Sadly, given the record of Mr Netanyahu, I am not convinced that that is on his agenda. Therefore, while it is important that we condemn rockets being fired into Israel and that we offer condolences and solidarity to people who are experiencing that violence, we cannot turn a blind eye to the extraordinary violence that is being meted out to innocent people in Gaza. We know that around 200 people, half of them women and children, have been killed in recent days. We cannot simply turn a blind eye to that and ignore it. My

thoughts and solidarity are with all of those people.

We need the international community and those with power in the international community to de-escalate the situation and to finally deliver justice and a peaceful settlement. In closing, I say this to those who are protesting, legitimately, here: continue to protest legitimately and make your voices clear, but it is absolutely unacceptable that any violence or —

**Mr Speaker:** The Member's time is up.

**Mr O'Toole:** — graffiti should be targeted at members of our Jewish community. That is absolutely wrong.

**Dr Aiken:** When we rise for this matter, we should be condemning all violence. In matters of international law, it should be clear that firing rockets against civilian targets undermines the Geneva and Hague conventions. That is clear. There should be no violence on any side.

The issue in the Middle East is much deeper. When we in the Northern Ireland Assembly debate this, there are issues that we should be taking to the forefront. The first issue is the degree of antisemitism that has been shown in Northern Ireland. That should not be happening. We should be condemning it completely. At the weekend, we saw disgraceful scenes in London of people going through the streets of an area that is predominantly occupied by people from the Jewish community. Can you imagine what would have happened if that had happened in areas occupied by the Irish community, and people had been using similar language about Irish people, or if it had happened in a Muslim community? It is completely unacceptable. I notice that Members across the Chamber seem to think that there is some kind of amusement about this. There is no amusement about this. Antisemitism must be completely pushed away. We should not have it in our society, under any circumstances.

However, there is a further issue. We should be critical and clear about Hamas and the role that it has had. Each rocket fired by Hamas probably costs about \$200 to \$300, or even several thousand dollars. That is money that should be going to support medicines and economic development in the Gaza Strip, but none of that is happening. Instead, they are using that money to buy rockets that they fire at civilian targets. How can that be acceptable? It is strange that the Members opposite — I say this to them quite clearly — are not talking

about this issue with a recognition of what is happening in the rest of the Middle East. They will be fully aware that Hamas is supported by Iran. They will also be aware that the United States is involved, currently, in a conflict with Iran, particularly in the high seas and the seas around the Strait of Hormuz, and is stopping significant amounts of arms going to Yemen. This is all part of a wider situation.

We should stop focussing on one area and realise the entire disaster that is happening across the Middle East — in Yemen, Iraq and Syria — and what Hezbollah and Hamas are doing. These are things that we need to concentrate on. The lesson that we should take and pass on to the people of the Middle East is that violence does not work. It has not worked here, and it will not work in the Middle East. It is time for all sides to stop.

**Ms Bradshaw:** I thank Ms Sheerin for tabling this Matter of the Day. I will start by sending my deep sympathy to all the families of those who have lost lives in the past two weeks. Accountability for the needless deaths and destruction over the last few weeks lies squarely with the Israeli Government. It goes without saying, but I will underline that the Israeli Government do not reflect the views, values and actions of all people living in Israel and certainly not all of the Jewish people, just as Hamas does not speak for all Palestinians. I echo the comments from other members in the condemnation of attacks on the Jewish people living in Northern Ireland.

The current Government of Israel have intentionally accelerated the illegal occupation of Palestinian territory, cited hatred against Palestinians and normalised settler violence. They have set the context for the current crisis. Occupying and destroying Palestinian land is illegal and abhorrent. The Israeli Government know this well, yet persist. We are witnessing, from the Israeli Government, a form of ethnic cleansing, enabled by discriminatory Israeli law that should never have been introduced. The escalation of violence is a direct result of those actions, and the extent of the violence is unspeakable and unjustifiable. I reject arguments of self-defence, that air raids are OK because advance warnings and alarms are given, and that the killing of innocent children is justified due to Hamas using civilians as human shields. There is no justification for the horror inflicted on Palestinians by the Israeli Government.

I condemn rocket fire and mortars from Hamas and other groups into Israeli civilian areas. That constitutes a war crime. We must be clear,

however, that there is no equivalence between this violence and that of an incredibly powerful occupying state. The Israeli Government are carrying out ethnic cleansing and collective punishment against an already oppressed people. This violence must come to an end, and Israel must lead on ending it. Genuine peace can only be achieved with the full realisation of Palestinian rights and the end of Israel's systemic discrimination against Palestinians in Israel and the occupied Palestinian territory.

I call for an end to the illegal occupation and illegal blockade of the Gaza Strip. I call for a re-energised peace process to create a sustainable two-state outcome that is consistent with democracy, human rights and international law.

**Miss Woods:** I too thank Emma Sheerin for tabling this Matter of the Day. We have witnessed devastating events in occupied Palestine and Israel. The heavy bombing of Gaza continued last night as the fighting now enters its second week. More than 50 children have been killed, and the death toll sits at nearly 200. Every effort must be made to end all attacks and forms of aggression, address the underlying causes and hold those responsible fully accountable. De-escalation and a route to peace can only be achieved with the full realisation of Palestinian rights and the end of Israel's systematic discrimination against Palestinians in Israel and occupied Palestine.

In addition to procuring an end to bombing, rocketing and violence, it is time for the international community to play an actual meaningful role and step up to events in Israel and Palestine. Words are fine, but making public statements without action is meaningless. This is not the first escalation of tension and violence. It is not the first time we have witnessed the senseless and horrific murder of people. The violence is following patterns that we have seen before, reminiscent of the horrific hostilities in 2008, 2012 and 2014.

There must be full compliance with international law and a genuine peace process, otherwise people will continue to suffer while the international community's attention is elsewhere. There must be negotiations that can resolve the conflict that are based on international law, justice and the end of discrimination. Those are the only realistic building blocks for a secure and lasting peace. The violence cannot and must not continue.

**Mr Allister:** As a small state, Northern Ireland knows what it is like to be subjected to

perpetual terrorist attacks over many years. When I listen to the debate, I wonder what people expect Israel to do when it is subjected to 3,000 rocket attacks. What is Israel meant to do? Sit back and take it? Thankfully, it has good defences, which have neutralised many of those rockets and their murderous intent. Any sovereign state has an absolute right to defend itself when it is subject to attack like that, and therein is the — *[Interruption.]*

**Mr Speaker:** Order, Members. Sorry, Mr Allister.

We have almost come through the second of the two Matters of the Day, which are very challenging issues for many across the House, and, up to this point, they have been dealt with very respectfully. People have made their contributions and have been able to adhere to being respectful, robustly saying what they want and need to say. They have done so in a respectful way that has elicited responses rather than abuse. Can we keep in that vein? These matters are very important, and we should not do anything to inflame problems outside the House. I ask Members to stick, in a respectful manner, to the items on the agenda. Thank you.

**Mr Allister:** I trust that I was doing that, Mr Speaker.

The point that I am making is that, when a sovereign state is subjected to a relentless terrorist attack, it has a duty to its citizens to defend itself.

I note that, when she was making her opening remarks on the topic, the Member who brought it to the House did not have one word of criticism about the firing of 3,000 rockets and more by Hamas. We were told about the poverty of Gaza, which cannot be gainsaid, but Hamas authorities obviously prioritise the acquisition of thousands of rockets over dealing with the socio-economic issues in that area. Instead of investing in those issues, they would rather invest in rockets. Let us get real about the situation. In my book, a sovereign state like Israel has every necessity to defend itself when terrorism is brought to its territory by rocket attack. The way to end that is for Hamas to stop its aggression.

**Mr Carroll:** What has happened over the last week in particular is disgraceful and has shown the world what the Israeli state represents and what it is all about. This past weekend, al-Nakba was commemorated by Palestinians. That was 73 years ago. They refer to it as the

catastrophe, and it was the founding of the Israeli state. That state was built on settler colonialism, ethnic cleansing, forced displacement and violence to name but a few of its issues. It now practises apartheid. Israel is an apartheid state. It is not just a bad state or a state that does bad things: it is an apartheid state. That is the view not just of me or my party but a view that has been declared by Desmond Tutu, Human Rights Watch, B'Tselem and many more organisations.

Today there has been an attempt by some of those opposite, the mainstream media and many others to make this a two-sided debate. Let us be clear that this is not an equal battle. Home-made rockets are no match for F-16 jet fighters. Israelis can seek shelter, but Palestinians have absolutely nowhere to hide. Israeli settlers have the best infrastructure in the region, and they have a nuclear state. Palestinians are subjected to absolute poverty and misery as a result of what Israel is doing.

#### 12.45 pm

It is shameful that the Member for North Belfast tries to insinuate, as he has done before, that Palestinian protests in Belfast have led to an increase in antisemitic attacks. It is deplorable, inaccurate and very, very dangerous, and he has no evidence of it whatsoever. People across the world, including Muslim people, Jewish people, Christian people, secular people and many others, are standing against Israel because it is an occupier, an aggressor and an apartheid state. So many are angry because of what Israel is doing.

The Members opposite who expressed faux concern about Hamas and its role in the oppression of Palestinians should open their eyes. Look at the slaughter being carried out by Israel. Look at the occupation. Look at the checkpoints. Open your eyes.

Solidarity to the Palestinians. In our thousands and in our millions, we are all Palestinians. Victory to the intifada. Expel the Israeli ambassador from Ireland.

**Mr Buckley:** I am glad to speak in the House after the previous contribution from People Before Profit.

I deplore the loss of all innocent life, at home and abroad, but there has been a significant lack of balance during this item of business. I have seen, on recent visits to Israel and the Palestinian Authority, the horror of the situation faced by both sides. The living conditions of

many innocent Israeli civilians, including children and women, along that border have not been mentioned. They have to live within a minute of a bomb shelter because of indiscriminate missile attacks from Hamas. I have seen the terror tunnels that Hamas ruthlessly uses to cross to take innocent Israelis to their death in extreme circumstances. I have seen them, and there needs to be recognition that this is a difficult situation. From many on the Benches opposite, however, there is constant condemnation of the Israeli state and denial of its right to existence, but surely an apt starting point is for them to realise the situation in which those people live.

I hope that, in the days to come, there can be intense dialogue leading to a peaceful resolution in the Middle East, but that starts with a simple recognition of the state of Israel's right to existence. In the days ahead, there will be international condemnation of the events in the Middle East, but, as Mr Aiken rightly pointed out, focusing solely on what is happening in Israel and in Palestine does not give this debate and this serious issue due consideration. There is much to consider, and the international community has a vital role to play in that.

Mr Humphrey rightly put on record the dangers of rhetoric in the House, and we heard it from Gerry Carroll of People Before Profit just a moment ago. The small Jewish community in Northern Ireland feels vulnerable right now. Graves have been attacked, their businesses have been disrupted, and they have received threatening messages. It is time that we put our arms around our Jewish community in Northern Ireland, which has lived peacefully in this country for many years and plays a vital role in its vibrancy, particularly in Belfast. I hope that, in the days to come, Members will reflect on that and that we, as a place that has suffered in the past, can help the state of Israel and the people of Palestine in the future.

**Mr McGrath:** I welcome this Matter of the Day. The Israeli military launched another series of air raids on the Gaza Strip early this morning, only hours after Israel's caretaker Prime Minister said that the attacks on the Palestinian area would continue. I welcome, too, the fact that this Matter of the Day is about breaches of international law in Palestine by Israel, so we are debating the topic. The fact that some have stated that the murder of 58 children is in some way acceptable as a means of defence absolutely sickens me to my core. It absolutely sickens me that somebody could stand in this place and say that there is any justification for the murder of 58 children.

Up to 198 people have been killed in the past week. There is a view that the violence will be allowed to continue until the death toll is too high, at which point, and only then, the international community will get involved and say, "Enough is enough".

Kofi Annan once said:

*"A genocide begins with the killing of one man — not for what he has done, but because of who he is."*

Genocide begins with the denial of a person's very humanity. What is happening in Palestine is a genocide. If we stand by and do not condemn this action totally and unequivocally, it begs the question as to what the House will stand for. The message that comes out of the House today must be that we are united and unequivocal in saying, "Enough is enough". There can be no more loss of life or children murdered or their deaths justified. Sometimes, it is not enough to stand in solidarity. The current death and destruction call for action. The genocide must stop, and the international community must condemn it and seek a peaceful resolution in which no more families or children in Palestine will go to sleep with the fear that they will never wake up.

**Mr McCrossan:** I add my voice to those of other Members on this side of the House, and I show my solidarity to the people of Palestine and those being bombed to death in Gaza.

I often think that not much more can shock me. However, it is dreadful to stand here today and witness a despicable debate of "go compare", when 58 children have been bombed and blown to pieces in their own communities and are under threat from a state that has occupied their land, deprived them of basic utilities and left them in poverty.

Some Members defend that action because it is the state's right to defend itself. Maybe that is the lesson for the people in the House; maybe it took 50 years for the families of Ballymurphy to get the answers and justice that they deserve because of attitudes that defend the state even when the state is wrong. The state of Israel is wrong.

One life lost is one too many. Fifty-eight children. Listen to those who defended that today in the words of "go compare". It is totally shocking. Two hundred and twenty people have been killed. Bombs. Heavy artillery. Bombs are blowing homes apart and forcing people from where they live and who have nowhere to go. Can you imagine the fear? Imagine the fear

under which those people are living. There are people in the House who cannot even stand together to condemn the murder of innocent people. Have we learned nothing? I send solidarity, with party colleagues, to those in the Gaza Strip. We should look at the bigger picture and see what is happening there. All violence is wrong. There are no winners — we know that in this House — only losers and families who are left behind with pain for years. That is the legacy. There is no right answer, but it is time for the international community to step in and to take action. The whole world is watching and is united in its disgust at what is happening and in its horror at innocent children and people being blown to bits. This debate has shocked me today, Mr Speaker. I thought that we were beyond this.

**Mr McNulty:**

*"Tonight, I put the kids to sleep in our bedroom. So that when we die, we die together and no one would live to mourn the loss of one another."*

Those are the words of a young mother named Eman in Gaza, which were relayed by Congressperson Rashida Tlaib —

**Mr Speaker:** Will the Member move over to the microphone? He is not being picked up.

**Mr McNulty:** Over 200 Palestinians are dead, including 58 children and 33 women. More than 1,200 people have been injured. Eight people have been killed in Israel, including a child and a police officer. We have all seen the images of families crouched over the rubble of what was once their home, in despair and grief. We should know from here that one death for political reasons is one too many. When is the international community going to say, "Enough is enough"? The rocket attacks on Israel are wrong, but Israel's response is completely disproportionate. Israel's violence and discrimination against and attempted erasure of the Palestinian people is appalling. The bombing must stop. We must reach a peaceful settlement. The international community must step forward now.

**Mr Speaker:** That concludes that item of business. Members, please take your ease for a moment or two.

**Mr Allister:** On a point of order, Mr Speaker. Is it in order for a Member who is speaking in the House to use swear words?

**Mr Speaker:** It would certainly be inappropriate. I have not heard any swear words. You might draw my attention to it later, but I will check Hansard.

**Mr Allister:** I ask you to look at Mr Carroll's speech in Hansard.

**Mr Speaker:** I will do.

**Mr Carroll:** On a point of order, Mr Speaker. I did not use any swear words. Can you check Hansard, Mr Speaker, where Mr Humphrey alleged, or at least insinuated, once again that Palestinian protests in Belfast are leading to a rise in antisemitic attacks in our city? Everybody here is opposed to antisemitism. Such comments are inaccurate, unfounded and have no basis in evidence.

**Mr Speaker:** OK. I reiterate the point that I made earlier. We have dealt with two issues that are undoubtedly challenging to Members across the House. I am very pleased that, for the most part, the contributions were measured, balanced and robust, as I would expect. Members gave their critique and analysis of the situations but largely did so in a respectful manner. That is what the House needs to do on an ongoing basis.

I will check Hansard, but I hope that the matter will rest. The discussions have been had. The debates are over. Let us hope that we can put them to rest.

**Mr Buckley:** On a point of order, Mr Speaker. Today, Her Majesty's Inspectorate of Constabulary (HMIC) has produced its report on the Bobby Storey funeral. I understand that a written statement has been placed in the Library for Members' interest. Given its importance, would it not be in order for the Minister of Justice to be in the House today to give an oral statement and allow questions from Members on the report?

**Mr Speaker:** As you have rightly pointed out, Members have received a statement from the Minister of Justice. I have not had any requests yet, but, as you will appreciate, I am in the Chair. I am not aware of any request to come to the House having been put in by the Minister. I always welcome Ministers' coming to the House on important matters. I have no doubt that the Minister will want to address it at some point. When? I cannot speak for her, so I do not know, but your point has been made publicly on the record.

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

1.00 pm

## Ministerial Statement

### CCEA Qualifications in the 2021-22 Academic Year: Awarding Arrangements

**Mr Principal Deputy Speaker:** I have received notice from the Minister of Education that he wishes to make a statement. Before I call the Minister, I remind Members in the Chamber that, in light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members participating remotely must make sure that their name is on the speaking list if they wish to be called. Members present in the Chamber must also do that but may do so by rising in their place as well as by notifying the Business Office or the Table directly.

I remind Members to be concise in asking their questions; this is not an opportunity for debate, and long introductions are not permitted. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the question period afterwards.

**Mr Weir (The Minister of Education):** With your permission, Mr Principal Deputy Speaker, I wish to make a statement to outline to the House the arrangements for awarding Council for the Curriculum, Examinations and Assessment (CCEA) qualifications in the next academic year. I am delighted to be in the position to bring forward, in advance of the start of the next academic year, a clear plan for qualifications in 2022. I hope that this timely announcement and the comprehensive package of measures that I have put in place will provide school leaders, teachers, parents and, most importantly, our young people with the clarity and reassurance that they need.

During the past weeks, my officials worked closely with CCEA and met a wide range of stakeholders to develop detailed arrangements. I thank all those, particularly the young people in the schools that my officials visited across Northern Ireland and the representatives of the Secondary Students' Union, who engaged with officials. Those young people brought fresh and constructive perspectives on the issues, and I hope that they will see today how they have

influenced the decisions that I have taken. I assure you that we have listened and reflected on the wide range of views and the issues that were raised with us.

Today, I am announcing a road map for a return to public examinations for all CCEA qualifications in 2022. I cannot praise enough our school leaders and teachers who stepped forward to provide centre-determined grades with fairness and consistency. Their dedication and professionalism enables our students to obtain those important qualifications during the current crisis. However, such an arrangement is not a sustainable or long-term approach. With the roll-out of the vaccine programme and the improving public health situation, my priority is to return to public examinations during the next academic year.

Contingency arrangements for alternative awarding based on centres' professional judgement will be in place should they be required. I sincerely hope that that will not be the case, but please be assured that a plan B is in train. As we know all too well, the public health situation can change quickly. Whilst we remain hopeful, any decline could, potentially, lead to the cancellation of examinations again. Contingency plans for alternative awarding in 2022 will build on the outworking of and learning from this year's approach that was based on the use of centre-determined grades.

A planned return to public examinations is not, however, a return to business as usual. I am mindful of the need to consider our young people's mental health and well-being, the many difficulties that they have faced with such resilience and fortitude and the significant disruption to their learning during not one but two academic years. In light of that, I have decided that young people will have significantly fewer examinations in 2022, and today I am announcing a package of significant reductions in assessment across the range of CCEA qualifications.

A unit of study will be omitted from the vast majority of GCSE, AS and A-level qualifications in 2022. In each qualification, CCEA will select the unit to be omitted. That will provide a consistent and equitable approach for all our young people. It will also provide clarity for universities, which will know precisely what content has been assessed. Unit omissions will also be applied across a wide range of CCEA entry-level occupational studies and vocationally related qualifications. Schools, of course, will aim to teach the omitted content in order to support and underpin progression, but the pressure of assessment will be reduced.

I want our young people to be engaged and motivated to learn. With fewer examinations to prepare for, I hope that they will have time and space to enjoy their learning and the wide range of extracurricular and enrichment activities that our schools offer. Above all, I want young people to enjoy a challenging and broad curriculum that supports them to develop the tools and skills that they need to become independent, lifelong learners. Of course, some young people will be keen to take all examinations in the qualification, and that option will be available to them.

I pay tribute to the high-quality remote learning provided by our schools during the spring term. Many pupils engaged positively with remote learning. However, there is no substitute for face-to-face teaching. Some of our young people undoubtedly found remote learning difficult, and others struggled with motivation and engagement. The reduction to qualifications that I am announcing will also provide the necessary flexibility for schools in the event that there is ongoing disruption during the next academic term.

I now will provide the House with more details on each type of qualification. First, I turn to GCSEs for students who are entering their second year of study in September. Those young people have lost a full term of face-to-face teaching during the first year of their GCSE studies. Consequently, I am making significant reductions to the assessment across all GCSE courses. Therefore, building on the arrangements agreed last autumn, units or modules will be omitted from the majority of GCSE qualifications. CCEA will publish details confirming the omissions in each qualification by 1 June. That will give schools time to plan the delivery of those courses in advance of the new academic year.

In the autumn, I announced bespoke arrangements for five GCSE qualifications which were made up of two equal units. Those arrangements will again be in place for those qualifications for the next academic year, meaning that candidates will complete a minimum of 60% of assessment in all GCSEs. This bespoke approach for CCEA GCSEs balances significant reductions to assessment with ensuring the continued worth, validity and portability of these important qualifications.

Of course, GCSE English and maths are of key significance. I am happy to announce that candidates will be permitted to omit the controlled assessment unit in GCSE English language. That part of the course requires a significant amount of class time to prepare for

assessment and results in large amounts of marking for teachers. Its omission will free up time for wider teaching and learning experiences in English, including a focus on communications skills following the isolation of the lockdown period.

My Department and CCEA have also looked very closely at GCSE maths. Due to the unique structure of this qualification, with many different pathways at different tiers or entry levels, omitting a unit can, unfortunately, have negative consequences for learners. That approach would potentially make it more difficult for our young people to achieve the highest grades in mathematics. Again, due to its unique circumstances and structure, omission of a unit would also remove assessment of nearly half of this key passport qualification which is required for a number of higher education courses, such as nursing and teaching. For those reasons, I do not believe that omitting a unit is the right approach for GCSE maths. However, I am very conscious that learners have experienced significant disruption. Therefore, CCEA will provide additional examination aids for all candidates to use in the autumn 2021 and summer 2022 examination series. I have also instructed my officials to explore what additional support could be provided to schools to help them in preparing year 12 students for GCSE maths.

I also want to mention our current year 10 learners who are starting their GCSE studies in September. I hope that they will be able to enjoy the two years of their course without significant disruption, and, at this stage, the expectation is that they will complete all of their GCSE assessments. I reassure parents and pupils, however, that my Department and CCEA will closely monitor the situation and will not hesitate to make changes to GCSE qualifications for those young people, if required.

CCEA will also provide a recommended GCSE teaching order for that year group, which will make it easier to make changes, if needed. It was extremely disappointing to have to cancel the planned January examination series earlier this year due to the spike in COVID cases. To mitigate that risk, I have moved the usual January series for GCSE maths and English forward to December. I hope that that may provide an opportunity for young people to experience public examinations for the first time.

Turning to A-level qualifications, at both AS and A level, a unit that is selected by CCEA will be omitted for the majority of subjects. That

reflects the disruption that has been experienced during the AS year by those candidates who are now starting their A2 studies. I know that those who are beginning their AS courses in September have experienced disruption during both years of their GCSE studies. I want them to feel supported as they make the transition to the next level of their education and for schools to have time to reinforce and recap core concepts.

In a number of practical subjects at both AS and A level, internal assessment tasks will be reduced, rather than having a unit omitted. That approach will ensure that the assessment of practical skills remains a key element of A-level qualifications, and that young people have the opportunity to develop those important skills. Practical work can engage and motivate many young people and is the very reason why they choose certain subjects. I have been careful, therefore, to maintain, wherever possible, the role of practical assessment in A-level qualifications. I can advise that CCEA A-level qualifications in 2022 will be based on candidates' A2 outcomes.

In line with arrangements in both England and Wales, centre-determined grades for AS qualifications in 2021 will not form part of the A-level award next year. Last year, many young people and parents wanted the AS grade to contribute towards the A-level grade. Having talked to young people and parents, I know that, this year, many feel that, due to the greater level of disruption that they experienced during their AS courses, they would prefer their A-level grades to be based on the A2 results only. It is simply not possible to add an AS grade to A2 marks in a way that is fair or equitable for young people. If we convert the AS grades into a mark for each grade, young people who would normally be separated by only a few marks — for example, those who are at the top of the B band and those who are at the bottom of the A grade — would be separated by a full sixty marks. That is simply unfair. I plan that, with the resumption of public examinations next summer, we will return to the more normal situation, whereby AS outcomes in 2022 will contribute 40% of A-level awarding in 2023.

I will turn now to the next steps. This week, my Department will write to all schools, parents and students, setting out the decisions in more detail. In early June, CCEA will produce addenda to the specifications for each qualification, setting out the units that may be omitted, as well as specifying the teaching order for those students who are embarking on GCSEs in September. Over the coming

months, my Department will work closely with CCEA to consider all the logistics to support a return to public examinations. We will also finalise the contingency arrangements, should they be needed. My Department will also continue to work closely with colleagues in England and Wales on grading standards. Whilst decisions on standards will be taken together across all three jurisdictions, I can give an assurance that generous grading will form part of the arrangements for 2022.

I want to address young people directly. Many of you have faced extremely difficult times. All of you have paid a considerable price for the disruption of the past year. You have not been able to enjoy the company of your friends, sports and the many other activities in which you usually take part. I hope that the return to school and lifting of restrictions will help you as we come into the summer months. Your schools have worked extremely hard to prepare you for the next stage of your learning, and they have every confidence in you. However, I know that many of you may not feel ready for the challenges next year and are concerned about your future. A lot of you are nervous about sitting public examinations for the first time. I want to assure you that the school leaders whom I have spoken to recognise that and are putting plans in place to help you to gain confidence and experience during the coming year. I hope that the unit omissions that I have announced and a generous approach to grading will reassure you further. In Northern Ireland, we are fortunate to have an outstanding education system, and I know that your teachers will be there to support you throughout the year ahead.

I am regularly astounded by your talent, resilience and ingenuity, and I hope that, following today's announcement, you will face the year ahead with renewed confidence and optimism.

### **1.15 pm**

In conclusion, I thank the House for the opportunity to address you on those important issues. Fairness to pupils is my priority and will continue to be at the forefront of every decision that I take. Today I set out my road map for qualifications in the year ahead. It is a map that acknowledges the unprecedented disruption that our education system has faced and aims, in steady steps, to support recovery. My approach in the face of the worst disruption to education since the Second World War has been to protect the progress of our students. In these exceptional times, I have taken

exceptional and unprecedented decisions to ensure that our young people are supported to progress to the next stages of education, employment or training. I commend the statement to the House.

**Mr Lyttle (The Chairperson of the Committee for Education):** At the outset, I will say that it is somewhat disappointing that neither the Education Minister nor CCEA engaged substantively with the Education Committee on this important matter; indeed, it is regrettable that the approach taken by the Education Minister on exams this year has placed so much significant additional pressure on the well-being of pupils across Northern Ireland.

Turning to next year's approach, will the Education Minister confirm whether Z-scoring will be used to estimate marks for pupils who choose to omit units or whether their grades will be based solely on exams sat?

**Mr Weir:** As indicated, units will be omitted for the vast majority. A uniform approach will be taken to the units that are omitted. The idea is that the units that will be omitted will be established by CCEA, so it is not a question of people picking from a menu of units. The detail of that should then negate the issue. Some pupils may want to sit every unit, although I suspect that those pupils may be relatively rare. They may feel that, if they are being tested over the full range of the units, that will be to their advantage, and that will be facilitated as well.

**Mr Newton:** I thank the Minister for his statement. Minister, you will know that not all young people will want to use their qualifications strictly to go into university but may want to follow a professional course in higher education. How will those providers of higher education react to the decisions that you have announced today?

**Mr Weir:** There has been consultation with higher education providers. Some Members will always raise a concern that we are trying to make sure that things are in line, but it strikes me that, in ensuring that our young people are not disadvantaged, whether it is with university places or anywhere else, specific provision is put in place.

There has been consultation on higher education between CCEA, in particular, and UCAS. That has involved the local universities, the Medical Schools Council and, because a number of our students may want to seek qualifications in the Republic of Ireland, the Irish Universities Association. All were

understanding of the exceptional circumstances created by the pandemic. They were supportive of the return to public examinations and willing to work with exam boards and regulators on adaptations to qualifications.

They know that there will be consistency across schools in what they are being assessed on because the units that have been omitted will be specified by CCEA. They will know precisely what pupils are being assessed on. Schools will aim to teach all content so that no one is disadvantaged. That will reinforce a level playing field across a number of jurisdictions to make sure that the qualifications of our young people are not seen in a different way from those who get qualifications from other jurisdictions and that, therefore, they will not be disadvantaged when it comes to places.

**Mr Sheehan:** Gabhaim buíochas leis an Aire as ucht a ráitis. I welcome the fact that the Department and CCEA have identified interventions that will support students in the forthcoming academic year, given the huge disruption to their education since the pandemic started. Will the Minister explain the decision to omit certain units from courses? How does that decision sit with the feedback that he received from the Secondary Students' Union? Do our teachers support that decision?

**Mr Weir:** There has been considerable consultation on that. Unit omission is on the basis that it is the same across the board. Somebody going through one set of school gates will not have an advantage or disadvantage compared with someone going through another set. We spoke extensively to young people and a range of stakeholders, particularly the Secondary Students' Union, on that basis. I do not want to put words in people's mouths, but I think that, broadly speaking, they were content with the direction of travel. Their particular concern was that there be fairness and equality for all students. The omission of particular units is therefore in line with what they were seeking. If I drill it down to one phrase, it was about "cutting the content" to make sure that, given the unique circumstances, people will not be assessed on the full content, at least unless someone wanted to volunteer for that. The proposals will, I believe, be reasonably widely welcomed, particularly by young people, judging by the responses that we have received from them about the proposals.

**Mr McCrossan:** I thank the Minister for being here and for his statement today. Minister, I draw it to your attention that one of the

measures that you are putting in place is totally counter-intuitive. While I welcome the general direction of your measures, moving January exams to the previous December is inappropriate. Giving our young people less time will only increase stress and anxiety. That is particularly true for mathematics because its content is not being reduced. Will you urgently reconsider that decision? English and mathematics are key subjects in which our young people deserve the best opportunity to achieve the best that they can.

**Mr Weir:** The Member may or may not be aware that those who take that module have the opportunity to do so in a winter series, which would, effectively, pre-empt the summer exam, or the summer series. There is no compulsion to take it in the winter. We all hope that there is no disruption. In many ways, simply taking everything in January would have put all of our eggs in one basket, and it had the potential to disadvantage people. That is why those examinations have been brought forward, and there is still the opportunity for them to be taken in the summer series.

**Mrs Barton:** I want to probe a little further into GCSE mathematics. You said that there might be additional examination aids for candidates. Will consideration be given to allowing pupils who are taking GCSE mathematics, the content of which has not been cut, to retake their exam for free at a later date if they do not do as well as they anticipated?

**Mr Weir:** The aim is to develop maths. It is for CCEA to look at the charging structure. The structure of GCSE mathematics does not lend itself to reduced content. Part of the problem is that M1 to M4 represent about 45%. If we were to drop a unit of assessment, the only option would be to do so at that earlier stage, and that would disadvantage a range of pupils. I will give an example: at the moment, someone could do a combination of an M4 and an M7 and may be able to achieve, for example, an A grade. The way in which the structure works, however, means that, if you were purely taking an M7, you would not be able to achieve an A grade simply by taking that one unit, which creates a barrier. CCEA will, I think, look at the aids that will be there. I am sure that, as we move ahead, consideration will also be given to the fee structure and the cost of a retake.

**Mr Humphrey:** I declare an interest as a governor of the Belfast Model School for Girls.

Minister, you mentioned that young people had had a difficult year that was potentially

unprecedented. You also mentioned that you had listened to and reflected on what they had had to say. What were the views of the young people, and where is that reflection in the policy and the statement?

**Mr Weir:** I thank the Member for his question. As he will be aware, young people will express a range of views. It is probably wrong for any of us to assume that they will be a homogenous unit in that regard.

The young people raised a range of concerns. They wanted clarity on qualifications. They were concerned about lack of exam experience and about practical work. Clearly, they were concerned about the impact on their mental health and well-being, and they were concerned about their future. They wanted a range of things, particularly equality — for example, a consistent approach to unit omission. They wanted recognition of the difficult period that they had gone through, which is reflected in the general level of reduction in assessment by way of unit omission or slimming down the content in units.

People coming from slightly different situations — for instance, in practical subjects — wanted to be able to take those subjects without being in any way disadvantaged; for example, had an approach been taken to omit one unit, that would have disadvantaged those taking practical subjects. It is about trying to cater for a wide range.

To take another example, optionality within questions is being looked at here and in other jurisdictions, but that tends to disadvantage SEN students in particular and those who may be less academically focused. It is about fairness. All those factors were taken into account in today's decision.

**Ms Brogan:** I thank the Minister for his statement. Minister, you referenced collaboration with England and Wales and consultation between CCEA and UCAS in relation to third-level and further and higher education. What engagement have you had with your counterparts in the South?

**Mr Weir:** We need to make sure that examinations are fit for purpose and, in particular, do not act as a barrier or disadvantage for any of our young people seeking university places or furthering any career beyond that. I mentioned UCAS and the two universities in Northern Ireland, but there has also been engagement between CCEA and the Irish Universities Association, again to make

sure that what we have is fit for purpose. That is important for general levels of mitigation and as we move ahead in the standard of assessment and generosity. If we put in place something that takes us out of line with other jurisdictions, we ultimately disadvantage our pupils in terms of generosity, and it is likely, therefore, that there will be a form of COVID tariff across the board. However, if we reach a situation in which we make it more difficult for our students to achieve particular grades, they are put at a disadvantage compared with counterparts in London, Dublin, Edinburgh, Cardiff or wherever. Similarly, if we put in place something that is seen as more generous and has a higher level of mitigation, there is a danger that universities across the board may take the view that a particular grade from CCEA in Northern Ireland would be of lesser worth, if you like, than other grades. It is important that we keep in step.

Although there is a level of control over what we can do through CCEA in Northern Ireland, particularly with A levels and to a lesser extent with GCSEs, students have the freedom to take examinations from outside Northern Ireland. It is important that we create as level a playing field as possible for all our students, because fairness and equality have to be at the heart of this.

1.30 pm

**Mr M Bradley:** I thank the Minister for appearing before us today and giving us the statement. Minister, how can you ensure the portability of GCSE qualifications so that students from Northern Ireland are not disadvantaged when competing for places at universities outside Northern Ireland?

**Mr Weir:** Portability, which is ensuring that what is awarded in Northern Ireland is on a level playing field with what is awarded everywhere else, is critical. There will be equality in GCSEs, with CCEA specifying the unit that is omitted, irrespective of the school that anyone goes to, whether it is here or across the water. Portability, as much as possible, will mean a level playing field, and the fact that the unit is specified means that universities, when assessing students from here, will know precisely what has been studied and will not need to delve into each individual school.

As I mentioned, in the days ahead it is also critical that — sometimes this can be seen as being a political point, but it is really a practical one — we have a level of compatibility in our standards with England and Wales in particular. Scotland, with its Highers, has a slightly

different system. It is critical that we are not seen to be either more generous or less generous than is the case in England and Wales, because either would create disadvantage for our pupils. It is important that, as they move ahead, people be given the opportunity not just in other jurisdictions but in Northern Ireland.

**Ms Mullan:** Minister, I welcome your giving earlier direction and clarity this year. I declare an interest as the mother of a year 12 student. You will have heard me say that before, but, from her perspective and that of other students whom I have spoken to over the past couple of weeks, because some schools have continued with ongoing assessment, that pressure on them has affected their mental health and well-being. What consideration have you and CCEA given to a recovery curriculum for our students?

**Mr Weir:** There are a number of points to make. There is reduced content for assessment, so it will level out. Part of the problem that we have had with assessments is the fact that schools were given a level of freedom to do them. To move towards a point at which qualifications are given, there is no easy path, which I entirely appreciate.

At a broader level, I have also said that all of us of working age, although this may not always be acknowledged by all of us, have probably had it a little bit easier during the pandemic than, at one end of the scale, the elderly in society, who have suffered higher mortality rates and greater levels of isolation, and, at the other end, our young people. Those groups have suffered the most throughout the pandemic, so it is important that every step be taken to address that.

There will be work done between CCEA and schools on a recovery curriculum. There will be specific work on two levels and not just during the summer period, when there will be a range of interventions. As we move ahead and scope out the details, there will be a further roll-out and strengthening of the Engage programme, which will help on the academic side of things. It is also the case that, as we develop the permanent roll-out of the emotional health and well-being support, there will be specific support for schools for that by way of COVID recovery funding.

All of us fear the impact that students having had to go in and out of school has had on them. There has been a tremendous amount of resilience shown among young people, but there may well be a lot of problems with stress and mental health that are not apparent on day

one but that become apparent on day one of month six or month 12. It is therefore important that we have versatility from the Education and Health Departments so that we are able to provide that support for our young people.

**Mr McNulty:** Minister, thank you for your statement and for meeting this morning with the board of governors and principal of St Joseph and St James's Primary School, Poyntzpass. They are really excited about their new school, but equally they are frustrated about the delays in delivering it. They are very grateful that the Minister, along with his Department, has committed to delivering the school as soon as possible.

I welcome the general thrust of the Minister's statement today, which has the best interests of children and young people at heart. However, he must recognise that the disruption has not been evenly distributed during the pandemic. The gap has widened for children from disadvantaged backgrounds and those with special educational needs. How will he accommodate them in the awarding of grades in the coming months and years? How will they be helped to ensure that they are not left further behind?

**Mr Weir:** The Member makes a valid point. I enjoyed the engagement with him this morning, and it is good to see him in the flesh rather than down the lens of a Zoom camera.

Part of the issue, which is more difficult to deal with directly, is the impact that it has had on people who have been in very similar situations. There will be different levels of impact for individuals, depending on their nature or, perhaps, their home setting; there is a range of things. You may well get two students who live next door to each other and, for a range of reasons, the impact on one will be greater than on the other.

In the broader area of academic catch-up — I know that this will cause a level of frustration among some other schools as well — the Engage programme will continue to operate on a two-tier basis. That means that, while there is a level of support for every school, an arbitrary line has to be drawn. There is a much greater level of funding for schools with a higher than average free school meals entitlement. I appreciate that that line is arbitrary, but the Engage programme heavily favours providing a greater level of support where there is social disadvantage. Inevitably, though, when you draw a line, people will fall on one side of it or the other. That is how we will move ahead, and,

if any additional bespoke support can be given to students, we will certainly look into that.

**Mr Butler:** I thank the Minister for this announcement, which is timely for students who face exams next year. I want to revisit the Chair's question because I did not quite get the answer. I do not know whether I missed it; I apologise if I did. Just for clarity, where a student wants to achieve an A or an A-plus but does not want to sit all units, will that still be possible? The statement mentions generous grading. Will that be achievable for students who will not sit all the units?

**Mr Weir:** Let us be clear: the general level of assessment will mean that the vast majority of students will not sit all units. The point about the levels of assessment is that CCEA will provide the detailed specifications to schools at the beginning of June on what units will be omitted for assessment. It is important that students are afforded a rounded approach to their education. This will give some GCSE students a springboard to AS and A levels. However, a student will not be able to pick from a menu, saying that they will not take this, that or the other. The approach will be consistent across the board. I anticipate that the vast majority of students will take the reduced level of units, which will be the same for all students. The point is that — it may be for a very small number of students, or it may not even happen at all — there will also be an option for someone who wants to take every unit and be assessed on them.

**Mr McGuigan:** At critical junctures in the course of the pandemic, the Minister has been criticised for failure to adequately consult key stakeholders when it came to making important decisions. His statement mentions some engagement with stakeholders, particularly young people, in the process that he has outlined. Will he assure us that teachers, trade unions and the wider school sector will be involved in the finalisation of arrangements for next year? Has a reference group of key stakeholders been established?

**Mr Weir:** A range of work has been undertaken throughout, particularly with stakeholders. Specifically, we have tried to have a level of engagement with young people, and we had those meetings with the Secondary Students' Union. There may be a degree of myth, particularly as regards any form of exams announcement. In working with stakeholders on those matters, we have engaged with a range of post-primary school principals, as we have done previously.

There is a balance to be struck on these issues. There will always be some criticism that we could have gone further with our consultation and discussions. On the flip side, that has to be balanced with ensuring that there are timely announcements. This will be an ongoing process. The Department could have gone through another six months of consultation with stakeholders, but that would not have given people certainty. On the flip side, without that consultation, something of this nature could have been announced a month or two ago. It is about trying to get the balance correct, and we believe that we have done that.

**Mr McGrath:** I thank the Minister for his statement and his engagement with the Secondary Students' Union. It is great to see that that new and vibrant voice for young people has been heavily relied upon here, and I hope that its considerations and thoughts will be included.

Minister, the interim mental health champion has strongly advised you that young people should not be rushed into academic work and that, rather, their mental health needs to be catered for first. How have you taken that into consideration as part of the new arrangements? Can you assure us that adequate time and resources will be devoted to our young people's social and emotional needs, as well as the drive for academic success and excellence?

**Mr Weir:** Their social needs are important. A package of measures has already been announced, and some more will come forward. I have mentioned that the emotional health and well-being framework will be in place on a permanent basis. That may be seen, to some extent, as a little bit top-down. Specific COVID funding for emotional health and well-being is there and will be given out to schools on a pro rata basis, as it was this year, and there will be a level of flexibility for that to be decided on the ground.

As the Member will be aware, over the summer, there will be two levels of interventions utilising, in particular, youth groups, and a range of funding, through Access for All, Summer Boost, Summer Jam etc will deliver a lot of the non-academic interventions. The provision that we are making available for schools to engage on a voluntary basis over the summer is about providing not simply academic support but a range of activities. There is a balance to be struck. Also, the advice and guidance that was given as year groups resumed school and which a lot of schools took up was about easing students in and trying to identify where there were particular stresses and needs. Ultimately,

there is no getting away from the fact that, if qualifications are to be achieved, a level of academic intervention will be required as well.

**Miss Woods:** I thank the Minister for his statement today. Our teachers and school leaders are rightly concerned that other arrangements may be employed should pupils lose any more face-to-face teaching between now and when exams are scheduled. Can the Minister provide any more detail on the contingency plans for next summer's assessments so that students and teachers are not thrown into the deep end again? How will he ensure that lessons will be learned from the difficulties that teachers have faced and continue to face?

**Mr Weir:** There are a couple of points to be made. The contingency plans will be worked on, and the detail will be revealed in the autumn by CCEA for the schools. That will be largely based around the arrangements on centre-determined grades. The idea is to try to learn whatever lessons there are from this year and see how the contingencies can be adapted. One important aspect, which should mean that schools will be ready to deal with situations, is that, at this stage and from the beginning of June, CCEA will be giving clear guidance to schools about the order of teaching that will take place. The danger is if we reach a particular point in the year where there is widespread disruption. The fact that that would be largely across the piece can be taken into account with a level of adaptation. While contingency plans will be put in place, all of us hope that we are moving to an era in which levels of disruption and, indeed, disruption as a whole can be largely avoided in the future.

**Ms Armstrong:** Thank you, Minister. I declare an interest because my daughter is the Secondary Students' Union's good relations officer. I am not asking about that, however.

Minister, what is the rationale behind the permission to omit the GCSE English language controlled assessment unit, and can a pupil or school choose to sit it if they so wish?

**1.45 pm**

**Mr Weir:** In answer to the first question, it is up to the individual pupil. Pupils, across the board, have an option. In the vast majority of cases, pupils will take the general position that, if a unit has been omitted, that reduces the burden. There is the option, I think in every course, that, if someone wants to take all of the units, they can take all of the units. The GCSE in English

language was looked at in considerable detail, and I think that the rationale behind that is principally that preparation for that particular controlled assessment unit takes up quite a large amount of time for the student. The omission of that assessment will free up additional teaching and learning time and, very significantly, will reduce the assessment burden on young people. Obviously, as I indicated, there is still the option that anybody who wants to take all units can do so.

**Mr Principal Deputy Speaker:** No other Member has indicated to me that they wish to ask the Minister a question, so I ask the House to take its ease for a few moments to allow the Communities Minister to arrive in the Chamber to move the next item of business. Thank you.

## **Executive Committee Business**

### **Pension Schemes Bill: Further Consideration Stage**

*Moved. — [Ms Hargey (The Minister for Communities).]*

**Mr Principal Deputy Speaker:** Thank you, Minister. As no amendments have been tabled, there is no opportunity to discuss the Pension Schemes Bill today. Members will, of course, be able to have a full debate at Final Stage. Further Consideration Stage of the Pension Schemes Bill is, therefore, concluded. The Bill stands referred to Mr Speaker. I ask Members to take their ease for a moment before we move on to the next item of business. That was short and sharp, Minister.

### **The Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2021**

**Mrs Dodds:** I beg to move

*That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2021 be approved.*

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

**Mrs Dodds:** I seek the Assembly's approval of a statutory rule (SR) that has been made under powers contained in the Corporate Insolvency and Governance Act 2020. The Act includes five temporary provisions to assist companies in financial difficulties as a result of the pandemic. The measures are identical to those that have been put in place in Great Britain. As many Members will recall, I have brought forward regulations in recent months in order to extend the period during which four of the five temporary measures are to apply. I have done so each time to ensure that local businesses enjoy the same support and assistance as those in the rest of the United Kingdom.

The regulations that I now ask you to approve relate to the fifth temporary measure, which is the suspension of liability for what is known as "wrongful trading". Wrongful trading occurs

where a director permits a company that is known to be insolvent to continue trading, thereby increasing the loss to creditors. If the company is subsequently wound up, the director can be ordered by the High Court to make a contribution to the company's assets out of his or her own pocket.

There is no doubt that the measures taken to curb the spread of coronavirus will have pushed many normally solvent and profitable companies into financial difficulties. There is, therefore, an obvious danger that, if directors are worried about the possibility of incurring personal liability if they continue to operate, they will opt in favour of closure to protect themselves. That would, of course, be to the detriment of their employees and the wider economy. It is likely that many of those companies could, given time, regain their solvency and profitability once normal trading resumes. Provision was therefore included in the Act to give temporary exemption to directors from any personal liability for any worsening of a company's financial position until 30 September 2020. As the pandemic has had a longer and deeper impact on the economy than was originally anticipated, I introduced regulations in December 2020 to reinstate the measure for a further period ending on 30 April 2021. A decision has now been made by the Department for Business, Energy and Industrial Strategy (BEIS) that the measure to protect directors should be further extended until 30 June 2021. It is essential that company directors in Northern Ireland have the same protection as is enjoyed by their counterparts in the rest of the United Kingdom and for the same period. Accordingly, my Department has introduced regulations to ensure that wrongful trading provisions also remain suspended in Northern Ireland until 30 June 2021.

The regulations have been agreed by the Economy Committee, and my Executive colleagues were advised prior to the debate. I ask, therefore, that the Assembly approve the regulations.

**Dr Archibald (The Chairperson of the Committee for the Economy):** I apologise to the Minister for missing the opening of her remarks.

On behalf of the Committee, I support the motion. As the Minister indicated, the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (NI) 2021 will further assist companies affected by the pandemic. The rule will restore provision in the Corporate Insolvency and Governance Act

2020 suspending directors' liability for wrongful trading and extending the operation of that provision until 30 June 2021.

The Committee agreed the statutory rule at its meeting on 14 April, subject to the report of the Examiner of Statutory Rules, and the rule came into operation on 29 April. The Examiner of Statutory Rules has no issue with the rule, and I support the motion to confirm it on the Committee's behalf.

I will speak briefly in my capacity as Sinn Féin economy spokesperson. As I have said a number of times and as the Minister has outlined again today, with the continued impact of the pandemic on our businesses, it is appropriate that the provisions are extended to support them in this difficult period.

**Mr Principal Deputy Speaker:** No other Member has indicated to me that they wish to speak in the debate, therefore I will put the Question — I beg your pardon, Minister: would you like to wind up the debate? I am sorry. *[Laughter.]* Be mindful of the fact that it is 1.54 pm.

**Mrs Dodds:** I am completely mindful of that fact. Let me just say, "Thank you" to the Economy Committee and to colleagues for their support for the measure. It is important that we give businesses every opportunity to recover from the very difficult period that they have been through. We will continue to try to help them as best we can.

**Mr Principal Deputy Speaker:** Sorry for trying to rush the House.

*Question put and agreed to.*

*Resolved:*

*That the Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading) Regulations (Northern Ireland) 2021 be approved.*

**Mr Principal Deputy Speaker:** It is now 1.55 pm, and Question Time starts at 2.00 pm. I therefore ask the House to take its ease while there is a change at the top Table.

*(Mr Speaker in the Chair)*

2.00 pm

## Oral Answers to Questions

### The Executive Office

#### 'Moving Forward: The Executive's Pathway out of Restrictions': Update

1. **Ms Brogan** asked the First Minister and deputy First Minister for an update on 'Moving Forward: The Executive's Pathway out of Restrictions'. (AQO 2033/17-22)

11. **Mr Harvey** asked the First Minister and deputy First Minister whether they plan to review further easing of restrictions before the next formal review date as outlined in 'Moving Forward: The Executive's Pathway out of Restrictions'. (AQO 2043/17-22)

**Mrs Foster (The First Minister):** Mr Speaker, with your permission, I will answer questions 1 and 11 together. I am pleased to say that we continue to make good progress in our pathways out of restriction. At the Executive meeting on 13 May, we made decisions on the further reopening of our economy and society as part of our formal review of the pathway. We had good news for those with marriage and civil partnerships planned, the hospitality sector, for those looking forward to visiting their friends and family in private homes and for those needing a hug.

The COVID data continues to have a generally positive direction of travel, and we look forward to ratifying those decisions on 20 May, subject to an update on the public health situation. While the review process allows the Executive the flexibility to move rapidly on emerging priorities, the next major review point will take place on 10 June. That will allow for data on a range of health and societal impacts to be monitored and assessed before consideration is given to what further relaxations can be made safely.

**Ms Brogan:** I thank the joint First Minister for her answer. Given the disproportionate effect of the pandemic on the most vulnerable in our society, does the Minister agree that the Executive's recovery strategy should focus on addressing social inequalities as we emerge from the pandemic?

**Mrs Foster:** I thank the Member for her question. As she is probably aware, the task force is looking not only at economic recovery but at societal recovery. We have always said that, if we can do things better after the COVID-19 pandemic, we should take the opportunity to do so. The task force will work not only with the lead Departments in those areas, such as the Department for the Economy for economic recovery, but with the other Departments involved in health inequalities, societal inequalities, and the Member's colleague the Minister for Communities will be very much part of those discussions. Therefore, the Executive are working on that, and I hope that we can build back better.

**Mr Harvey:** First Minister, can you give any indication on a time frame for the resumption of foreign travel?

**Mrs Foster:** The current requirements that are in place for international travellers vary according to whether they are arriving from a green, amber or red country. Red countries are those that the Joint Biosecurity Centre (JBC) has assessed as being particularly concerning for the prevalence of variants, including the Indian variant. Arrivals from red countries must book a managed isolation package prior to arrival and spend 10 days in a hotel after arrival in Northern Ireland, and India is on the Northern Ireland red list.

Those arriving from amber countries must book and take a post-arrival test on day two and day eight, and must self-isolate at home for 10 days from arrival. Green countries are those that the JBC has assessed as low risk. Arrivals to Northern Ireland from green countries do not need to self-isolate or enter managed isolation. They must book and take a day two test. Northern Ireland does not currently have any countries on its green list, and the Executive are considering the most appropriate list for Northern Ireland. I very much hope that we will be able to have an outcome on that list this week.

**Mr McGrath:** Many businesses, especially those in the hospitality sector, faced significant problems when they reopened. After spending tens of thousands of pounds to get ready, they found out that they did not meet some established criteria. As businesses become permitted to open up, has any proactive work been undertaken to help sectors try to ensure that they meet any criteria prior to the opening date so that they are not, very quickly, told that they have to close again?

**Mrs Foster:** The Member is probably referring to the outdoor hospitality issue, on which some issues were raised with us directly. The regulations had not changed from last year. The difference was that some councils took a more proactive approach to enforcement this year. Things that should not have been happening last year, and to which a blind eye was turned and no enforcement applied, were subject to enforcement this year, and, unfortunately, some organisations, having spent a lot of money — we understand that — felt that they could not open because they were in breach of the regulations. There is therefore an important emphasis placed on engagement. Last Thursday, the deputy First Minister and I met Hospitality Ulster and the Hotels Federation to discuss the issues again, coming up to next Monday, which is when we are hoping that we will open indoor hospitality. We will be confirming that this Thursday. We are keeping a close eye on the Indian variant, as, I am sure, the Chair of the Committee would want us to do. We are concerned about what we see in England, Scotland and Wales at present. We are very pleased that there is no evidence of significant community transmission in Northern Ireland, and we want that to remain the case, so we will listen to our advisers this Thursday to hear what they have to say about all those issues.

**Mr Allister:** Given the approach of the Twelfth of July celebrations in this centenary year, and given the very long lead-in time required organisationally, what certainty and guidance can be given to those who are organising the demonstrations?

**Mrs Foster:** That is a very good point and one that I raised just last week, because it is important that people have a clear vision of what is happening before the Twelfth of July celebrations. I pay tribute to the organisations for the way in which they conducted themselves and abided by the regulations last year. They were quite innovative. I am sure that the Member will remember the Twelfth at Home initiative, for instance. Along with the Health Minister, I am hoping to meet the Grand Orange Lodge in the very near future to discuss the issues and to see what will be possible in July, because it is important that people be able to have their cultural expression but obviously in a safe way, and that is what we want to ensure.

**Ms Bradshaw:** I place on record my thanks to the First Minister for all her work during the COVID pandemic at the Executive table.

My question relates to the service stations that are located up and down our motorways. I appreciate why the Executive allowed them to remain open for indoor dining, but we are hearing from the contact-tracing service that there is a potential there for transmission. From 24 May, do you intend to introduce the contact-tracing provisions that will be required in all other restaurants?

**Mrs Foster:** In our discussions with the hospitality sector last week, the deputy First Minister and I said that we wanted to make sure that contact tracing is fit for purpose so that, if people come in for a meal or a drink, all the pieces are in place, and, if there is an outbreak, we will be able to trace it quickly and get to everyone who has been nearby or is at risk. The issue was discussed at the Executive last week, because colleagues were concerned that people are driving to service stations for a meal. I found that interesting. Anyway, this is apparently what is happening: people are so desperate to get out for a meal that they are going to a service station and sitting in there to eat. Of course, that is not what the regulation was designed to do. It was designed to allow truck drivers and people who ordinarily would not have access to such services to be able to continue to have a meal in service stations. Sometimes, when laws are made, the purpose behind them gets stretched. That is a good example of the purpose behind the reason for the regulation getting very stretched.

## **Travel Agents (Coronavirus) Financial Assistance Scheme 2021: Update**

2. **Mr Dickson** asked the First Minister and deputy First Minister for an update on the Travel Agents (Coronavirus) Financial Assistance Scheme 2021. (AQO 2034/17-22)

**Mrs Foster:** The Travel Agents (Coronavirus) Financial Assistance Scheme was agreed by the Executive to ensure the continued viability of the travel agency sector here. The scheme is intended to help vulnerable but viable travel agents, including self-employed homeworkers, with the cost of reopening or keeping a business operational, reconnecting with employees and customers, adapting customer marketing and financial planning. A viable travel agents industry is critical to supporting a return to normal and building confidence that travel agents and other retail businesses will continue to be a feature of our high streets. The payments for the scheme should make a significant contribution to the continued viability of the sector here. The scheme was open for

application from 19 March to 26 March 2021. Officials in TEO are processing 187 applications. It is anticipated that payments will be made to successful applicants in early summer. The scheme is expected to provide in the region of £1.1 million to £1.3 million of much-needed support for the sector. Final costs will be known once all applications have been processed.

**Mr Dickson:** Thank you very much, First Minister, on behalf of travel agents who will benefit from the scheme. It is much-needed support. We recognise the value of travel agents to the economy of Northern Ireland. Their counterparts in the rest of the UK will be using the NHS app to prove that their clients have received the vaccination. The NHS app is not available to travel agents in Northern Ireland, yet most of their bookings are done on a UK-wide basis. If an online app is not available in Northern Ireland, what alternative is there to provide that information from citizens who wish to travel?

**Mrs Foster:** I thank the Member for his question. In England and Wales, the apps speak to each other, but it does not do so in Scotland. There is an issue in Scotland and Northern Ireland. We have discussed it with the other devolved Administrations, as you would expect, under the Chancellor of the Duchy of Lancaster. We speak every week about the upcoming difficulties. In the short term, they are looking at having a paper trail if you have had your vaccination. That is not just a letter but, obviously, something that is compliant with safety and data protection rules to make sure that there is no fraud. You cannot just turn up with a letter that somebody from your office has typed out for you, for example. A lot of work is going in to data protection and cybersecurity issues around that. We will probably get an update on that this week. Scotland has a similar problem to ours, and we need to get the apps to speak to each other. Work is going on around the paper alternative, and work is also going on around the digital piece to see if we can get the apps all connected. They are meant to speak to each other. When I go across to England, I should be able to use the Northern Ireland app, so why can we not get it to work for the COVID certification as well? Work is going on, and I assure the Member that that is happening.

**Mr McHugh:** I totally understand that travel and tourism have suffered so much, and I appreciate the emphasis that has been placed on them, in particular. However, so many other industries and businesses have also suffered throughout the pandemic. Can the Minister

provide details of the financial assistance that is in place for other industries?

**Mrs Foster:** I am happy to get the office to write to you with the full range of assistance that is available. Obviously, the COVID localised restrictions support scheme is still in place until such times as hospitality is open in full. There are probably schemes from the Department for the Economy that I do not know about. I would rather write to you with a more substantive answer so that you have all the schemes in front of you.

2.15 pm

## High Street Task Force

3. **Mr McCrossan** asked the First Minister and deputy First Minister for their assessment of whether the size of the high street task force is affecting its ability to make recommendations quickly. (AQO 2035/17-22)

10. **Dr Archibald** asked the First Minister and deputy First Minister to outline the progress made to date by the high street task force. (AQO 2042/17-22)

13. **Mrs Cameron** asked the First Minister and deputy First Minister for an update on the work of the high street task force. (AQO 2045/17-22)

**Mrs Foster:** With your permission, Mr Speaker, I will answer questions 3, 10 and 13 together.

The first meeting of the task force took place on 23 February and was chaired by the junior Ministers. The task force formally adopted its terms of reference and the vision of:

*"Sustainable city, town and village centres which are thriving places for people to do business, socialise, shop, be creative and use public services as well as being great places to live."*

Since then, four subgroups have been established on influencing policy and strategy; promoting the development of capacity; developing and promoting good practice; and influencing and shaping intervention and investment. Meetings of the subgroups are being arranged to initiate the formal projects for each of the key functions and a programme of comprehensive engagement and co-design with stakeholders. Recommendations for future action will be developed in due course.

Restoring the vibrancy of our high streets will take a number of phases over a period of years. As we emerge from the lockdown, the immediate priority is opening up high streets and rolling out a COVID recovery strategy. That is the focus of the Executive COVID task force headed by the interim head of the Civil Service (HOCS).

The high street task force will have the longer-term focus of addressing the fundamental need for the transformation of our high streets in response to fundamental societal and economic changes. In relation to membership of the task force, the key to success is co-design and co-delivery, drawing in the skills of business and other sectors to shape transformation. The breadth of the membership reflects the breadth of the challenge. While the membership is large, the governance arrangements of subgroups, each with a key function, will provide a basis for efficient and effective working.

**Mr McCrossan:** I thank the First Minister for that answer. First Minister, many of the sectors represented on the task force are unhappy that 20 sectors were vying to have their voices heard in a 90-minute meeting. I note that you said that subgroups had been set up — I welcome that — but what will you do to make sure that the task force is able to engage effectively?

**Mrs Foster:** I note what the Member says. The unfortunate thing about this is trying to find a balance. I have stood here or sat before the Committee and been challenged about the fact that x council or y council has not been involved or that such and such a sector needs to be involved. We have tried to have balance in the overall high street task force, but we have split it into four subgroups in the hope that we can have a more focused look at those areas. The subgroups can bring people on and consult people about the best way forward in relation to those issues.

There is no doubt that the recovery of the high street is a multilayered issue. We have had an issue with the challenges to the high street for a couple of years. COVID then came along and exacerbated that and accelerated some of the problems that high streets face, and we therefore need to have a focused look at what the future of our high streets is in Northern Ireland, whether they are in a village, a town or a city. We have set out an ambitious plan, and we ask people to bear with us and work with us, because it has the capacity to bring forward a vision for Northern Ireland that is different and that is ours. It is right that we have our own

vision, but we will also look at examples in Scotland, England and Wales to see that we are on the right track.

**Dr Archibald:** As you outlined, Minister, there is no one-size-fits-all solution to the issues faced by the high streets. Do you agree that the targeted engagement that you outlined, which will be carried out through the subgroups and will ensure that we know what is needed to revitalise and regenerate high streets, particularly with regard to smaller towns and villages, is important?

**Mrs Foster:** I thank the Member for her question. That is exactly what we want to see happen. Sometimes some of our councils feel that, to be able to contribute, they need to be stakeholders in the group, but I hope that they look at this in a more holistic way and recognise that, while the subject sits within TEO, it goes across all of the Departments, local government and, indeed, businesses. That is why we have business representatives there, so that they can bring their experience and their views on what they want to see happening on the high streets. I hope that it will be a focused engagement that delivers real and tangible results. As I said, the issue has gone on for a number of years, and we really need to grapple with it.

**Mrs Cameron:** Mr Speaker, with your indulgence, I take the opportunity to put on record my thanks to my friend the First Minister for her love of and commitment to Northern Ireland and for her dedication and incredible work ethic, not least throughout the past very difficult year.

Does the First Minister agree that the important work of the high street task force will need to continue well into the future, as the lengthy closures and the ending of the furlough scheme will have a long-lasting impact on our recovery?

**Mrs Foster:** I thank the Member for her kind words, and I absolutely will miss working with her in the Assembly.

Given its strategic role, we have established that the task force will probably be in existence for an initial period of five years, with an expectation of a review of its performance early in the next Assembly mandate so that we can see where we have got to, probably by this time next year. It is important that we realise that this not just a quick fix but will continue for a period of time. That is important, because the people on our high streets do not want us to come in, look at the issues, suggest a few things and leave again; they want us to continue to work

with them in trying to develop high streets for the future, so there will be an initial period of five years.

**Ms Flynn:** The First Minister outlined some of the issues that high streets were facing even pre pandemic. All the work that the task force is carrying out is great. Does she have any update on another important initiative to help support the high streets, namely the high street stimulus scheme?

**Mrs Foster:** I thank the Member for her question. That stimulus scheme will be brought forward by the Department for the Economy. We had hoped that that would have been rolled out faster, but there is no point in putting out a stimulus scheme until we were fully open, because the experience of going to our high street is, of course, enhanced by the fact that you can have lunch, have a coffee or have a drink. That has not been possible in an indoor setting and will not be until next Monday. I am sure that the Minister for the Economy will want to bring forward the high street stimulus scheme in the near future, because we hope that it will make a real difference to people who have had such a terrible year. 2020-21 will not be seen as a good year for our high streets, but I hope that we can help them to get onto an even footing again.

## Rights, Language and Identity Framework

4. **Mr McGlone** asked the First Minister and deputy First Minister on what date the legislation for core elements of the rights, language and identity framework will be introduced to the Assembly. (AQO 2036/17-22)

**Mrs Foster:** We are committed to the development and implementation of the rights, language and identity proposals in 'New Decade, New Approach'. It has always been our intention to progress those proposals during this mandate and to create the relevant bodies as quickly as possible thereafter. We will keep the Assembly updated on our progress.

**Mr McGlone:** As the Minister will be aware, I have worked with her in different roles in different Departments. We agreed on many things and, maybe, differed occasionally, but I take the opportunity to put it on the record that I wish her and her family well in the time ahead.

Given that a culture and language Bill was part of the bedrock of 'New Decade, New Approach',

will the Minister give assurances that it is not being used as a political bargaining chip?

**Mrs Foster:** I thank the Member for his question and, indeed, for his kind words, which he has already communicated to me. I thank him for that.

As the Member knows, there are many things in 'New Decade, New Approach' that should have moved on by now: progress on health transformation and having more police officers on the ground, down to very technical issues such as moving to three cycles of IVF instead of just two. There are a number of issues that have not been able to progress, and we all know that COVID-19 is the reason for that. However, he should know that we are committed, as I said in my answer, to the development and implementation of all the commitments in 'New Decade, New Approach', and I am sure that those will progress now that we are, hopefully, moving into a better place in relation to COVID-19.

**Mr Beattie:** First Minister, I will not labour the point, but I thank you for your leadership as our First Minister. Of course, we all have disagreements, but we can believe that you honestly wanted to do the best for this part of the United Kingdom, and I thank you for that.

I want to follow up on the previous question. Will the Bill go through a full legislative process? Maybe you are doubling back on yourself. Is there an expectation that it will get Royal Assent before the end of the mandate?

**Mrs Foster:** I offer many congratulations to the Member as he takes on the role of leader of the Ulster Unionist Party. This is the first time that I have been in the House since his predecessor stepped down, and I wish Steve well as he moves away from the pressures and challenges of leadership, which we all do. I hope that he enjoys being on the Back Bench. Congratulations, Doug, and I hope that you enjoy your time as leader.

When we agreed New Decade, New Approach, the intent was, of course, to get Royal Assent by the end of this mandate. That was to be the way forward. It will be for others now to push ahead with all the promises in New Decade, New Approach, and that will move ahead according to their timetable.

I want to be clear: as I said in my resignation speech, in Northern Ireland there are people who are British, others who are Irish, others who are Northern Irish and others who are a

mixture of all three. We also have a new and emerging community. We must all learn to be generous to each other, live together and share the wonderful country that we are all so privileged to represent in the Northern Ireland Assembly. That is my belief and, I hope, the belief of everyone in the Assembly. If we are to move forward, we cannot keep looking backwards. The future for Northern Ireland will not be found in division but in sharing the place that we all call home.

**Ms Ennis:** Does the Minister agree that New Decade, New Approach was the basis on which the institutions were re-established and that we need to see full delivery of the NDNA commitments by the Executive, the Assembly and, crucially, the British and Irish Governments?

**Mrs Foster:** Yes. We need to see delivery by all those involved in the New Decade, New Approach discussions. That was the idea behind the agreement; it was a comprehensive agreement that brought us back to the Assembly. I agree with the Member on that. It is now for those involved, whether they are our own Government, the Irish Government or the Executive, to make sure that the agreement moves ahead. It is for them to progress and move ahead with New Decade, New Approach.

**Mr Allister:** Does the First Minister think that we have seen delivery under New Decade, New Approach of the commitment to have utterly unfettered trade from Great Britain to Northern Ireland? Can she confirm, for the public's information, although this is probably a matter for her successor, that no Government legislation can be brought to the House without the consent of the First Minister and the Executive and, therefore, without the personal endorsement of the people in that position?

**Mrs Foster:** On the Member's last point, I confirm that any legislation that comes to the House from the Executive has the endorsement of the Executive and of the First Minister and deputy First Minister.

Regarding unfettered access, all the promises that were made about unfettered access have not been upheld. We are seeing the opposite; we are seeing fettered trade between Great Britain and Northern Ireland. I hope that the legal case that he and I are involved in will bring an end to that and will bring some clarity on trade, which, of course, was set out in the Act of Union in 1800. We hope that that will be the case.

## Good Relations: TEO Funding

5. **Ms Ní Chuilín** asked the First Minister and deputy First Minister to outline the funding awarded by their Department to promote good relations in the last financial year. (AQO 2037/17-22)

**Mr Speaker:** The Member will not have time to ask a supplementary question.

**Ms Ní Chuilín:** OK.

**Mrs Foster:** Mr Speaker, with your permission, junior Minister Lyons will answer the question.

**Mr Lyons (Junior Minister, The Executive Office):** In 2020-21, funding of over £18 million was allocated to good relations by the Executive Office. It includes £12 million of Shared Future funding, which was allocated across Departments for the delivery of the seven Together: Building a United Community (T:BUC) headline actions and wider good relations programmes. A further £6.6 million of Executive Office baseline funding was allocated to good relations delivery, supporting programmes such as the Minority Ethnic Development Fund and the District Council Good Relations Programme, and providing funding for the Community Relations Council.

2.30 pm

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

## Mother-and-baby Homes Inquiry: Update

T1. **Ms S Bradley** asked the First Minister and deputy First Minister for an update on the timeline for a report from the truth and recovery design team that has been charged with establishing terms of reference for an inquiry into mother-and-baby homes. (AQT 1301/17-22)

**Mrs Foster:** I thank the Member for her question. She will know that that work is being taken forward by Judith Gillespie and her team. They have set up a panel with a number of experts to engage with the victims so that they can moderate it in a way that means that it is truly co-designed. We look forward to engaging with Judith again to get an update on that ongoing work. No huge concerns about that process have been raised with me or, unless

Judith tells me otherwise, with her. I hope that it will bring forward an inquiry of whatever type the victims want and need.

**Ms S Bradley:** I thank the First Minister for her answer. We know that much of the truth and many of the answers lie in documents and data held by other parties. What preliminary actions have the First Minister and deputy First Minister taken to secure that data and to secure land, which, unfortunately, may also be a requirement?

**Mrs Foster:** We have had initial discussions with some of the Church leaders and institutional leaders. Those were preliminary discussions on the scope of what we were trying to do. As well as the data held here — of course, if held within our Departments, it will be protected — we will listen very carefully to what the interdepartmental working group has to say about access to documents outside the jurisdiction. The Member will know that there is grave concern about access to documents in the Republic of Ireland, for example, and we will want to hear what the recommendations are on that. Judith is engaging with her colleagues in the Republic of Ireland to try to tease out some of those issues. We will want all of those documents to be made available so that people can get to the truth and find out what happened during those terrible years.

## **T:BUC: Tackling Sectarianism and Division**

T2. **Mr Gildernew** asked the First Minister and deputy First Minister to outline the impact of the Together: Building a United Community (T:BUC) strategy on tackling sectarianism and division. (AQT 1302/17-22)

**Mrs Foster:** As the Member will know, this is a long-standing strategy from the Executive Office — before that, from the Office of the First Minister and deputy First Minister — to try to tackle some of the legacy sectarian issues that persist within our society. I have been really pleased to see the way in which our young people engage with the T:BUC strategy and the programmes that are rolled out from it, particularly the annual camps that are organised all around Northern Ireland to bring together people who would not ordinarily come together. I am sure that the Member is aware of the good work that takes place in Erne East, a very important part of Northern Ireland. I declare an interest: it is my home district electoral area. That is an example of the good work that T:BUC has facilitated over many years.

**Mr Gildernew:** I agree, Minister, that it is crucial work. Given that it is so crucial to building a shared future and, indeed, a better future, will you detail how the impact of the programme's interventions is assessed or measured at community level?

**Mrs Foster:** I thank the Member. The delivery of the strategy is captured in an action under outcomes 7, 9 and 10 of our 'Outcomes Delivery Plan', which relates to a vision of a safe, welcoming and shared society that respects diversity and is a place where people want to work and invest. Progress towards achieving those outcomes is measured by a number of key indicators including increase in respect for each other, increased shared space and increased reconciliation. Results from the 2019 Northern Ireland life and times survey indicate that 66% of respondents believe that facilities in their area are shared and open to Protestants and to Roman Catholics, while 62% agree or strongly agree that their cultural identity is respected. We are looking at life and times surveys and at those indicators to see that the programme is making an impact.

## **East Londonderry Enterprise Zone**

T3. **Mr M Bradley** asked the First Minister and deputy First Minister what plans the Executive Office has to promote Northern Ireland's only enterprise zone in the East Londonderry constituency. (AQT 1303/17-22)

**Mrs Foster:** The Member will know that that is more of a matter for the Department for the Economy, but I am happy to pass his comments to the Minister. I am sure that she will respond to him in due course.

**Mr M Bradley:** I thank the First Minister for that answer. Perhaps she could pass that on to Invest NI to encourage it to show the same commitment as the First Minister has to East Londonderry and to visit my constituency a wee bit more often.

**Mrs Foster:** That is a matter for Invest NI, but I am sure that it will have heard what the Member said.

## **Protocol: Destabilising for Northern Ireland**

T4. **Dr Aiken** asked the First Minister and deputy First Minister, after wishing the First Minister all the best for the future, recognising that she will now join an exclusive club of former unionist leaders and suggesting that,

when everything opens up, they get together for a bit of a pub crawl, to state whether, given that it was reported yesterday that Lord Frost is of the view that the protocol, in its current form, is not sustainable, the First Minister agrees that the protocol is not working for anyone in Northern Ireland and is, in fact, destabilising. (AQT 1304/17-22)

**Mrs Foster:** I am not sure that a pub crawl is allowed under COVID restrictions, but I thank the Member for his comments. I noted Lord Frost's comments. In particular, he said that the protocol is unsustainable and not working for anyone. He gave good examples of what is happening in Northern Ireland. I welcome his words. We now need to see action on those issues, which, I hope, will happen in the near future. We have heard some very alarming stories recently, particularly about cancer drugs, and we want to get clarity on those issues as soon as we possibly can.

**Dr Aiken:** I thank the First Minister for her answer. One of the significant issues with the protocol is its likely impact on medicines and medical devices. Has she had any discussions with the EU? Has Maroš Šefčovič identified that as a problem that needs to be sorted out, or is he ignoring the issue?

**Mrs Foster:** After the 'News Letter' story on Friday, the European Union responded by dismissing it and saying that it was not an issue. The Medicines and Healthcare products Regulatory Agency (MHRA), which is responsible for dealing with those issues in the United Kingdom, disagrees with the EU and says that that is an issue. The EU refers to a grace period, and MHRA does not deal in grace periods. It deals with what is going to happen. Therefore, it is right that, particularly in relation to medicine, that issue — it is only one issue, of course; we all recognise that — has to be a priority. The well-being of the people of Northern Ireland depends on it. Cancer drugs, above all things, should not be held up in a political wrangle. Therefore, it needs to be dealt with very quickly.

### **Protocol: Lord Frost**

T5. **Mr Humphrey** asked the First Minister and deputy First Minister, given Lord Frost's recent visit to Northern Ireland, whether he recognised the huge difficulties that the obnoxious protocol is causing Northern Ireland plc and that the protocol is absolutely opposed by all unionists in Northern Ireland and needs to be replaced. (AQT 1305/17-22)

**Mrs Foster:** I thank the Member for his question. Lord Frost acknowledges the political issues around that. He recognises that there is not one unionist in favour of the protocol and the way in which it has been implemented since the beginning of the year. I had the opportunity to speak to him briefly when he was in Northern Ireland last Monday. He met businesses and listened to their very real concerns, and, as a consequence, we have his comments at the weekend, setting out clearly that he thinks that something needs to happen. Let us see that happening so that, instead of listening to words, we see action on the protocol.

**Mr Humphrey:** Thank you for that answer, First Minister. You will be aware of the attack on Jewish graves in Belfast City Cemetery a number of weeks ago. There is real concern in our small Jewish community in Northern Ireland about some politicians' utterances and some street activity. Will the First Minister join me in providing real support to our small Jewish community, particularly in Belfast?

**Mrs Foster:** I am pleased that the Member has brought up the issue. I tweeted about it last night. I find antisemitism sickening, especially when it is directed at such a small community in Northern Ireland. It is a vulnerable community because of its size. I noted that one of our foremost business people's premises were defaced in a really awful way at the weekend. It is incumbent on every person in the House, regardless of what they think of what is happening in the Middle East, to condemn and to be active in their condemnation of what is happening to our small Jewish community in Northern Ireland. I am sickened to the pit of my stomach that people have targeted our Jewish community in that way, and I ask the Member to take my best wishes to the community, particularly in North Belfast.

### **PEACE PLUS: Applications**

T6. **Mr McAleer** asked the First Minister and deputy First Minister whether they have any indication of when the PEACE PLUS programme is likely to open for applications. (AQT 1306/17-22)

**Mrs Foster:** No, we do not have an indication of that yet. It is still in development. As the Member will know, the Department of Finance leads on Special EU Programmes Body (SEUPB) matters, but the deputy First Minister and I have met the chief executive about the programme. It will be a significant programme for many communities across Northern Ireland, and we look forward to it in the near future.

**Mr McAleer:** The Minister will appreciate that previous EU funding programmes have had a hugely transformative impact on promoting peace and prosperity. Does she have any assessment of the impact of previous programmes and, indeed, of the pending PEACE PLUS programme?

**Mrs Foster:** As I indicated, the Department of Finance leads on the PEACE PLUS programme. The deputy First Minister and I take a great interest in it, because it often augments other programmes. When we are trying to help a community, it is a cocktail of funding that comes forward but SEUPB is sometimes the largest funder. It is about transforming the communities and dealing with some of the issues that Mr McAleer's colleague Mr Gildernew referred to when talking about transforming society through the T:BUC strategy. We have indicated to the chief executive that we want it to be a transformative piece of work across Northern Ireland, and I hope that he agrees that that is the way in which it should work.

## Shackleton Barracks

T7. **Mr Robinson** asked the First Minister and deputy First Minister, while not wishing to sound overcritical, given that we are dealing with a pandemic, whether the First Minister can enlighten the House as to when we will see the promised hundreds of jobs at the 760-acre Shackleton Barracks site in his East Londonderry constituency. (AQT 1307/17-22)

**Mrs Foster:** I think that I signed off an answer to a question for written answer from the Member very recently about that. The development at Ballykelly has been slowed down by the fact that the Heathrow expansion has been stalled by a planning issue. It was meant to be linked to the Heathrow expansion, and, unfortunately, that is stalled. I am sure that that has had an impact on the matter to which he refers.

**Mr Robinson:** I thank the Minister for her answer. Is there a clawback clause attached to the sale of the site?

**Mrs Foster:** I do not have that detail in front of me, but I am happy for officials to follow up with the Member on that issue.

## GB to NI Travel

T8. **Mr Harvey** asked the First Minister and deputy First Minister, given last week's announcement that, from 24 May, non-essential

travel will be allowed within the common travel area, what steps will be taken to encourage people from GB to travel to NI in order to boost our tourism and hospitality sector. (AQT 1308/17-22)

**Mrs Foster:** Regarding travel in the common travel area, subject to advice and guidance, we have decided to remove the essential travel reasons requirement, retain the guidance on self-isolation and add two new exemptions to that guidance. People are now allowed to visit family and friends. We felt that that was a very important exemption, given the number of familial ties across the United Kingdom; indeed, many on the Executive acknowledged that. There is also an exemption for those who have already completed mandatory quarantine on arrival at a point of entry elsewhere in the common travel area and have then travelled directly into Northern Ireland. If you have already served your quarantine in London or Scotland, you can come on into Northern Ireland without needing more quarantine.

2.45 pm

**Mr Speaker:** Time is up. Members, please, take your ease for a moment or two.

## Finance

### All-island Banks: Disinvestment

1. **Mr McNulty** asked the Minister of Finance what engagement he has had with all-island banks regarding disinvestment in Northern Ireland. (AQO 2047/17-22)

**Mr Murphy (The Minister of Finance):** Regulation of financial services is a reserved matter for the British Government, and there is a limited role that my Department can play. However, I engage regularly with local banks and trade union representatives on local services and jobs matters.

I last called senior representatives from the local banks to a round-table meeting on 24 March, where I pressed them on the need to protect the services that they provide to citizens and businesses in the North and the jobs that go with them. Separately, I met the Bank of Ireland in February to discuss its planned branch closures. Earlier that month, I wrote to the CEO of NatWest to raise my concerns about the closure of Ulster Bank in the South and the impact of that on the staff in the North who service those operations.

**Mr McNulty:** I thank the Minister for his answer. Cross-border banks have long been a driver of our all-island economy, but some of those banks are disinvesting on both sides of the border. As the Minister mentioned, Ulster Bank has closed operations in the South. Bank of Ireland is closing branches in the North, including in Keady and Crossmaglen in our constituency. That disinvestment is made worse because financial services are not covered by the protocol. The Minister's Budget document made it clear that it is his Department's responsibility to lead on financial services. What is he doing specifically to protect the all-island economy against the damage done by banks scaling down their operations on either side of the border?

**Mr Murphy:** The Member has possibly mistaken my leading on financial services for leading on a matter that we do not regulate. We do not regulate the banks. That power lies in Westminster. I do not have the authority to dictate or control what those private corporations do. What I can do and have done is to raise issues of concern with them. It is also primarily an issue of concern for the Department for the Economy. I have met the banks. I have had a round-table meeting with them and pressed them on the need to continue services, particularly over the course of the pandemic. I have pressed them — indeed, the Bank of Ireland — on the loss of services in rural areas. There is an expectation that post offices or others can pick up those services when, clearly, in relation to benefits, that is not the case for a large number of them. There are real challenges.

Banks make commercial decisions in the interests of their corporations, but they have a responsibility, particularly in the challenging economic times that we face and given that, when they faced challenging times, it was the state, North and South, that bailed them out and kept them afloat, to ensure that they continue to provide services to the people whom we all represent, businesses and others. I will continue to engage with them in that regard in the time ahead.

**Dr Aiken:** I thank the Minister for letting us know that he has had discussions with the chief executive of NatWest. One of the major concerns that we have is around the desegregation process with the Ulster Bank and the fact that it is heading towards a greater merger with NatWest. Has the Minister had any discussions about the retention of vital back-office functions and jobs here in Northern Ireland? What can we do to retain them here?

**Mr Murphy:** Alison Rose, the CEO, assured me of the bank's commitment to support its customers and colleagues. She advised that Ulster Bank's business in the North is unaffected by the withdrawal of Ulster Bank from the South. An orderly phased withdrawal of Ulster Bank in the South will take place over a number of years. There will be no new compulsory departures or branch closures from the businesses this year as a result of the announcement, and we will closely monitor that situation.

As I said, the regulation and the authority over the financial services lies in London, and in Dublin for those who are south of the border, but we will continue to engage and to press and remind these institutions that they have a responsibility to people and to businesses. They have to recognise that the globe is going through a very challenging economic time and that financial institutions have a part to play in that, as the citizens had a part to play when the financial institutions were in trouble.

**Mr Muir:** As the Minister will be acutely aware, many businesses are coming out of these restrictions heavily indebted as a result of the downturn in trade over the last year. What engagement has the Minister had with the banks? What message does he send to the banks about the need for them to show forbearance to enable those businesses to come back?

**Mr Murphy:** The very discussion that we had at the round table was about the need to continue to support the loan scheme that came from Treasury. I know that Treasury had been considering further flexibilities for paying that back as people began to earn, rather than attaching it to a time frame, and we continue to talk to Treasury about that. However, as I said, there needs to be that recognition that these are very challenging times, that businesses will need support to get back to full trading again, that it will be some time before that is achievable, and that the banks and other financial institutions have a role in that, just as we had a role in their difficulties.

**Mr McGuigan:** Further to the previous questions, has the Minister had any engagement with the Financial Services Union, which represents bank workers throughout Ireland, on the idea of a forum that will bring together key stakeholders, including the executive banks and workers?

**Mr Murphy:** Yes, I have. As well as meeting the banks, I met the Financial Services Union

on a range of issues, including its call for the establishment of a banking forum to discuss the future of banking in the South and here in the North. I indicated that I was supportive of that in principle. My officials are considering the proposals for a forum and are giving it further consideration to understand the particular practicalities of how it might work here.

In addition, my officials are engaging with the Financial Services Union to further understand the position of the Irish Government. This is an opportunity for all stakeholders to get involved in the discussion to consider the key issues facing the local banking sector. I raised that concept at the recent round table with the banks and asked for their views on whether they would sit on the forum. Although they did not provide a clear position, and membership would be voluntary, I continue to press the local banks on the merits of such a forum.

## COVID-19 Funding for Businesses

2. **Mr McHugh** asked the Minister of Finance to detail the total amount of COVID-19 funding provided to businesses since the beginning of the pandemic. (AQO 2048/17-22)

**Mr Murphy:** COVID-funded support to businesses administered by my Department since the start of the pandemic included the rates holiday, the £10,000 grants to small businesses, the localised restrictions support scheme (LRSS) and the three schemes that I recently announced to use up unspent funding. In total, my Department is anticipated to spend just over £1 billion in business support. For a Department that does not usually administer grant support to businesses, that is a tremendous achievement, and I thank Land and Property Services (LPS) for stepping up during the pandemic.

The Department for the Economy has spent £494.9 million on business support. Of that, some £200 million has been administered by the Department of Finance, bringing the total administered by my Department to over £1.2 billion. I know from talking to businesses how important all that support has been in sustaining jobs during the COVID crisis.

**Mr McHugh:** Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. There is no doubt that there has been a huge scale of financial assistance to the business community. When will we expect the £5,000 and £10,000 grants to be paid out?

**Mr Murphy:** As I said, the Department is working through three schemes of business support. We expect that payments from that particular scheme should begin by the end of the month and flow through from there on in.

## Shared Prosperity Fund: Update

3. **Ms P Bradley** asked the Minister of Finance for an update on the UK Shared Prosperity Fund. (AQO 2049/17-22)

**Mr Murphy:** I congratulate the Member on her elevation in recent days. The launch date for the Shared Prosperity Fund has been continually pushed back. Although a prospectus has been promised by the summer, I do not expect to have any detail on quantum until the next Westminster spending review. We have been promised a governance role for the fund, but we have no detail of that role. My officials continue to push for involvement in the development and delivery of the fund and for respect for our devolved competence.

A pilot scheme for the Shared Prosperity Fund has been launched under the name Community Renewal Fund. The £11 million that has been set aside for projects here under that fund is considerably less than the approximately €70 million per annum that we previously received from comparable EU structural funds.

The Ministry of Housing, Communities and Local Government (MHCLG) plans to deliver the funding here directly, with little or no role for the Executive. It has also been indicated that the Shared Prosperity Fund may operate in that way. That would mean that our EU funding would not be replaced, which would leave a significant hole in our Budget and put MHCLG in competition with Departments and local government for projects here. That cuts across our devolved responsibilities.

**Ms P Bradley:** I thank the Minister for his answer. I know that he has been working hard and lobbying on behalf of our Executive to get that money through. Are there any early indicators of how those groups and the wonderful work that is being done in the community might suffer because of the lack of continuity in the funding?

**Mr Murphy:** There is such a dearth of information in that regard that groups that previously relied on that support have not necessarily received it. At the end of the previous financial year, we allocated some additional money to the Department for the Economy to continue schemes that they would

have received money for under European funding because nothing was coming through at that point. We have an indication that £11 million is earmarked for here. That does not mean that we will get £11 million. In previous years, through comparable schemes, we received, I think, €70 million or whatever the comparable sterling figure for that was. It is a real area of uncertainty.

As you know, quite a lot of community groups and people who work in the voluntary and community sector and provide vital services have relied very heavily on EU funding. Our inability to give them certainty about funding is a real challenge. That level of funding has been lost, and the ability of the Executive to allocate EU funding against our priorities to make sure that it gets to where it is needed most has been removed. That means that groups such as that will be competing with groups right across Britain for a much lower level of funding. It is a very uncertain and unacceptable place to be. I will continue, with my Welsh and Scottish counterparts, to raise that with Treasury at every opportunity.

**Mr O'Toole:** The governance and lack of information on the Shared Prosperity Fund is totally unacceptable. What is the latest update that the Minister has had from the Economy Department on the shortfall of funding in relation to Invest NI? It was in receipt of significant European money. Towards the end of last year, it was reported that it was around £60 million in deficit as a result.

**Mr Murphy:** We allocated some funding to the Department for the Economy before the end of the previous financial year to cover some of the gaps in relation to some job intervention schemes. I am not certain whether it was directed through Invest NI, but I think that the figure was in the region of £40 million. I will double-check that and communicate it to the Member.

As the Member knows, the Department for the Economy has a standstill budget for this year. That presents significant challenges. Although we have been able to fully allocate the money for the economic recovery programme that it has developed, which, undoubtedly, will involve job promotion and apprenticeships, and, I am sure, Invest NI, there is no guarantee that we will be able to replace any of the other funding that Invest NI relied on in previous years. It is, as you said, unacceptable. It is very challenging. We do not have certainty about that position. What has been indicated so far falls way short of what we were previously in receipt of. That applies also to Agriculture,

which has identified a shortfall of some £14 million in relation to what it previously received under EU funding.

### 3.00 pm

**Mr Blair:** Before I ask a question, Mr Speaker, maybe you would permit me a moment or two to wish Paula Bradley all the very best on her elevation. Paula and I are, of course, former council colleagues, or adversaries, whichever way you look at it. We would not say that, but I genuinely wish her well.

Will the Minister confirm whether his Department, solely or with the Department for Communities, is working with councils to organise the bids for the Community Renewal Fund?

**Mr Murphy:** No, we are not. Due to the way that the Community Renewal Fund has been set up, we have been told that the only area that the Executive can have an interest in is transport because they are the sole authority responsible for public transport here.

The second theme, if you like, of the Community Renewal Fund is town centre renewal. Even though Communities would have a natural interest in that, we are told that it is not an area where Executive bidding can be allowed. Culture and arts is the third theme, and, again, we have been told that that is not a function of the Executive.

I am sure that if the councils or anyone else come to us we will provide whatever information and assistance that we can, but it is very unclear how the fund is functioning. The Executive have been restricted to one aspect of it.

## Social Value Policy

4. **Ms Brogan** asked the Minister of Finance to outline the role of his Department's Innovation Lab in the development of a new social value policy. (AQO 2050/17-22)

**Mr Murphy:** The Department of Finance Innovation Lab delivered a one-day insight lab on Wednesday 5 May 2021 that was designed to encourage consensus on a road map that will deliver the Department's aim of increasing social value in public procurement.

The event engaged with participants and sought thoughts on time frames, targets and scoring with a view to informing a road map to an effective and workable policy that can be

implemented quickly. Participants considered case study contributions that were provided by invited keynote speakers from across these islands. The Innovation Lab report will inform a paper that will be presented at the next Procurement Board meeting, which is on 9 June.

**Ms Brogan:** I thank the Minister for his answer. I commend him for his ability to find new and innovative ways of working, in this case to generate employment and opportunities that would otherwise not have been there. When does the Minister expect the new social value policy to come into force?

**Mr Murphy:** I already had a discussion with officials who were involved in and managed that from the procurement side. As I said, the intention of the Innovation Lab is to collate and compile the outcome of the event to inform a paper, which we are already developing, to bring to the Procurement Board on 9 June. In anticipation that that gets through the Procurement Board, my intention is to then bring it to the Executive at the earliest opportunity.

We have changed the way that we do procurement policy in order to bring matters like this to the Executive for their endorsement. That gives us a much stronger place in each Department rather than procurement simply being a policy issue for the Department of Finance. I look forward to that meeting with the Procurement Board to get this important area of work advanced and to then getting Executive endorsement to make sure that there is a consistent approach across all Departments and arm's-length bodies (ALBs).

## **Prison Officers: NICS Support**

5. **Mr Beattie** asked the Minister of Finance for an update on actions taken by the Northern Ireland Civil Service (NICS) human resources (HR) following the two reports by the Department of Justice on its review of the support services for serving and retired prison officers reports. (AQO 2051/17-22)

**Mr Murphy:** I believe that congratulations are due to the Member also. There has been a lot of elevating in recent days. I wish him well in his new role.

The Member's question refers to reports that were commissioned by the Minister of Justice. Officials from the Department of Justice are engaging with officials in NICS HR, which is the human resources capacity in the Department of

Finance, on the implementation of the relevant recommendations in those reports.

Implementation falls to the Department of Justice, and that Department is best placed to report on progress. However, I understand that Department of Justice officials have been engaging with NICS HR and have identified as a priority a recommendation to embed an HR team within the Prison Service. NICS HR already has some staff embedded within the Prison Service, and work on developing that further is progressing well. It is envisaged that the embedded team will be in place by the summer of this year.

**Mr Beattie:** Thank you, Minister, and it is almost as though you looked at my supplementary and gave me the answer straight away. It was about embedding staff within the headquarters of the Northern Ireland Prison Service (NIPS) because it is unique in the way that it delivers its service compared with other parts of the Civil Service. Will you extrapolate a little on what you just said? Do we know how many people we are likely to put in as part of that team at the grade that was recommended?

**Mr Murphy:** As I said, there already are a number of people allocated to HR within the Prison Service, but I think that the report's recommendation was for a bespoke service. As the Member said, there are unique features there that require their own particular service.

I do not have the detail. The Department of Justice and the Department of Finance, between them, will have that. When the team is in place, it will look at the HR function in other Prison Service operations to make sure that it has a comparable approach that builds on best practice elsewhere.

**Mr Lyttle:** Will the Minister provide an update on the ending of the use of the term "inefficient" by NICS HR when referring to prison officers who are absent from work due to mental ill health? Has the Department of Finance scoped the cost of the recommendation for an extension of eligibility to former prison officers for support from the Police Rehabilitation and Retraining Trust?

**Mr Murphy:** On the first issue that the Member raised, the absence management policies have been merged to create one new sickness absence management policy that does not have the word "inefficiency" in its title. The word is referred to only at the dismissal stage, and the reason for that is that the grounds for dismissal

are linked to rules set out in the NICS compensation scheme, which uses the term "inefficiency". As soon as the trade union consultation is complete and the Departmental Solicitor's Office has completed a final review of the revised policy, a suite of revised letters and guidance will be published. That is expected to happen by no later than the end of June this year.

On the second matter, I will have to make some enquiries and come back to the Member in writing.

**Mr O'Toole:** On the broader point of Civil Service reform, Minister, we know that there are profound issues. Reports, including the Northern Ireland Audit Office's report last year, keep telling us that. We expect a full package of Civil Service reform. When can we expect to see that?

**Mr Murphy:** We are progressing that as we speak. Of course, the Department of Finance will take the lead on that, but it applies to all Departments. I expect that the Public Accounts Committee will follow up on the Audit Office report with a report of its own. Officials have been before the Public Accounts Committee to give information and evidence of progress on those matters.

We are in the middle of a substantial recruitment programme, and we want to push forward a substantial apprenticeship scheme across the Civil Service. All of that will contribute to an influx of new members and, hopefully, a much more diverse input into the Civil Service so that it reflects society as a whole. We will continue to progress that, and I will keep the Member and the Committee on which he sits updated as we do so.

## **Budget 2021-22: Loss of EU Funding**

6. **Mr McCrossan** asked the Minister of Finance for his assessment of the impact that the loss of EU funding has had on the 2021-22 Budget. (AQO 2052/17-22)

**Mr McCrossan:** I also congratulate Paula Bradley and Doug Beattie on their recent elevations and wish them well for the challenges ahead.

**Mr Murphy:** Due to the nature of EU funds, the financial framework in which they operate and the uncertainty around replacement funding, it is difficult to quantify the loss of EU funding for 2021-22. Despite the British Government's assurance that farm payments would be funded

in full, due to the approach that they have taken, DAERA projects a £14.4 million loss in farm payments for 2021-22.

The continued lack of information on the Community Renewal Fund and the Shared Prosperity Fund means that we are unable to make a complete assessment of the reduction in spending power in relation to the other funds. However, the limited information that we have, coupled with the delivery mechanism for these replacement funds, tells us that the result is likely to be detrimental to the Executive's Budget, and, if the Shared Prosperity Fund is delivered in the same way, that detriment will be amplified in future years.

The Department for the Economy was allocated £42.5 million by the Executive in the 2020-21 January monitoring round to help to mitigate the impact of reduced income from EU structural funds in 2020-21.

**Mr McCrossan:** Thank you, Minister. What are you doing to ensure that the replacement funding for cross-border projects is determined and allocated locally, rather than being decided on by and distributed directly from London?

**Mr Murphy:** It depends very much on what London intends to distribute that funding for. As the Member knows, Peace funding will continue, and we are consulting on PEACE PLUS. That takes in the old Peace funding, which is at the Peace IV stage, and INTERREG funding, which was specifically for cross-border projects, and merges them into one fund. The new fund will continue for five or six years, and there is potentially over €1 billion in that. We will, of course, continue to engage with the Government in Dublin on the Shared Island Fund, which will also be beneficial in cross-border terms.

Where some of the existing projects that were funded under EU funding schemes do not fall within PEACE PLUS or the Shared Island Fund, we will continue to engage with the Treasury, as I have been doing with my Scottish and Welsh counterparts, to establish the fact that the Executive should have a role in doing that and that spending here should be against Executive priorities and not against levelling-up priorities that are decided in Whitehall. We have a unique set of circumstances here in relation to cross-border projects, which are in two jurisdictions. We need to respect that, and we continue to engage with the Treasury on that basis.

**Dr Archibald:** Our budgets are under ever-increasing pressure as a result of cuts to the block grant and, as has been described, the loss of European funding. Both of those, I might add, are the result of decisions that were taken in Britain. Will the Minister outline the medium- to long-term impact of the COVID pandemic on the Budget?

**Mr Murphy:** Last year, as the Member will know, we received a significant additional allocation of £3.3 billion of COVID funding, some of which we have been able to carry over. This year, however, we are struggling with a flat-cash rollover Budget, and, so far, we have received in the region of £900 million of additional COVID funding, which we allocated largely in the Budget that was announced in the last number of weeks. We are engaged in an exercise to allocate about £300 million of that so that Departments will, early in the year, have a sense of what they have to spend.

That is as much, as we have indicated, that we will get. It will be very challenging against the backdrop of an expected general economic downturn. In the early stages of reopening, people will expect some increase in economic activity, but, over the longer period, it is expected that there will be a downturn. That will mean less revenue for a lot of Departments as well. It will be a very challenging time. We are glad of the additional money that we have received, but I have no doubt that the approach of a one-year Budget that does not give us any additional cash will be very challenging for the Executive.

## Community Renewal Fund

7. **Mr Beggs** asked the Minister of Finance whether he has engaged with the Department of Housing, Communities and Local Government, the community and voluntary sector and local councils regarding the £11 million funding that has been allocated to Northern Ireland as part of the UK Community Renewal Fund. (AQO 2053/17-22)

**Mr Murphy:** The Community Renewal Fund is the pilot for the Shared Prosperity Fund, which is intended to replace EU structural funds. I have discussed both funds extensively with Ministers from the Cabinet Office, the Treasury, the Ministry of Housing, Communities and Local Government (MHCLG), the NIO and from other devolved areas. I have also had frequent engagement with local government and third-sector organisations. My most recent meeting was with Michael Gove at the Cabinet Office on 12 May. Prior to that, together with the

Economy and Infrastructure Ministers, I met the MHCLG and NIO Secretaries of State on 10 March.

The £11 million has not been allocated to us as the question suggests. The MHCLG plans to deliver it directly, using the Internal Market Act 2020. It is also not new money; it is spending power that should have been given to the Executive to deliver. That approach cuts across the responsibilities of the Executive. The role that is envisaged for the Executive is to apply for a limited range of the funding and to comment on applications. The £11 million also falls far short of the amount that we would need to replace EU structural funding, by which, in past years, the Executive have benefited from some £70 million per annum. On what we know so far about those funds, Brexit will have cost the Executive a significant sum.

**Mr Beggs:** Earlier, the Minister seemed to indicate that his Department has not been consulted about the fund, yet local government is seeking to be consulted. In the rest of the United Kingdom, however, local government is mentioned as a strategic partner in relation to coordination and in ensuring that collaborative bids are made and opportunities are maximised. Will the Minister go back to the Ministry of Housing, Communities and Local Government to seek to ensure that there will be collaboration in Northern Ireland with local partners in order to maximise the opportunity that is being made available to us?

**Mr Murphy:** That is what I would expect the Department to do. We have not received that type of information. The functions of local government in Britain are different from those of local government here; they are much more limited. We have been told that there are three themes, but the Executive are able to express an interest in only one of those themes — transport — and the other areas of town centre renewal and arts and culture are outside of the Executive. We are happy to work with local government and to make sure that, with the limited funding that is available and our limited input to it, we can maximise whatever we can from that. We are happy to continue to engage with Departments in Britain because we have been trying to get as much information on those issues as we can for some time now. We will continue to press for that information and for a different approach. Ultimately, even if we maximise what is possible under the current arrangements, it will still be way short of what the Executive had under EU funding.

3.15 pm

**Mr O'Toole:** Does the Minister share my amusement at the irony of Members of parties who backed Brexit standing up and decrying the loss of EU funding that communities and local government in this place are facing as a result of Brexit? Does he agree with me that one of the few opportunities that there is is the Northern Ireland protocol, which gives us access to two markets, including the European single market of half a billion people?

**Mr Murphy:** I do not recall it being written on the side of the bus when it was starting on the Brexit tour that we were going to end up as net losers as a consequence of that exercise, even though, as the Member will, I am sure, recall, many of us warned of a detrimental outcome.

There are significant opportunities. There are expressions of interest from different parts of the world, given our unique position in the British markets and the European markets. It is time to get beyond the noise about Brexit and the protocol, resolve any issues that arise from it in the best interests of businesses here — there are supply chain issues across the world that have nothing at all to do with Brexit that are impacting on here as well — and get on with availing ourselves of the opportunities that are presented by the situation with the protocol and our unique position between both markets.

**Mr Speaker:** I call Paul Frew. The Member will not have time for a supplementary.

### **Dormant Accounts Fund: Applications**

8. **Mr Frew** asked the Minister of Finance how many groups applied to the dormant accounts fund. (AQO 2054/17-22)

**Mr Murphy:** The purpose of the dormant accounts fund is to build capacity, resilience and sustainability in the third sector. The purpose of and criteria for the fund were informed by a significant consultation and engagement process with the sector, and it has been co-designed to reflect that aspect of local needs. It includes supporting new and innovative ways of working, supporting cross-organisational working and developing the skill sets in organisations to allow them to thrive into the future.

There were 211 applications to the fund between 12 January and 30 April. The fund does not have a closing date and remains open. To date, the success rate of applications has been relatively low, because many of them received have sought replacement programme

funding and not met the capacity-building requirements. My Department is working with the National Lottery Community Fund to promote the overall purpose and to encourage new and resubmitted applications. The fund is not a programme replacement fund. Rather, it is designed to meet the gaps that traditional funding models cannot address.

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

### **Civil Service Pay Offer**

T1. **Mr Carroll** asked the Minister of Finance, given that, in a previous answer to him about the pay offer that was made to civil servants for this year and next, he quoted a figure that was higher than the 1% that was offered, to confirm that that figure included progressionary pay that was due to be awarded regardless and that the offer to those workers is actually 1%. (AQT 1311/17-22)

**Mr Murphy:** What I can confirm is that a pay offer has been made to the recognised trade unions, and a pay bulletin was issued to all civil servants last month. It is a two-year pay offer and represents a 4.8% increase on the Civil Service pay bill over two years, at a cost of £44 million. It will make the Civil Service a living-wage employer, fulfilling the New Decade, New Approach commitment. It focuses on the lowest paid, fulfils the commitment to multi-year pay offers, where that is possible, and improves terms and conditions for staff. It is the best that can be offered in very difficult circumstances, against a flat Budget from Westminster. Importantly, the Executive agreed not to follow the pay freeze imposed for 2021 by the Westminster Government on most civil servants in England. The pay offer is a difficult balance between recognising civil servants for their work and managing public money carefully in the face of the most challenging economic position for many years.

**Mr Carroll:** Thanks to the Minister for his answer. Minister, my understanding is that that 4.8% includes progression and that 60% of workers will not see any real-terms increase in their pay. I also understand that the Tories include progression as part of pay offers as well, as a way of disguising meagre pay offers or, indeed, pay cuts. I expect workers to reject the offer, and if they do, they will have my full support. If that is the case, what will the Minister's response be to those workers?

**Mr Murphy:** I will await the response. I have had discussion and dialogue with a number of trade unions. Some of them have been very receptive to what has been offered, while others have taken issue with it, and that is their right. They all know from my discussions with them over the year that I would like to be in a much better position in order to make a much better pay offer to them. Given what is available to us, however, we have done our very best. We also got the Executive to break with the pay-freeze policy that has been established in Westminster. The previous time that a pay freeze was introduced in Westminster, it went on for a number of years, and it took effect here as well. We have broken with that tradition, and a number of the unions recognise and appreciate that. I will wait on the outcome of the consultation. It is up to the members to decide their approach, and we will respond accordingly then.

## Social Value Legislation

**T2. Ms Ní Chuilín** asked the Minister of Finance, following his response to Nicola Brogan's question about social value policy, to give an indicative time of when he anticipates social value legislation being introduced in the Assembly. (AQT 1312/17-22)

**Mr Murphy:** The social value measures about which I was responding to the Member for West Tyrone were in relation to procurement policy matters, which we are progressing through the Procurement Board and will then take to the Executive. I have indicated a long-standing desire to do social value legislation as well to complement and reinforce that. Obviously, with the pandemic and the emergency approach, on all of the other issues that all of the Departments were facing, a lot of our planned legislation has been kind of shunted sideways. We are trying to pick that up, and I am hopeful that we will have time left in the mandate to get social value legislation devised and through the Assembly. I think that what we are doing with procurement will have a significant impact, but I would like to see that reinforced by legislation.

**Ms Ní Chuilín:** If a social value Act proceeds through the Assembly, as, all being well, we all hope that it does, how will the Minister ensure that each Department takes seriously its responsibility for procurement commissioning and tendering?

**Mr Murphy:** Part of the reconstitution of the Procurement Board, even outside of legislation, was to recognise that we wanted to bring on practitioners to get the best possible policies that were well tested through dialogue on the

board and also to make the approval of procurement policy an Executive matter rather than just a matter for the Department of Finance. It was previously a Department of Finance policy, and we tried to encourage other Departments, down through to their arm's-length bodies and agencies, to respond accordingly. We agreed that an Executive endorsement of procurement policy gives it a consistency through each Department, so we will expect each Minister in the Executive to ensure that something that they endorsed is followed through right down through the Department. We hope that, when we get this policy agreed and endorsed by the Executive in this next short while, we will see some real change. It is a progressive policy and is starting out where it needs to start to have impact, but its ambition is to go much further over the time ahead.

## Civil Service Recruitment: Derry

**T3. Ms Mullan** asked the Minister of Finance, after welcoming his recent announcement of a recruitment process to fill 500 executive officer 1 and executive officer 2 positions in the Civil Service, to confirm whether any of the posts will be based in Derry. (AQT 1313/17-22)

**Mr Murphy:** As I said, the recruitment process has just started, and it is part of a much wider programme of reform in the Civil Service. We also want to push forward with an apprenticeship scheme, which, I think, will also be beneficial. I do not have the precise figures, but I am told that most of the jobs will be located between Belfast and the north-west. That will then be complemented by the regional hubs that we are promoting, which means that people who are considering jobs in the Civil Service, particularly those jobs that are headquartered in Belfast, do not have the same consideration of having to travel five days a week from more peripheral areas around the border in and out of Belfast every day. That makes those jobs more available to them. I hope that, over the course of all these matters coming together, we see a much greater transition in the make-up of the Civil Service — in gender, in disability and in sexual orientation — so that it is a Civil Service that truly reflects the entire society that it serves.

**Ms Mullan:** I thank the Minister for his answer. As someone who travels from those parts, I know that that would be very welcome for many. Minister, will you consider putting in place measures to ensure that those from the most disadvantaged areas and background are

given the best opportunity to avail themselves of the new employment opportunities?

**Mr Murphy:** We have been making a substantial push with the recruitment exercise that is ongoing to make sure that there is a very widespread knowledge of that, that people are encouraged to apply and that the Civil Service makes it very clear that it is an equal opportunities employer, welcoming applications from across society. I think that the apprenticeship scheme will be important in looking to people who come from sectors or geographical areas from which they would not have traditionally considered applying to the Civil Service and in people realising that there are opportunities for them there. Through doing that and, as I said, through changing the work practices in the Civil Service estate, we can get a much more diverse Civil Service that reflects society.

### **Childcare Sector: Support Schemes**

T4. **Mr K Buchanan** asked the Minister of Finance whether he will try to provide support to the group within the childcare sector that was not eligible for any of the rates-based support schemes, albeit those under £15,000 net annual value (NAV) received £10,000, while those over £51,000 NAV received £25,000. (AQT 1314/17-22)

**Mr Murphy:** No matter how we devise one of these schemes, you will always find that people have fallen outside them for some reason. I had a discussion with LPS this morning, and that issue was raised in relation to that specific part of the childcare sector. It is very difficult to devise schemes to include everybody. We are now operating on a very limited amount of COVID money that is left. We have other areas, including multiples, that we have not been able to address to date, and we are trying to get support to them. We recognise that other supports have been available for some sectors as well. We are trying to take all that into account. However, I will continue to look at where we find gaps and see what we can do in the time ahead. We are coming to an end of that type of support scheme through the rates body. As I said, we discussed that this morning. I cannot promise anything, except that we will continue to look for where the gaps are and whether there is anything that can be done for them.

**Mr K Buchanan:** I thank the Minister for his answer. My supplementary question is on the LRSS. Some businesses in my constituency have received £3,000, £5,000, £6,000 or

£8,000, but they are now being asked to pay it back because of errors in your Department. Those businesses needed that money to pay bills. They have paid the bills, and now they are asked to pay it back. What do you say to them?

**Mr Murphy:** Out of the hundreds of millions of pounds allocated over the course of that scheme, something like 1.7% was paid out in error. That it is a very high success rate for a scheme that was done quickly by an agency that is not a grant-giving agency but a revenue intake one that repurposed itself to do that. I accept that, in doing that at the pace with which it was done, it was inevitable that there were going to be some mistakes. LPS will work with people. If people feel that they are wrongly being asked to return money, they can appeal. Some of those cases have been revisited and the payments upheld. I advise them, in the first instance, to engage with LPS and appeal if they feel that they are being wrongly charged.

Some of them may have wrongly received LRSS but are actually entitled to some top-up, so you may find that one payment will cancel out the other. They should engage with LPS to find out whether it is the case that LRSS was wrongly applied to them, and they might be able to avail themselves of an additional scheme that will compensate for that. I advise them, in the first instance, to engage, but there has been a very small percentage of error in the scheme, which was huge and was done at a very significant pace.

**Mr Speaker:** I call Christopher Stalford.

**Mr Stalford:** I am fine. I was not aware that I was on the list.

### **LRSS: Backlog**

T6. **Mr Blair** asked the Minister of Finance, in light of the fact that, like many other Members, he continues to receive a significant amount of casework in relation to the localised restrictions support scheme, for an update on the status of the scheme, particularly the backlog in payments. (AQT 1316/17-22)

**Mr Murphy:** My Department is working through that backlog as quickly as it possibly can. It is good practice anyway, but, after discussions with the Audit Office, staff were obliged to reassess as they went along, to make sure that where errors were made, they would, at a very early stage, try to recoup the money lost. Therefore, they have written to a number of businesses about that.

I am not certain that there is much of a backlog at this stage, but I can find out for the Member what payments are due and valid for people. The main question in recent times has been the attempt to recoup some of the money. As I said, it represents some 1.7% of the total, which shows a significantly high level of success. As I said in response to the previous question, the scheme was developed at a fast pace, and people have been very grateful for the support on the ground. However, where errors have been made, it is a difficult situation for businesses. LPS will work with businesses to make sure that the error is corrected. If the money has to be recouped, arrangements will be made. However, they can also offset that, so that if the person is due another payment, perhaps from the top-up scheme for those who did not get LRSS, they should be fitted in there instead, LPS will ensure that it is taken from that, rather than the business having to find the money to repay it.

There are arrangements that can be worked through with businesses, but, in relation to a backlog, I am not aware that that is now a significant issue, but I will check with the Department and if there is any further information on that, I will get back to the Member.

**Mr Blair:** I thank the Minister for that answer. When the LRSS ceases, businesses will continue to operate in a situation in which their profitability and overall operations will be restricted because of continuing COVID regulations and restrictions. Will the Minister reassure us that that situation is being looked at to find solutions?

**3.30 pm**

**Mr Murphy:** The LRSS is defined by regulations that allow money to be paid out only when businesses have been advised or instructed to close or are severely impacted and restricted. I think that everyone recognises that businesses will struggle to get back to full trading. Undoubtedly, the restrictions and guidance on social distancing and all that will be in place for some time and will have an impact on businesses. As I said, the LRSS is able to pay money only if businesses are forced to close or are severely restricted.

We have fully funded the Department for the Economy's economic support and recovery package to try to assist businesses in other ways, and, of course, measures such as the voucher scheme are coming through. There will also be a rates holiday for quite a lot of

businesses next year, so a lot of people in retail and hospitality will have two full years without having paid rates. There is continued support for businesses, but not through the LRSS. That is obliged to stop once businesses reopen.

**Mr Speaker:** A number of Members are not in their places. I call Declan McAleer. You may have time for only one question.

## Levelling-up Agenda

T10. **Mr McAleer** asked the Minister of Finance for an update on the levelling-up fund, given that previous answers referred to, amongst other funds, the UK Community Renewal Fund. (AQT 1320/17-22)

**Mr Murphy:** It is not so much a levelling-up fund. The expectation is that the Shared Prosperity Fund will be set against a levelling-up agenda. Most people who understand British politics will understand that the levelling-up agenda is focused largely on the north of England, where, undoubtedly, there is economic deprivation. There are significant areas of deprivation here and, I am sure, in Scotland and Wales as well. In any dialogue that I have had with the Scottish and Welsh Finance Ministers, we have all felt that the levelling-up agenda is unique to England. If projects here have to bid for support on the basis of those criteria and in competition with projects in England, it will put us at an unfair disadvantage.

The Shared Prosperity Fund prospectus has not yet been released and is expected over the summer. The Community Renewal Fund is, if you like, the pilot scheme for that. If it continues in that vein, it will be detrimental to projects here. I do not think that we will receive anything like the same level of support that we would have had under EU arrangements.

**Mr Speaker:** Thank you, Members. Time is up. Can Members please take their ease for a moment or two?

**Mr Allister:** On a point of order, Mr Speaker. Earlier today, after the close of the Matters of the Day, I intervened to ask you to examine the comments of Mr Carroll. Having listened to the tapes, I am totally satisfied that he did not, as I alleged, use a swear word. I completely misheard him, and I have apologised to him. I also apologise to the House for wasting time in that regard and withdraw any suggestion that he used a swear word.

**Mr Speaker:** I thank the Member for taking the time to check the record. I also thank him for, as I understand it, contacting Gerry Carroll directly to explain all that and, indeed, informing my office that he intended to set the record straight in the Chamber this afternoon.

Members should take their ease for a moment or two.

## Committee Business

### Horse Racing (Amendment) Bill: Extension of Committee Stage

**Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 January 2022, in relation to the Committee Stage of the Horse Racing (Amendment) Bill [NIA Bill 20/17-22].*

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

**Mr McAleer:** This important legislation will facilitate the resumption of payments to Downpatrick and Down Royal racecourses, which have been unable to receive allocations from the horse racing fund in recent years. That has been caused by a change in the managing operator at Down Royal and the need to ensure that the fund complies with subsidy control regulations. The Bill seeks to address those issues to ensure that payments can once again be allocated to the two racecourses.

While the Bill is quite focused in its scope, it raises wider issues that may need to be considered by the Department on resourcing the fund, making payments and, potentially, making other entities eligible to receive payments. In order to ensure that the AERA Committee has the scope to give due regard to specific aspects of the Bill and other wider issues that it presents, the motion is submitted to extend the Committee Stage until January 2022.

**Mr Speaker:** No other Member has indicated that they want to speak on the matter. Normally, the Committee Chairperson is called to close the debate.

**Mr McAleer:** Thank you for the debate today [*Laughter.*] In order to give adequate scrutiny to the Bill and given the fact that the Committee has quite a tight schedule, particularly as we commence scrutiny of the Climate Change Bill, we respectfully request an extension of the Committee Stage of the Bill until January 2022.

**Mr Speaker:** A valiant exercise.

*Question accordingly agreed to.*

**Resolved:**

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 January 2022, in relation to the Committee Stage of the Horse Racing (Amendment) Bill [NIA Bill 20/17-22].*

**Mr Speaker:** Members can take their ease for a moment.

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

## **Private Members' Business**

### **Medicines and Medical Devices: Unfettered Access**

**Mr Buckley:** I beg to move

*That this Assembly recognises the importance of retaining unfettered access to the United Kingdom internal market for medicines and medical devices; notes that 98% of the medicines used in Northern Ireland are supplied from Great Britain; recalls that the barriers to trade in this area, imposed by the protocol on Ireland/Northern Ireland, are yet another reason why the protocol should be replaced; rejects the establishment of regulatory and customs controls on medicines moving between Great Britain and Northern Ireland; highlights that, if established, these arrangements would add cost for businesses and public services, restrict supply and jeopardise patient care across Northern Ireland; regrets that some GB firms have already severed ties with the Northern Ireland market; expresses grave concern that existing grace periods are due to end on 1 October 2021 and 1 January 2022 in the absence of a solution; and calls on the Minister of Health to work with his Executive colleagues to resist strongly disruption to east-west trade for medicines and medical products in all circumstances.*

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

**Mr Buckley:** I speak on this most serious of issues in the hope that Members across the House will accept the spirit of what I say and the serious nature of the debate. The issue of medicines and medical devices goes to the heart of why I believe that the Northern Ireland protocol is harmful to Northern Ireland citizens. If it does not highlight the protocol's harmful insanity, I fear that nothing will.

The perilous implications of imposing the protocol on Northern Ireland have been well documented. First and foremost, we are all too aware of the economic disruption directly consequent from the implementation of the arrangements. Like many other Members, I have been contacted by hundreds of people

giving examples of the burdens placed on consumers, businesses and everyday supply chains. In this brief period, we have witnessed a snapshot image of the long-term unworkability and unfairness of the new arrangement, which, ultimately, impacts on trade across all sections of the UK and draws a dagger across our tried-and-tested market.

Beyond the economic impact, this roughshod arrangement has been thrust upon Northern Ireland with no support from the unionist community. Nothing on the ballot paper or in the result of the 2016 referendum made the protocol inevitable or desirable. Best of all, those in the House who are champions of the protocol portray it as a compromise and a necessary evil to keep the land border open. That is to the detriment of the health of every one of our citizens. What sort of compromise is it? How does accessing medical supplies pose a risk to the EU single market? Historically, Northern Ireland's model of supply has relied on the free movement of supply from Great Britain, and, to that end, it comes as no surprise that 98% of the medicines and medical devices used in Northern Ireland are imported from or via Great Britain.

**Mr Stalford:** I am grateful to my friend for giving way. The Member knows that the debate takes place in a context. One of the contexts is that, as a consequence of COVID, we have had to cancel more than 16,000 surgical operations and 320,000-plus people in Northern Ireland are on a waiting list. Does the Member agree that denying those people medicines and access to medical equipment is an act of cruelty?

**3.45 pm**

**Mr Buckley:** The Member makes a valid point. I will come to that issue later in the debate.

With 98% of medicines to Northern Ireland coming from the GB mainland, you will not find a clearer example of how the protocol is harmful to every citizen in Northern Ireland.

**Ms Ennis:** Will the Member give way?

**Mr Buckley:** I will give way shortly. When the grace period ends, all medicines coming into Northern Ireland from Great Britain will be treated as goods entering the EU from a third country and will be subject to additional batch testing and certification. From 1 January 2022, when the grace period ends, all the medicines used in Northern Ireland will have to comply with the EU's falsified medicines directive. That

affects the packaging of medicines, and the same requirements will not apply to products marketed in GB. Medicines in Northern Ireland must comply with the European licence and requirements set out by the European Medicines Agency (EMA) while those in GB do not. In addition to those checks, Northern Ireland will allow for EU regulations on vaccines and clinical trials from which we have benefited enormously in recent history. If ever there has been a case for the need for closer alignment on medicines — from paracetamol to vaccines for COVID — it is quite clear that Northern Ireland has benefited immensely.

I pay tribute to the Minister and the vaccination team, headed by Patricia Donnelly, on the efficiency in which the programme was rolled out in Northern Ireland. Can you imagine the disaster if the grace period did not apply and Northern Ireland did not have access to those life-saving vaccinations?

**A Member:** Will the Member give way?

**Ms Ennis:** Will the Member give way?

**Mr Buckley:** I will give way shortly. I have to get through this. I will have time to come back to you.

We have not seen the impact that the protocol will have on medicines and medical devices because it has been covered over. I welcome the fact that there has been a grace period, but the impact has been masked. When that ends, suffering will be inevitable because of the Northern Ireland protocol. All these measures and barriers to supply for the proposed differentiated arrangements for Northern Ireland will require segregated, complex and costly supply chains.

Throughout the pandemic, we were made abundantly aware of the benefits of unfettered access to the national distribution and supply network through the success of the UK COVID vaccination programme across all regions. That would not have been possible without the existence of the grace period. Some 98% of supplies to the Department of Health come from the mainland and are valued annually at £600 million. Despite that, the protocol would create small and segregated NI-only pools of products with the risk that separate licensing, labelling and customer requirements will prevent medicines, made to GB specifications, being sold in Northern Ireland. My colleague Pam Cameron and I have met many of those GB companies, and they fear the additional burden that this will put on their supply chains. Many of

them, I imagine, will look at Northern Ireland as no longer being a place in which they will do business. The British Generic Manufacturers Association (BGMA) has made it clear that that will prevent identical products from being sold to GB and NI, meaning businesses will have to duplicate resources and supply lines, and firms may need to build extra warehousing and hire more staff to ensure that medicines comply with both UK and EU regulations. It simply is not viable in the long term. Given the small margins, that will simply not be sustainable. Some GB manufacturers report that up to 90% of medicines could be at risk of being withdrawn.

Alongside the cost of creating a Northern Ireland-only pool of products, the protocol is likely to impact and prohibit the treatment of specialist illnesses. A headline in the 'News Letter' last week told of specialised cancer drugs not being allowed access to Northern Ireland as a result of the protocol. That is harmful in so many ways, yet parties in the House call for its rigorous implementation. In today's debate, I want Members from those parties to recognise the folly of their words.

**Ms Ennis:** I thank the Member for giving way. If the DUP is genuinely concerned about the impact that Brexit will have on health, why do I not hear it talking about the new barriers that EU healthcare workers are facing and the impact that those barriers will have on staffing levels? Why do I not hear the DUP talking about the cross-border health directive? Surely those issues will have an immediate impact on our health service. I would like to hear you talk about that, Mr Buckley, instead of the motion that is in front of us and the inaccuracies that it presents in an attempt to deflect from the protocol. The issue for health is not the protocol. Rather, the fundamental issue is that Brexit is bad for health. That is a Brexit that you voted for —

**Mr Buckley:** I have given [*Inaudible.*]

**Mr Deputy Speaker (Mr Beggs):** Order.

**Ms Ennis:** — that you championed and that you still support today.

**Mr Deputy Speaker (Mr Beggs):** Order, Members, please. I remind the Member that interventions are meant to be brief and that, if you wish to do so, you can put your name down to make a speech.

**Ms Ennis:** I was finishing. He did not have to interrupt.

**Mr Deputy Speaker (Mr Beggs):** You still have the floor, so it is back to you.

**Ms Ennis:** Thank you. I will finish my point. The protocol is not the issue that is facing health. The issue is that Brexit is fundamentally bad for people's health. That is a Brexit that —

**Mr Buckley:** I thank the Member for her intervention, and now I will continue.

**Ms Ennis:** — the DUP championed, that the DUP voted for and that the DUP still supports today.

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr Buckley:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker (Mr Beggs):** Order. Everyone, please calm down. I gave the Member an opportunity to finish her intervention. I hand back to you, Mr Buckley.

**Mr Buckley:** On a point of order, Mr Deputy Speaker. Is it not in order that, when they give way for an intervention, Members are entitled to take the Floor again when they wish to do so?

**Mr Deputy Speaker (Mr Beggs):** Whenever Members give way, they give the Floor to whomever they give the Floor to. Courtesy would normally result in their getting it back after a brief time. You are running out of time, Mr Buckley.

**Mr Stalford:** Further to that point of order, Mr Deputy Speaker, can you clarify that it is standard custom and practice in the House that interventions should be brief and that that intervention was not brief?

**Ms Ennis:** He would not stop interrupting me.

**Mr Deputy Speaker (Mr Beggs):** Order, Members. That is enough commenting from sedentary positions. I have said already that interventions should be brief.

I call Mr Buckley.

**Mr Buckley:** I will happily debate any of the issues that were mentioned by the Member, but today I am talking about medicines and medical devices, 98% of which come from GB and are directly impacted on by the Northern Ireland protocol. The Northern Ireland protocol does not look at those patients with care and consideration. In fact, quite the opposite is the

case. Only last week, a constituent told me that the manufacturer of the MS drugs that they need has claimed that the supply line will be disrupted because of the protocol. That is in addition to the threat to the supply and choice that is available to local health and social care services, to access to clinical trials and to exciting new developments in the production of medicines, including vaccine supply. Those will be threatened or, at the very least, slowed down. The reality is that, although the protocol was championed with false promises —

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

**Mr Buckley:** — the issue of medicines and medical devices must be addressed, the protocol must be removed, and we must get to a stage at which this place is not held to ransom by the European Union and the protocol.

**Mr Gildernew:** I welcome the opportunity to make some brief remarks outlining the Health Committee's consideration of the issue, before I speak as my party's health spokesperson. At the outset, I point out that the Committee has no agreed position, but I will outline its consideration of the matter to date.

The Committee received a number of Brexit briefings from Department of Health officials, who were joined by Executive Office officials at the most recent briefing, on 15 April 2021. During that briefing, the Chief Pharmaceutical Officer outlined how the pharmaceutical industry currently benefits from a grace period for medicines, which was introduced at the start of January to give the industry a further 12 months to prepare for changes. The Committee has scheduled a further briefing on Brexit-related issues for late June. At that point, it expects a detailed update on the progress that the Department has made on dealing with the issues that have been raised.

I will now make some remarks as the Sinn Féin spokesperson for health. There is no good Brexit for Ireland, North or South. The majority of people here voted against it. Our membership of the EU was a fundamental component of the peace process and formed the foundation of the Good Friday Agreement. The protocol is not perfect, but it mitigates the worst of Brexit. It is an internationally agreed and binding treaty that prevents a catastrophic hard land border.

Brexit itself is the problem. When he moved the motion, the Member talked about drawing a

dagger across the throat of long-established markets, but that is exactly what Brexit has delivered. We would not be here debating this issue if the British Government did not go down a path of a hard Brexit with maximum disruption and divergence. The Tories, enabled by the DUP, chose this hard Brexit, and you must both own it. Innumerable opportunities were available to minimise divergence in medicines regulations, as well as in trade and many other areas.

The Members opposite, whose party brought the motion today, may have been fooled, beguiled or bought by the lies of a Tory Government that no more have your interests at heart than they have mine or ours, but we are not fooled, and nor should any Member or party in the House be fooled by the faux outrage and false narrative contained in the motion. Instead, we must concentrate on dealing honestly with the issues that Brexit is raising and will continue to raise. We should recognise that the supply of medicines and medical devices is a complex undertaking, featuring a series of interlinked processes across Europe and the world. Indeed, it is the reality that 70% to 80% of Britain's medicine supply comes via a European border. We need to maximise the potential of the grace period and work in good faith and honestly, Members, with all partners, including Europe, in that effort. Burying our heads in the sand will not help in that regard.

If we want to talk about threats to our health system from Brexit, we could talk about, as has been mentioned, the serious long-term staff shortages in hospitals and care homes that are being exacerbated as a result of the additional red tape around recruiting EU healthcare workers. We could talk about the loss of the cross-border healthcare directive, which is already having an impact, and I am sure, Members, that you are all hearing of constituents who are being impacted by the loss of that directive. Those are also looming crises to our health service, but they are because of Brexit alone and are nothing to do with the protocol. The fact is that Brexit is bad for our health. It is not the protocol that is the problem here; it is the Brexit that the party opposite called for, worked for and connived with English nationalists for against the democratic wishes and interests of our people here in the North.

I call on everyone here today —.

**Mr Allister:** Will the Member give way?

**Mr Gildernew:** I will.

**Mr Allister:** In this distortion of reality, does the Member not recognise that Great Britain has free access to, for example, Tagrisso, which is a treatment for lung cancer? Northern Ireland does not, and why? Because of the protocol. Not Brexit, but the protocol, because the protocol keeps us within the ambit of the European Medicines Agency.

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

**Mr Gildernew:** I thank the Member for his intervention, but surely the Member knows that Britain imports 70% to 80% of its medicines from Europe, and up to 90% of its medicines comes from the wider global supply chain. Medicines are not a British issue. I heard reference earlier to the vaccination programme. AstraZeneca, a key vaccine that has helped here, was developed in conjunction with a German and European company, manufactured in Belgium and funded by the European Union. That is where medicines supply and healthcare sit in the world today.

I call on everyone here today to reject this attempt at misinformation and misrepresentation and to reject the motion. Let us set about the real work, Members, of rebuilding our health and social care sector, and let us stop wasting time with the cynical political opportunism and fearmongering from the Members across the Chamber.

**Mr O'Toole:** First of all, I am somewhat disappointed that none of the amendments to today's motion — I know that several were tabled — was accepted. They would have allowed a greater richness of debate, and people had put down alternative wordings.

**Mr Stalford:** On a point of order, Mr Deputy Speaker. Is it appropriate for a Member to question the decision of the Speaker's Office on the tabling of amendments?

**Mr Deputy Speaker (Mr Beggs):** The Member is perfectly correct: we are not here to debate amendments that were not chosen. I ask Members to debate the motion in front of us.

**Mr O'Toole:** OK. To be clear, Mr Deputy Speaker, I did not question any judgement. I expressed regret that they were not accepted. That is not the same thing, and it is disingenuous of my colleague from South Belfast to state otherwise.

4.00 pm

Today's motion concerns movement of medicines and medical devices. It is an entirely legitimate subject for debate. I am in no way suggesting that the Members opposite should not debate these issues. However, there is a somewhat insincere decision to frame the issues as having been produced by the protocol. It is as if, somehow, the protocol is sui generis: it came from nowhere. It dropped from space. Perhaps someone in Brussels got in a room with the Alliance Party, the SDLP, Sinn Féin and the Irish Government and they decided to come up with a protocol out of nowhere. The protocol is a response to —.

**Mr Allister:** *[Inaudible.]*

**Mr O'Toole:** You overdo —. From a sedentary position, the Member for North Antrim somewhat exaggerates our influence.

The protocol is a response to decisions made by the UK Government. They made repeated decisions to break away from the regulatory ambit of the EU single market and to do so in a way that has prompted unfortunate consequences that go far beyond the Northern Ireland protocol. The protocol simply relates to movement of goods. It does not relate to services. Before I come to the specifics of medicines, it is important to say that the vast majority of our economy — 70% — is services. Services are not covered by the protocol, and that is having real-world consequences for healthcare.

The cross-border healthcare directive has been mentioned. The Minister's Department has written to trusts in Northern Ireland to tell them that, if they have any staff engaged in cross-border healthcare work — for example, nurses or doctors who accompany children to get cardiac care in Dublin, or people involved in providing cancer care in the north-west — they now need to be registered on both sides of the border. A vast range of complexities and difficulties has been thrown up by Brexit. Brexit is a disruption of regulation and of how we do a range of things. It is unfortunate, and I wish it were not happening.

It is important that we get a resolution to the issue of medicines and medical products. We are in a grace period, which was agreed long before the end of the transition period last year. It is worth saying again that the transition period should have been extended; that would have given us a long time in which to deal with this and many other issues to do with Brexit, not just in relation to goods and other matters affected by the protocol. The grace period that the Joint Committee agreed late last year is welcome,

and I know that the Joint Committee monitors and observes how we deal with movement of medicines and medical devices. It is a legitimate question. It is legitimate for us to engage with the Joint Committee, and I am sure that the Minister's Department will do just that. I am not ideological about this, but it is incorrect and wrong to portray the protocol as the root of all evil when it comes to these matters.

**Mr Allister:** Will the Member give way?

**Mr O'Toole:** I will briefly give way.

**Mr Allister:** I am sure that the Member has read the protocol. If he has read annex 2 of the withdrawal agreement, he will know that paragraph 20 imposes 11 EU regulations, all of which control medicinal products, and that paragraph 21 imposes five EU regulations that deal with medical devices. With or without grace periods, that is the heart and core of the protocol vis-à-vis medicine. That will not change unless the protocol goes.

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

**Mr O'Toole:** Thank you very much, Mr Deputy Speaker.

The Member is right that those directives are applied in Northern Ireland. He wants to upend and remove the protocol and is engaged in legal and political pressure to do so. That would be a very bad thing to happen. The protocol established a Joint Committee, joint consultative working groups and a whole range of other means of engagement with the European Commission and the UK Government for applying the protocol. That has already happened.

If the Member's solution to everything is simply to turn over the table and to throw everything in the air, what good will that do? I say that seriously to some Members opposite. I respect the fact that many of them dislike the protocol on principle, and I do not demean their concerns about it. I have many concerns about Brexit. I am deeply upset that constituents of mine who are EU citizens have to apply for settled status because we do not enjoy freedom of movement in this part of the world any more. We all have to deal with unfortunate consequences of Brexit. I regret the fact that doctors and nurses in Northern Ireland are having to register with Southern authorities simply to provide basic healthcare. These are difficult issues thrown up by Brexit. The right

way to deal with them is to engage in productive, constructive —

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

**Mr O'Toole:** — engagement via the Joint Committee. We will not be supporting the motion.

**Mr Chambers:** This debate would not need to be happening if there were no protocol nor a regulatory border down the Irish Sea in place. It is worth placing on record that a number of parties in the Chamber were quite happy to run down to Dublin and go across to Brussels for smiling photo opportunities, and to call on both the Irish Government and the EU to implement the protocol without delay. They were unashamed cheerleaders for the protocol. Indeed, in a letter that the leaders of the Alliance Party, Sinn Féin, the SDLP and the Green Party signed and sent to the Prime Minister in April of last year, they advocated for an EU office in Belfast:

*"to ensure the implementation of the Protocol on ... Northern Ireland which you negotiated".*

The DUP leadership initially welcomed the concept of a regulatory border down the Irish Sea, describing it as a "gateway to opportunity".

**Mr O'Toole:** Will the Member give way?

**Mr Chambers:** No, thank you.

This opened the door for Boris Johnson to push ahead. By the time that the DUP realised the consequence of its initial welcome and began back-peddalling, it was too late to stop it.

My family have operated a village supermarket for nearly 50 years. We can already see the creeping effects and consequences of the protocol. A large, local wholesaler, which is part of a chain that operates right across Great Britain, previously stocked a huge range of own-label products covering just about every requirement that a shopper could have. Those were quality products with a budget price marking. A shopping basket filled with them would represent a huge saving on a family's weekly food bill. These products are no longer being brought into Northern Ireland because the supplier cannot justify the cost of relabelling the large number of food products in the range to meet EU regulations. That is just one example of the long-term damage being caused to the supply chain of goods coming into Northern

Ireland. I could quote a number of similar stories around various products. There is not a single retailer or wholesaler in Northern Ireland that has not been negatively impacted on by the protocol.

This debate, however, is about the supply of life-saving and pain-relieving medicines and medical devices. This issue is extremely worrying. No matter what your opinion on Brexit or the protocol, no one should underestimate the potential impact on our citizens' health and, more importantly, on our NHS and the public's ability to purchase over-the-counter medicines, as we approach the end of the grace period on 1 January 2022 and in the years that follow.

The annual budget for medicines used in Northern Ireland is around £600 million. That figure does not include medical devices. Undoubtedly, the price of medicine will increase because of the protocol. Even a 10% increase in costs to the NHS would inflict a major blow to its budgets. It is money that could be better directed and better used to assist the much-needed restructuring of the NHS and its ability to tackle and reduce the unacceptable waiting lists, which were brought about by the curtailment of health funding over many years by parties in the House. For instance, new drugs to be used in the treatment of cancer could become available for use. While those will become immediately available to patients in Great Britain after professional assessment, the same drugs are not guaranteed to become available in Northern Ireland.

**A Member:** Will the Member give way?

**Mr Chambers:** No, I need to finish.

My party has suggested a mitigating solution: that the UK Government legislate to place a duty on suppliers based in Great Britain to provide their goods to all regions of the UK internal market. We think that that would prevent a situation in which producers of medicines and medical suppliers decide, following a grace period, that they will supply their goods only to customers in GB. I know that the Minister and his officials are working hard to pre-emptively cover a range of outcomes brought about by the protocol, from temporary product shortages to major price increases. This is the result of a flawed political deal between the UK Government and European Commission and a clear illustration of why it should be scrapped. Using the safety and welfare of the people of Northern Ireland as some sort of bargaining chip is shameful. We need the certainty that a commitment to a full derogation will provide, and we need it now.

On numerous occasions, I have heard —

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

**Mr Chambers:** — Sinn Féin say that the problem is Brexit. It is not. The protocol is the reality, it is with us now, and the problem that needs to be sorted is the protocol.

**Ms Bradshaw:** I regret that the Alliance Party cannot support the motion, despite the fact that there is much in it that we agree with. It rightly raises a serious issue, but, as is so often the case with the EU referendum, it falls short of providing serious solutions.

Before I proceed, I thank Cathy Harrison, the Chief Pharmaceutical Officer, and her team. As the Chair of the Health Committee said, she has come to the Committee many times to outline the serious issues that they are grappling with, not least during a global pandemic.

While I commend the proposer of the motion for raising the issue, which requires resolution, we again see it raised in a way that is primarily about pretending that the matter is not about Brexit. Specifically, it pretends that the matter is not about the Brexit that was, inevitably, brought about by the DUP's insistence on seeking, at every conceivable turn, while its MPs held the balance of power at Westminster, to distance us from our major trading partner. The DUP likes to talk about our major trading partner being Great Britain, but, from an all-UK perspective, our major trading partner is the European Union and, specifically, the European single market. The DUP fully and intentionally sought to put up barriers to that trade. We are living with the damage.

**Mr Stalford:** Will the Member give way?

**Ms Bradshaw:** I want to make a bit of progress. Thank you.

Part of that damage will inevitably involve barriers to cross-border cooperation in health, yet the DUP's only solution is to try to impose a border for goods on the island of Ireland. The existing regulatory body adds to the potential damage to our health system in everything from longer-term workforce planning to mutual recognition of qualifications.

The issue before us is serious. As I said, there is much in the motion with which I agree. While we should not forget that the protocol creates significant opportunity for the local pharma

industry and for investment in pharma locally, because it can freely export to both Great Britain and the European Union, it is not realistic to expect a full redirection of medicine imports by October 2021 or January 2022. Therefore, although I fully concur with the final lines of the motion, they do not explain how what they propose may best be done.

Let us turn to solutions. I agree that we will need longer than until October to find an adequate way forward, a fact that is widely accepted for food. The grace period for medicines will need to be extended. We should not use that grace period merely to seek more time to realign supply chains; we need to be better than that.

There are ways in which we could try to eliminate the barriers to imports of medicines from Great Britain, the most obvious of which is for everyone in the Chamber to face the fact that that will involve the UK Government and the European Union coming together and agreeing alignment on standards and regulations. That re-agreement, which is evidently being blocked by the UK Government, would provide at the very least a model on which we could restore the relatively unfettered east-west movement of vital goods. That could be copied for pharmaceuticals. Failing that, we should, as the bare minimum, seek to have HSC Northern Ireland — in other words, our NHS — recognised under a trusted trader agreement in order to demonstrate that there is no risk of a leak into the European Union of medicines that are to be used by the public health service.

We want to see solutions. That will require us to lay identity politics to one side and to engage in practicalities on behalf of everyone here in Northern Ireland. Alliance Party representatives will meet the Cabinet Office this week to discuss those solutions. That is where our focus needs to be.

**Mr Stalford:** There is an apocryphal story about an old soldier at the end of the Second World War who did not realise that the Japanese had surrendered and kept on fighting in the jungle for years afterwards. When I hear myself and Matthew O'Toole talk about Brexit, I sometimes think of that as an allegory.

We can fight until doomsday about this issue, but I do not wish to refight the 2016 referendum.

**4.15 pm**

Following on from what another colleague from South Belfast Ms Bradshaw said about the erection of barriers, I think that she will find that one of the major reasons why we are in this situation is the callous and spiteful decision, some time ago, of the European Union to invoke article 16 as a means of seeking to deny the people of this country access to EU vaccines. The Health Minister rightly said:

*"Everyone thought that that work was progressing well until the EU triggered article 16 over vaccines. That unnerved and unsettled people, and it has increased the level of concern that we are seeing, especially from the smaller suppliers of medicines and more intricate medical devices."*

It is quite clear where the belligerence in this situation has come from, and it has not come from the elected representatives of the people of Northern Ireland or from the Government of the United Kingdom.

**Mr Sheehan:** Will the Member give way?

**Mr Stalford:** I want to make a few points, and then I will give way to you.

This situation demonstrates that the Northern Ireland protocol is bad for your health. Some 98% of all medicines and medical equipment coming into this country come from Great Britain. In that context, it is important that we reflect on the scale of the health challenges that we face. Of course, for the past 14 months, the health service has been focused almost entirely on tackling the threat of COVID-19. As a consequence, 16,000 surgical procedures have been cancelled in this country. More than 320,000 people are on waiting lists, which is one in six of the population. We need the resources. The Minister will say that he needs the money, and I accept that, but we need the resources. It is not simply money and staff that we need but medicines and medical equipment.

**Mr Dickson:** Will the Member give way?

**Mr Stalford:** No, I do not want to hear from a Brussels cheerleader right now, Mr Dickson, thank you.

Anything that places barriers in the way of our people getting access to the medicines and medical equipment that they need is a bad and dangerous thing. I give way to Mr Sheehan.

**Mr Sheehan:** I thank Mr Stalford for giving way. There are two fundamental problems. The first

is the DUP's support for Brexit. That has been well rehearsed, but I suggest that there is also an existential threat to unionism at the very top of the British Government. It is encapsulated in the quote from Dominic Cummings:

*"I do not care if Northern Ireland falls into the effing sea".*

**Mr Stalford:** I am here to discuss health rather than any existential threats to the Union, but I certainly believe that it would be good to see a bit more unionism put back into the Conservative and Unionist Party. That is a challenge for the Prime Minister to meet over the coming days.

Anything undertaken to deny our people medical supplies is not merely the act of some overzealous bureaucrat; it is a deliberate act of cruel aggression and belligerence towards the people of Northern Ireland.

**Mr Dickson:** Will the Member give way?

**Mr Stalford:** I will give way very briefly.

**Mr Dickson:** The act of belligerence against Northern Ireland, if there was one at all, surely happened when the DUP sat down, wrecked Mrs May's decisions and decided to follow the hardest of hard Brexits under the current Prime Minister.

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

**Mr Stalford:** Those who defend the protocol are supporting the denial of medicines and medical equipment to the people whom they represent. The Member may shake his head as much as he likes and choose to parrot whatever line comes out of Brussels, but the exact consequence of this protocol is that people in East Antrim will not have access to the medical equipment or supplies that they need.

**Mr Deputy Speaker (Mr Beggs):** I ask that all remarks be made through the Chair.

**Mr Stalford:** I beg your pardon, sir. The European Commission's cheerleaders can attempt to sugar-coat it any way that they like, but that is the reality on the ground. Northern Ireland is being used by the European Union as a football to kick in order to punish the United Kingdom as a whole for daring to vote to leave its club. That is demonstrated by the fact that 20% of all checks taking place at the EU's borders are conducted on goods crossing the

North Channel, a region that represents well below 1% of the European population. What does that demonstrate about the overzealous way in which the European Union conducts itself? We saw it when the EU sought to deny people access to vaccines, we see it in the brutal and heavy-handed way in which it is implementing the checks at the North Channel, and we see it in this latest example of seeking to deny our people medicine and medical equipment.

**Mr Gildernew:** Will the Member give way?

**Mr Stalford:** I cannot: I have 40 seconds. We have already been told by the Health Minister that a request to extend the grace period on medicines has not been agreed. What possible justification can there be for such belligerence beyond spite? The people looking in will see not only the spiteful attitude that has been adopted by the European Union but the roll-out of vaccines in this part of the world as demonstrating the success that our country has had in comparison with the approach that European Union officials have taken on healthcare matters.

**Ms Ní Chuilín:** I will say the opposite of what Christopher said: Brexit is bad for your health. Colm Gildernew, Sinéad Bradley and, indeed, Matthew O'Toole, in so many words, said that as well. For all its faults, the protocol is there to mitigate the worst impacts of Brexit. I want to correct Christopher: most people in the North did not vote for Brexit. I do not want to reopen that debate, but I want to put that on record.

The protocol is an internationally agreed and binding treaty. Therefore, the notion that 45 votes in the House can do away with it is misleading.

**Mr Stalford:** We will see.

**Ms Ní Chuilín:** It absolutely is.

I want to bring some facts into the debate. Scotland does not have a protocol, yet, according to Scotland's Health on the Web, there are 37 supply shortage notices in the supply of drugs, including antidepressants and medicines for epilepsy and other such illnesses. It has been completely ignored that the red tape is a result of Brexit, not the protocol. In fact, some British companies have, indeed, relocated to Dublin in order to ensure that there is free flow and that it is via Britain. I think that that is being missed, although I saw that Pam had put something up that differed from what Jonathan said in his outline. The notion that

suppliers of medical devices in Britain face many new barriers to trade needs to be challenged, because it is misleading. To be frank, it is hyperbole. Yes: there will not be automatic certification, but there are compliances that need to go through. The fact that that has been omitted — sorry: it has not been fully omitted; at the end of his speech, Jonathan acknowledged that, because of grace periods, the east-west supply has not been impacted yet. However, he then went on to outline the worst-case scenario.

**Mr Buckley:** I thank the Member for giving way. I understand, from the logic of the Member's remarks, that Brexit is primarily the problem in the debate. However, does she accept — I have not heard it yet from the party opposite — that the Northern Ireland protocol, in its current form, affects that market far beyond any other element of society in Northern Ireland, with 98% of its market being on the GB mainland? Does she accept the protocol's problems with regard to that aspect?

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

**Ms Ní Chuilín:** Thank you. Again, the Member is misleading the House, if I can say so: some 70% of drugs come via Britain; they do not come from Britain. With respect, Jonathan needs to read his research papers.

The issue was the same in the debate about agriculture and businesses. Again, here are some facts: a Manufacturing NI survey found that the majority of businesses accepted the protocol and mitigations. Only 18% of them believed that it should be thrown out completely. That is a fact.

I believe that the Member was at the Committee when the Chief Pharmaceutical Officer, Cathy Harrison, attended. I also acknowledge the work that she and her staff are doing. They are doing absolutely everything.

Even the British Government, in which the Member put so much faith until they shafted him again and again and again, have asked for an extension to the grace period in order to get things through.

Without the protocol, things would therefore be really bad. I understand that, ideologically, the Member has to jump up and down, but, realistically, without the mitigations, things would be much worse. On that basis, we will not be supporting the motion. The Member will

not be surprised to hear that, because he has already heard Colm say it.

**Mr McGrath:** I welcome the opportunity to take part in the debate. It provides a timely opportunity to remind the DUP and the hard Brexiteers of the responsibility and accountability that they have for the Northern Ireland protocol. Let us look at the facts. The DUP pushed for a hard Brexit in 2017. At its party conference, the then DUP leader, Arlene Foster, said that the DUP would prevent any Brexit deal that would "decouple" Northern Ireland from the UK. That was when the DUP was a kingmaker, but it became a time of intransigence, belligerence, arrogance and telling the Prime Minister how DUP MPs took their tea. It was a time of problem-finding and solution-dodging.

In early 2018, thanks to the DUP intervention, the UK Government rejected the backstop proposal. Good work there, lads. That belligerence continued through 2018 and culminated in the line:

*"There cannot be a border down the Irish Sea ... The red line is blood red."*

DUP intransigence, belligerence and arrogance continued over subsequent years until, in October 2019, it accepted Boris Johnson's proposal for a regulatory border in the Irish Sea covering goods and agri-food. To sweeten the deal, PM Johnson offered additional funding for Northern Ireland: a little bit of a buy-off. It was as though the people of the North could be bought and sold, like so many rolls of Mr Johnson's wallpaper.

The motion tells us that the Northern Ireland protocol was "imposed" on us and must "be replaced". Has the DUP learnt nothing? The DUP pushed for the hardest Brexit. It rejected every single deal that was going. It was intransigent, belligerent and arrogant with the UK Government. I will take a moment to ask DUP Members this: just exactly what did you expect? What would have been a positive outcome? The protocol is a result of Brexit. The DUP is responsible for the protocol. You are accountable for the protocol. You danced to the tune of a Member for North Antrim while looking to future elections, and you gave in to the unelected bloggers who called on you to make Northern Ireland unworkable until the Irish Sea border was removed. Violence returned to the streets of the North, and then the DUP called for the Chief Constable to resign and called into question the rule of law and order.

The motion before us notes that grace periods are due to end:

*"in the absence of a solution".*

I suggest to the signatories to the motion that the motion is not a solution. It is evident that there are still outstanding issues with the protocol. Those issues are technical and not political, however. The parallels between the DUP's attitude to the protocol and to the First Minister are really quite telling. It is evident that it is not in solution-finding mode with the protocol.

**Mr O'Toole:** Will the Member give way?

**Mr McGrath:** Yes.

**Mr O'Toole:** The Member mentions solution-finding mode. Some of us on this side of the House are often told that we are not as committed as we should be to making Northern Ireland work. Does he not agree with me that the irony is that, in this year, which is important to certain Members of the House, we have unique dual market access, including to half a billion members of the EU single market, and that those who want to make Northern Ireland work should focus on maximising that opportunity?

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

**Mr McGrath:** Thank you very much, Mr Deputy Speaker. I welcome that intervention, which shows a positive outcome that the protocol can deliver. If we were forward-thinking and forward-looking and were out there embracing every opportunity that there is across the world to try to sell ourselves as being ideally placed to be able to work the systems and to be able to deliver jobs and prosperity for the people of the North, it would be a good thing, but all we get is negativity, negativity and negativity from across the Chamber.

An investor would probably run a mile rather than provide jobs for the very people whom you are supposed to be representing.

#### 4.30 pm

The lesson needs to be learned and learned well: intransigence, belligerence and arrogance from the DUP placed us in this position. Those who tabled the motion may well have been able to operate a coup and remove their party leader, but intransigence and arrogance will not

remove a framework from an internationally agreed act of withdrawal. Let us get the technical problems addressed and leave the politics to the side. We support the part of the motion that states that we all need to have access to medicines, but we do not support the way in which it is proposed to deliver that.

**Ms Flynn:** Although the point has been made a couple of times in the debate already, it is fair to say that no one in the Chamber wants to see any disruption to our medicines and medical supplies. You, Jonathan, will know from the Committee that it is an issue that we are all aware of. The problem with the motion is its essence and content. It ignores the glaring reality of why we are at this point. Members across the way have made the point that it is as a result of the protocol, but we are not debating the issue of unfettered access to medicines and medical devices as a result of the protocol. As has been said, the reality is that Brexit is the problem. Brexit is the point. We have been brought to where we are now because of Brexit. The protocol emanated from Brexit. Brexit was the catalyst. Language is changing. When Cathy Harrison gave us a briefing at the Health Committee, she talked about long-term change and a new normal. We have heard all those comments being made. The long-term change that has been identified and to which the industry is trying to adapt has been a result of the process that has flowed from the Brexit referendum.

**Mr Buckley:** I thank the Member for giving way. I understand that some Members across the House do not want to take my word for it, but what about the words of Mark Samuels, the chief executive of the British Generic Manufacturers Association? He said:

*"Due to the Protocol's interpretation, the situation has forced our members to review the viability of their ongoing medicines portfolios for Northern Ireland. Without a solution immediately, some manufacturers report that up to 90% of medicines could be at risk of being withdrawn."*

Is that not an acceptance that the protocol is a serious issue?

**Ms Flynn:** I thank the Member for making that point. I want to bring my remarks back to the word "solution".

We hear about the threats and the 90%. We need to focus on medicines disruption. Carál referenced it earlier in relation to Scotland. The disruption that we see is not unique to the

North. If it is not unique to the North, logic tells you that it is not unique to the protocol. Carál mentioned the Scotland example. A committee has been set up to monitor the availability of all medicines across England. As recently as 14 May, that committee revealed that the latest shortage that has been reported is for fluoxetine, which is an antidepressant. The shortage exists for England, Wales and us in the North. It cannot be said that the protocol is causing those shortages; it is bigger than that.

Cathy Harrison has briefed the Health Committee on a number of occasions about the impact that Brexit is having on medicines and supply. Members will know that, every time, we have asked what is being done to address those problems. That is the point that we need to get to. We know that the mitigations thus far have ensured minimum disruption to patients and citizens, and we know that many of the issues that were raised were about the readiness of traders and the short grace periods. It also has to be said that the Chief Pharmaceutical Officer stated that the majority of those issues have been resolved and that they are working through them, albeit on a case-by-case basis, and that, importantly, they have a further enhanced surveillance system in place. That is the important thing that we need to be talking about and keeping checks on. We heard about the potential for slow access to new medicines and delays to the introduction of variations in licensing. The Chief Pharmaceutical Officer has made it clear that that has been given top priority. More importantly, it is part of the ongoing talks between the British and European Union negotiating teams. That is where you will get progress and movement.

We heard about the large programme of work that is being undertaken by our Department of Health, the CPO, the Department of Health and Social Care over in England and by HMRC. An enormous amount of work has been done to reduce the risk to our supply chains. The language that the CPO used at the Committee was that all that work that has been done and is still being done is standing us in good stead in our understanding of supply chains.

We know that our medicine supply chain is being reorientated as we speak, and there is no change in that. That is happening as we speak. We are now working towards this phase of a new normal for a wide range of partners in the industry. The pharmaceutical industry is a broad family, and it is looking at highly complex supply chains from around the world. They are looking at different ideas but are having to make decisions, and they are making decisions

already around transporting to the South of Ireland from the North and direct models into the North as opposed to via Britain. That is work that they are used to doing. This is a complex business. Yes, the changes are having to take place, but the important thing for us as MLAs, and people were saying how our constituents might suffer —

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

**Ms Flynn:** — as a result, is that we really need to be careful with our language in the Chamber. Until we see the evidence and the outworkings that our citizens are being impacted, we have a responsibility to be really measured and to focus on progress and solutions.

**Mr Dickson:** I oppose the motion, because the Alliance Party did not want the protocol. It is not our protocol; it is the DUP's protocol. We know why that protocol came about. It is the responsibility of a party that chose extreme Brexit, and that is where we are. However, we are a pragmatic party when it comes to issues such as those in the motion. We want to highlight the solutions. Others have been talking about solutions. This has been a debate of two halves: those who are not interested in solutions and those who are interested in promoting solutions. I am clearly on the side of wishing to promote a solution to the problem that we have had and that is set out in the motion. The motion totally fails to outline a meaningful course of action. Furthermore, it fails to set out any realistic way of addressing the problems and issues that we face.

The Alliance Party was first among the parties to engage with the Cabinet Office to find solutions to the protocol. Our North Down MP, Stephen Farry, our Brexit spokesperson, has been engaged extensively on this since the election in 2019. He has been engaging directly with the UK Government, highlighting the issues for the people of Northern Ireland but, crucially and importantly, working on solutions. Dr Farry was one of the very first to float, for example, the UK-EU veterinary agreement to ease Brexit friction across the Irish Sea — an idea that has gained considerable traction across the political landscape, even among DUP Ministers. Dr Farry was one of the first to highlight the potential problems that we might see with medicines in Northern Ireland when the grace period drew to a close. As many have mentioned, the vast majority of medicines into Northern Ireland come from Great Britain, but the fact is that many of them are manufactured in the EU. The grace period on the

implementation of rules around medicines imported from the single market has been welcome and should be given more space. However, we must keep medicines flowing long-term. That is in everyone's interest. I believe and have confidence that the UK Government, sitting down with its partners in the EU, will be able to achieve that.

What will not resolve the problem is continued blatant scaremongering. As local representatives, we should engage in good faith and constructively to achieve that resolution. I am delighted that the Health Minister is here to listen to the debate. I want to hear in detail what engagement he has had and what practical activities he has undertaken with the Joint Committee to resolve these problems. There is one person in the room who can tell us exactly what is going on. I do not believe that he will scaremonger; hopefully, he will set out some of the practicalities that he and his Department have been working on to resolve the issues.

Perhaps a trusted trader scheme could be a solution, as medicines do not normally go directly to patients but are prescribed. Essentially, I see no risk of medicines ending up outside Northern Ireland after arriving from the other parts of the United Kingdom. On wider customs issues, the UK Government have invested in the UK Trader Support Service to reduce friction and manage red tape. Businesses are already managing mitigations. We should give them space to support that happening, not trying to undermine that work by scaremongering. We need to support businesses to help them seek stability and reduce frictions. The reality is that the protocol is here to stay. Even Mr Stalford, who engaged with me earlier in the debate, told 'The Nolan Show' that it could be here to stay. Those were his words.

The UK Government have decided that a hard Brexit for the rest of the UK is worth it, so what is the alternative to the DUP proposal? Brexit and the protocol were not the outcomes that my party wanted. Clearly, the backstop, which was vetoed by the DUP, would have provided a much better outcome, but the DUP sank that, which is something that they should reflect on. People are tying themselves in knots, trying to reconcile the fact that they supported a hard Brexit and all the complications that, they were warned, it would bring to Northern Ireland.

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

**Mr Dickson:** They are also trying to blame others. I look forward to hearing the Health

Minister's practical and workable solutions, and I want to hear what he has to say about his engagement to deliver that for Northern Ireland.

**Mr Deputy Speaker (Mr Beggs):** I call Jim Allister. He will have the remaining four minutes.

**Mr Allister:** There should be some reflection on the number of minutes given to those in favour of the motion as opposed to the number of minutes given to those who are against it.

The motion is a moment of truth for the rigorous implementers of the protocol — Sinn Féin, the SDLP and the Alliance Party — because they are the people who demand rigorous implementation. We are seeing what rigorous implementation means for their constituents and for mine. Under the protocol, the person who is suffering from lung cancer cannot, unlike his fellow citizen in the United Kingdom, have access to a vital life-saving drug like Tagrisso. Why?

**Mr Dickson:** Will the Member give way?

**Mr Allister:** I will not give way because I will get no extra time.

Why is that? Because the protocol places us exclusively under EU law and within the orbit of the European Medicines Agency, which has not approved that drug. Therefore, the hapless people of Northern Ireland, courtesy of the protocol and thanks to the rigorous implementers, are in a position where a life-saving drug like that cannot be afforded to them. I hope that the rigorous implementers are proud of themselves —.

**Mr Sheehan:** On a point of order.

**Mr Deputy Speaker (Mr Beggs):** Order. Point of order, Mr Sheehan.

**Mr Sheehan:** On a point of order, a LeasCheann Comhairle. Is it in order for Members to peddle misinformation? My colleague made the point earlier that the problem with medicines also relates to Scotland; it is not an issue that is related to the protocol. The Member in the corner is clearly blaming it on the protocol. Is it in order for a Member to do that?

**Mr Deputy Speaker (Mr Beggs):** The Member has put his point on the record, but I have no information to say that what Mr Allister is saying is not accurate.

**Mr Allister:** I make the point because it is absolutely accurate *[Interruption.]* The people in Scotland have access to Tagrisso. Why? Because they are not bound by the iniquitous protocol. The people of Northern Ireland, including the people in west Belfast who might be suffering from lung cancer, will not have access to it, thanks to the protocol and its rigorous implementation, which Mr Sheehan and others support *[Interruption.]* I trust that those who vote for the rigorous implementers will see what rigorous implementation means. It means that they put their ideology above their constituents' health. That is what it comes down to: above their health. Shame on them for taking that attitude.

**4.45 pm**

However, it does much more than that. As I said when I intervened earlier, 16 critical EU regulations and directives are implemented by the protocol. That means that never, ever, under the protocol, can any public representative from Northern Ireland have any say in shaping, changing or amending any of them. The transfer of sovereignty that has happened under the protocol means that those laws, which touch on medicines — nothing is more critical to our people — can never now be made in Belfast or London but are to be made in a foreign jurisdiction that is subject to the oversight of a foreign court. That is the protocol in action. You see it in action in what it is doing to our health. It is a death-delivering protocol for cancer patients —

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

**Mr Allister:** — and that is courtesy of those who want the rigorous implementation of the protocol. It truly is bad for your health.

Thanks to the rigorous implementers, that is the way that they want it to be. Tragically, sadly, their pro-EU ideology is such —

**Mr Deputy Speaker (Mr Beggs):** The Member's time is up.

**Mr Allister:** — that they would rather sacrifice the lives of their constituents than face the realities of the protocol.

**Mr Deputy Speaker (Mr Beggs):** The Member's time is up.

**Mr Dickson:** On a point of order, Mr Deputy Speaker. As a person who is suffering from

cancer, I take great offence at being told that my vote today may deliver death to people in Northern Ireland. I trust that the Minister of Health will explain exactly what the situation is with life-saving cancer drugs in Northern Ireland. He has a duty and an obligation to explain that and to say that —

**Mr Deputy Speaker (Mr Beggs):** Order.

**Mr Dickson:** — Mr Allister is completely and utterly wrong in his statements in the House.

**Mr Deputy Speaker (Mr Beggs):** Order. The Member is well aware that that is not a point of order, but his point is on the record.

I call the Minister of Health, Robin Swann, to respond to the debate.

**Mr Swann (The Minister of Health):** Thank you, Mr Deputy Speaker, for the opportunity to respond to the motion and to Members' remarks.

I reassure Members that I and my Department are committed to maintaining the supply of medicines and medical devices in order to meet the needs of people in Northern Ireland. Furthermore, I am committed to ensuring that Northern Ireland citizens continue to have the same access to new medicines and innovative treatments as citizens in the rest of the United Kingdom. As a constituent part of the United Kingdom, we should expect no less.

The Assembly can be satisfied that, as Minister of Health, I am prioritising those issues. Undoubtedly, however, where this issue is concerned, under the flawed protocol, there are challenges. Members should be aware that the Northern Ireland protocol has major implications for the regulation and supply of medicines and medical devices. Under the Northern Ireland protocol, Northern Ireland is obliged to continue to follow EU laws and regulatory processes for medicines and medical devices, but Great Britain is not. Consequently, whereas Great Britain is now subject solely to the regulatory authority of the UK medicines regulator, the Medicines and Healthcare products Regulatory Agency (MHRA), Northern Ireland must follow the European Medicines Agency's (EMA) centralised procedure for medicines authorisation. If there are any differences in medicine licensing decisions or timelines between the two regulators, that creates a risk of divergence between Great Britain and Northern Ireland that must be managed.

We have seen an example of that in recent days with the change to the medicines licence for Tagrisso, which is a lung cancer drug.

**Mr Gildernew:** Will the Minister give way?

**Mr Swann:** Yes.

**Mr Gildernew:** Will the Minister also accept that any divergence between the European Union and here must also be managed?

**Mr Swann:** I said that differences between the two regulators creates a risk of divergence, so it covers both — North/South and east-west. I do not want to politicise the drug supply.

I want to talk about the example that has been used here today. Tagrisso was already licensed by the MHRA and the EMA under the Northern Ireland protocol, and Northern Ireland follows the conditions of the EMA licence. When a change of licence held by MHRA was approved under Project Orbis, it applied only to Great Britain, leaving Northern Ireland subject to an EMA update, which has not yet happened. However, in order to avoid a delay for Northern Ireland patients, the MHRA, the Department of Health and Social Care in Westminster and my Department worked together with the drug company in order to enable Tagrisso to be available in Northern Ireland for patient use in line with the rest of the United Kingdom while allowing it to be used outside its licence. While the EMA authorisation is being finalised, Tagrisso will be available under compassionate use and judged on a case-by-case basis.

**Mr Allister:** I am grateful to the Minister for giving way. It is to be used on a compassionate basis as a one-off. The principle is that, once we come to next January, we will be tied in irreversibly to the EMA and its approvals, and the approvals of the UK regulatory body will cease to control us. Is that not correct?

**Mr Swann:** Tagrisso has proven to be an example of the complex issues that we currently face and the additional steps and procedures that now need to be managed when there are differences between the decisions of the MHRA and the EMA on medicine authorisation.

On supply, Members will be aware that we currently benefit from a grace period to allow the pharmaceutical industry more time to adapt its systems to comply with the new requirements under the protocol that will come into effect after 31 December 2021. The new requirements will mean that medicines moving

from Great Britain to Northern Ireland will be subject to additional batch testing and verification. In addition, all medicines in Northern Ireland will have to have packaging that complies with the EU falsified medicines directive.

I advise the Assembly that the grace period has been successful in mitigating potential risks to Northern Ireland medical supplies. At this time, the Department is, fortunately, not aware of significant risks to patient care because of an actual or proposed diminution in the quality of medicinal products or devices placed on the Northern Ireland market. Certainly, there has been a range of issues involving delays to deliveries of medicines and medical devices as suppliers adapt to new import arrangements. However, the majority of those relate to trader readiness and have been satisfactorily resolved at this stage. My officials continue to offer support and interventions when needed to ensure supplies for patients.

I note Members' concerns about the Northern Ireland protocol, and I agree that the challenges for the pharmaceutical industry and my Department must be addressed and worked through. The Assembly will agree that it is important that those challenges are properly defined. At this time, the true extent of how the protocol will impose barriers to trade is still to be seen, but it should be the policy of all in the House to avoid any barriers.

Since the start of the year, trade has, thankfully, been maintained, and the pharmaceutical industry has adapted to the additional regulatory and import checks required by the protocol when moving goods from GB to Northern Ireland. There is no evidence yet to suggest that patients in Northern Ireland are unable to access medicines that they need or, indeed, any issues with the safety and efficacy of the medicines that are available. However, when the grace period ends, all suppliers will have to comply fully with the requirements of the Northern Ireland protocol, and my Department is aware that companies are planning for potential major changes to their supply arrangements from January 2022. The Chancellor of the Duchy of Lancaster asked for an extension of that grace period, but the EU has yet to agree to that. Members should note that pharmaceutical companies are subject to an obligation to ensure continuous supplies of medicinal products so that the needs of patients in Northern Ireland are met.

**Mr O'Toole:** I appreciate the Minister's giving way. I agree with him that we need to focus on ensuring that we have a solution to issues with

medicines moving from GB to NI. Will he note that Almac, which is one of the biggest pharmaceutical and life sciences companies in Northern Ireland, has a section on its website called:

*"The Almac Advantage: unique, unfettered and flexible access to the UK, Europe and beyond"*

and that this enormous employer and pharmaceutical leader in Northern Ireland believes that it is an advantage for it to have access to both British and EU single markets under the protocol?

**Mr Swann:** I note what the Member says, and I note that the motion states:

*"if established, these arrangements would add cost for businesses and public services, restrict supply and jeopardise patient care across Northern Ireland".*

That is acknowledged in the motion that we are debating today.

A number of issues were raised. We are aware that price increases are a potential risk, and, if issues emerge, we have systems in place to deal with them.

So far, there is no evidence to suggest an increase in the price of medicines, but that does not mean that that could not change.

The grace period for medicines is a short-term mitigation that has benefited the medicinal supply chain in Northern Ireland. However, to reduce the potential for risks manifesting themselves at the end of the grace period, I assure the Assembly that a number of other mitigations are ongoing.

First, medicines are the subject of ongoing discussions between the UK Government and the EU Commission to reach a negotiated position on implementation of the protocol. Secondly, my Department is working with the DHSC in London at official and ministerial level through direct and regular engagement between the Minister of State for Health and me. The underpinning principles of this work are to ensure that the clinical needs of patients in Northern Ireland are met and that equity of access to medical products is maintained across the United Kingdom. The DHSC has committed to communicating to industry specifically on supplying to Northern Ireland. My officials have requested further clarification from

the DHSC regarding the time frame for that guidance.

Thirdly, the DHSC is involved in formal discussions with industry about its plans for the end of the grace period, and my Department also maintains close contact with stakeholders in industry, and officials have frequent meetings with individual companies. In addition to that, officials engage with wider stakeholder groups in the health and social care sector in Northern Ireland, with community pharmacy and with groups representing patients across a range of interests and medical conditions.

I note that the motion:

*"calls on the Minister of Health to work with his Executive colleagues".*

I assure Members that, throughout this process, I have spoken with the Executive and provided my colleagues with a comprehensive briefing setting out my up-to-date assessment of the situation. I will, of course, continue to do so. My officials also continue to liaise with officials from the Executive Office on related matters.

I conclude by saying that the actions taken by the pharmaceutical industry and the interventions, when needed, by my officials have ensured that there has been no significant reduction in the quality or quantity of medicines and medical devices on the market in Northern Ireland. They have risen to that challenge, and the Assembly will no doubt join me in acknowledging their hard work to date and in thanking them. My Department will continue that work in the coming months to ensure that future access to medicinal products and medical devices is maintained for the citizens of Northern Ireland. My Department has the support of the Department of Health and Social Care in Westminster and the Medicines and Healthcare products Regulatory Agency. I believe that I have clearly demonstrated that all the issues are being given serious attention by my Department and that intensive work is ongoing. I thank Members of the Health Committee for their acknowledgement of the work of the Chief Pharmaceutical Officer, Cathy Harrison, and her team in their dedication to the task.

Neither my Department nor I have created or sought this situation, and we cannot fix it by ourselves. The EU and the UK Government have central roles in finding the way forward. I have sympathy with the concerns expressed by Members.

**Mr Dickson:** Will the Minister give way?

**Mr Swann:** Yes.

**Mr Dickson:** I thank the Minister for his last few words, when he said that he cannot fix this issue on his own and that it lies between the UK Government and the EU to resolve these matters. I value the intervention of the Department of Health and the Minister on these matters, but the words that the Minister used today are important in acknowledging that we need to work on solutions and that those solutions are achievable between the UK Government and the EU.

**Mr Swann:** I thank the Member for his intervention. I hope that, by demonstrating our interactions with the DHSC and the MHRA and the work by the Chief Pharmaceutical Officer and her team, he will see that we are working on the issue on a case-by-case basis. Many of the theoretical and policy problems that are presented to us need a case-by-case answer. At the end of this, it will be a political solution and agreement. No matter how much policy that departmental officials, the EU or Westminster come up with, the answer will be political.

**Mr Allister:** I thank the Minister for giving way. Will he confirm that all the regulations and directives listed in the protocol that touch on medicinal issues, which include veterinary medicines and medical implements, are beyond the amendment or input of this House and that all legislation touching on those matters as they affect Northern Ireland is now incapable of being made anywhere in the United Kingdom?

**5.00 pm**

**Mr Swann:** The scope of the decisions on this is outwith the competence of the House and my Department. We have a major responsibility to provide input and advice when the Department of Health and Social Care asks for it. We are getting great support from DHSC and the MHRA in recognition of the challenges that are now faced to the supply of medicines and medical devices to Northern Ireland. My deepest regret is that, as Minister of Health in Northern Ireland, I do not have a seat at that table. That is where we could truly identify all the issues that we know of and all the knock-on implications that any change will have. I would value that dedicated and detailed input.

As I was saying, I have sympathy with the concerns expressed by all Members, because this situation is very far from ideal. New layers of complexity and bureaucracy are being created. I appeal to Members to choose their

words carefully, however. There are uncertainties and challenges, but every effort is being made by my Department to ensure that the needs of all our patients and people in Northern Ireland are met.

**Mr Deputy Speaker (Mr Beggs):** I call Pam Cameron to wind on the motion.

**Mrs Cameron:** I thank all the Members for their contributions, including the Minister of Health for his response. Without a doubt, this threat to Northern Ireland's medicine supply is an issue that should be debated openly and honestly. I welcome the opportunity that we have had to discuss it.

I am sure that every one of us, when we talk to constituents, says that one of our highest priorities, if not the highest, is health. Our health service is the jewel in the crown of our Union. We all value that free-at-the-point-of-need service: in the past 12 months, more than ever before. It should always be a priority, because our health service keeps us well and saves lives.

Key to the success of our health service is access to medicines and medical devices. In the United Kingdom, we benefit greatly from the very latest treatments and cutting-edge technology, all administered by our amazing front-line healthcare workers. Approximately 98% of medicines and medical products used in Northern Ireland are imported either from or via Great Britain. It is a life-saving supply chain, yet, because of the protocol, that free flow of medicines and medical devices is now under severe threat. Medicines moving from GB into Northern Ireland will be handled as though they are goods entering the EU from a third country. That means that medicines moving into Northern Ireland from GB will be subject to additional batch testing and qualified-person certification.

On 1 January next year, when the grace period ends, all medicines used in Northern Ireland will have to comply with the EU medicines directive. That affects the packaging of the medicines, but the same —.

**Mr O'Dowd:** Will the Member give way?

**Mrs Cameron:** I will not, thank you.

That affects the packaging of the medicines, but the same requirements will not apply to products marketed in GB. The fact that the EU calls it a "grace period" is in itself an insult.

Medicines in Northern Ireland must comply with the European licence and with requirements set out by the European Medicines Agency (EMA), whilst those in Great Britain do not.

GB manufacturers that place medical devices on the Northern Ireland market must now appoint an EU- or Northern Ireland-based authorised representative. I have spoken with many suppliers in recent weeks, and they testify to intolerable levels of paperwork and bureaucracy, including issues with couriers and a substantial increase in the cost of doing business with long-standing clients in Northern Ireland. Non-UK manufacturers are now required to appoint a UK-responsible person or a Northern Ireland —.

**Mr O'Toole:** I appreciate the Member's giving way. I do not dispute that there are issues that we need to address constructively. The Member mentioned the increase in paperwork. Does she accept that, for anyone importing goods into GB from Europe, that enormous European market from which a huge number of medicines are imported into the UK, is also facing a huge increase in paperwork, because that, unfortunately, is what Brexit is?

**Mrs Cameron:** I thank the Member for his intervention.

Non-UK manufacturers are now required to appoint a UK responsible person or a Northern Ireland-authorized person, who, along with Northern Ireland manufacturers, must register devices with the MHRA before they are placed on the Northern Ireland market. Furthermore, medicines on clinical trial will follow EU regulations in NI but not in GB. With the times that we are in and us having benefited so greatly from the UK vaccination programme, it is significant that Northern Ireland will follow EU regulations on vaccines and Great Britain will not. While Members from some parties want us to follow the European vaccine programme, I think that, once again, we are better with the Union of the United Kingdom and not with the European Union.

The British Generic Manufacturers Association has made it clear that the intolerable and unsustainable position that has been foisted on us at the behest of the EU will prevent identical products from being supplied to GB and NI. It will mean that businesses will have to duplicate resources and supply lines

**A Member:** Will the Member give way?

**Mrs Cameron:** I will not. Thanks.

Firms may need to build extra warehousing and hire more staff to ensure that medicines comply with both EU and UK regulations, which simply is not viable in the longer term. Given the small margins, that will not be sustainable, and some GB manufacturers report that up to 90% of medicines could be at risk of being withdrawn.

Sadly, the consequences of what the EU is demanding are likely to impact specialist illnesses particularly hard, given that smaller quantities are needed and the cost of creating an NI-only pool of products would be prohibitive. It would also disrupt direct patient supply, especially for nutritional products, such as gluten-free food, infant formula and some personal home-care products. That is in addition to the threat to the supply and the choices available to local health and social care services. Access to clinical trials and accessing new developments in the production of medicines, including vaccine supplies, would be threatened and, at the very least, slowed down.

Who among us feels that that is the best deal and the best for the health and well-being of those whom we represent? The rigorous implementation of the protocol, shamefully demanded by some local parties and the Irish Government, is damaging to the public health of everyone in Northern Ireland. It is not an orange or green or a Leave or Remain issue. It affects everyone. Whilst some Members opposite will no doubt seek to dismiss those issues, their cherished protocol is depriving lung cancer patients here of the same chance of recovery as those in GB. That is absolutely scandalous.

**Mr Gildernew:** Will the Member give way?

**Mrs Cameron:** I will not.

**Mr Gildernew:** Will the Member give way?

**Mrs Cameron:** No, thank you.

This is a stark example of how the EU, the Irish Government and others, even in this place, will stop at nothing to penalise the people of Northern Ireland.

The invoking of article 16 of the protocol in January ended the facade that Northern Ireland would be treated as a full and equal member of the EU single market. As Brussels considers new export controls on COVID-19 vaccines, there is no guarantee that our Province will escape the fallout. The residual threat to the domestic supply of medicines is one of the most telling examples of why the notion of the best of both worlds is a dangerous myth.

Given that there is already very little direct North/South trade in medicines because of different licensing regimes, there is minimal threat to the EU market or consumers. While the protocol was championed under false pretences, the reality is that medicines and medical devices should never have been in the conversation in the first place. A permanent decoupling of public health from the protocol by the EU and the UK is long overdue. They should pursue a comprehensive mutual recognition agreement on medicines that takes the politics out of it and ensures the free flow of goods across our United Kingdom.

The bottom line and minimum requirement are that medicines that are produced in Great Britain should be able to be legally used in Northern Ireland without additional barriers or hurdles. Quick fixes and tinkering at the edges of the problems will not cut the mustard. There needs to be a meaningful and sustainable replacement of the protocol. It is time that we all recognise the perilous implications for patients, pharmacies and local health services. I ask all those who will go to the doors of constituents over the next 12 months to back up their claims, to make health a priority and to support the motion.

*Question put.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Deputy Speaker (Mr Beggs):** Clear the Lobbies. The Question will be put again in three minutes. I remind Members that they should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber. Also, it would be preferable to avoid a Division and the use of the Lobbies.

*Question put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Deputy Speaker (Mr Beggs):** Before the Assembly divides, I remind the House that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place.

Please ensure that you maintain gaps of at least 2 metres between yourselves and others when moving around in the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

*The Assembly divided:*

*Ayes 38; Noes 46.*

## **AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Buckley and Mr Middleton*

## **NOES**

*Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Miss Woods.*

*Tellers for the Noes: Mr Gildernew and Mr Sheehan*

*The following Members' votes were cast by their notified proxy in this Division:*

*Mr Dickson voted for Ms Armstrong, Mr Blair, Ms Bradshaw, Mrs Long, Mr Lyttle and Mr Muir.*

*Mr K Buchanan voted for Ms P Bradley, Mr T Buchanan, Ms Bunting, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Foster, Mr Givan, Mr Harvey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton [Teller, Noes], Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mrs Barton, Mr Beattie, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew [Teller, Noes], Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan [Teller, Noes] and Ms Sheerin.*

*Mr McGrath voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Mr McCrossan, Mr McGlone, Ms McLaughlin, Mr McNulty and Mr O'Toole.*

*Question accordingly negatived.*

**5.30 pm**

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments before we move on to the next item of business.

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

## Assembly Business

### Standing Order 10(3A): Extension of Sitting

**Mr Deputy Speaker (Mr McGlone):** 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 17 May 2021 be extended to no later than 7.30pm. — [Mr Butler.]*

### Ending Religious Discrimination in Teaching Appointments

**Mr Butler:** I beg to move

*That this Assembly notes the exemption in fair employment law allowing discrimination on the grounds of religious belief when appointing teachers; acknowledges that it is unacceptable that teachers should be excluded from protection from discrimination in employment on the grounds of religious belief; and calls on the First Minister and deputy First Minister to repeal urgently this exemption to ensure equal opportunities in employment are afforded to all without exception.*

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

**Mr Butler:** I put on record my thanks to all our teachers across Northern Ireland for their service. I thank them not only for their service throughout the pandemic but for what they do day and daily for our young people. While their role and challenge is predominantly to engage in and promote our children's academic attainment and growth, teachers are increasingly being tasked with increasingly diverse responsibilities. I and everybody else in the House have full admiration for the job that they do. Through the motion, we seek to recognise an archaic and unfair barrier to fair employment for teachers across our diverse community.

No one who reads the research information in the debate pack can ignore how important an issue this inequality has been for the Ulster Unionist Party for many years. In 2013, a petition of concern was used to block an attempt by my UUP colleagues, former MLAs, to change the legislation. Multiple private Members' motions, which were tabled by former MLA colleagues such as Danny Kinahan and Sandra Overend, were debated in the Chamber. Sadly, in 2015, much like today, no Executive Minister was present to respond to the motion. That is disappointing. I recognise that the issue is as important for other Members, certainly for those on the Education Committee. Many Members have verbally committed to the change, none more so than Chris Lyttle, who is consulting on a private Member's Bill on the same topic.

We need to be clear about exactly what we will talk about today. The debate should not be broadened beyond the out-of-date, out-of-place and out-of-order circumstance that employment discrimination has a home in Northern Ireland because of the teachers' exemption rule. Ulster University's 'Transforming Education: Employment Mobility of Teachers and the FETO Exception' briefing paper makes the startling statement:

*"The separation of teachers is maintained through three areas of policy:*

- 1. Teacher Education*
- 2. Religious Education in Schools*
- 3. The teacher exception from FETO 1998."*

If we are truly sincere about a shared future in Northern Ireland, legislation that legitimises discrimination cannot be OK. Another telling excerpt from the briefing paper reads:

*"No other profession has the same potential for daily engagement with young minds — but no other profession separates its exponents so rigorously and effectively along community/religious/ethnic lines. It is unlikely that any other profession will have as many exponents with as limited exposure to 'the other side'."*

There is a caveat to the use of "the other side": it is in the document, but the authors add a caveat and explain what it actually means. It continues:

*"Yet no other profession carries the same burden of expectation around the building of the community bridges necessary to ensure a shared, peaceful future."*

I know that, across the Chamber, that is exactly what we want to see, even if we travel in different vehicles sometimes.

We place massive burdens and expectations on our teachers, especially the burden of building a vision for inclusivity and a better, shared future than we had to tolerate as young people. Our children's futures are entrusted to them. We must ask ourselves this: "Are we making this task an impossible dream by corralling our teachers, whether deliberately or by political inaction?". It is hard — in fact, it is nigh on impossible — to imagine where such an exemption would be permissible or acceptable. The impacts of that draconian measure extend beyond employment opportunities for teachers, however.

It has been pointed out in reports that the reality for many teachers in Northern Ireland, and what is being achieved by the status quo, is a chill factor, when teachers look for employment and, through no fault of their own, select and make application predominantly to schools that reflect their own community identity. It can extend to a cycle in which a person learns in a community-concentrated school, achieves teacher qualifications in a community-centred college, and then goes on to teach in a community-concentrated school.

The assumption was borne out in 2018, when over 1,000 teachers completed an online survey conducted through the UNESCO Centre at Ulster University. It showed that 2% of teachers who work in Catholic maintained sector primaries attended a controlled primary school in Northern Ireland and that 7% of teachers who are employed in controlled primary schools were educated in a Council for Catholic Maintained Schools (CCMS) primary. Given that the vast majority of our nursery and primary-school teachers are women, this is clearly indirect discrimination against women in particular. Similarly, 8% of those teaching in CCMS post-primaries and 17% of teachers in Catholic voluntary grammar schools attended non-Catholic primaries in Northern Ireland, while 17% of those employed in controlled post-primary schools and 23% of teachers in non-Catholic grammar schools attended CCMS primaries.

Whilst some may point to the obvious disparity between the measurable ability of the controlled sector to attract teachers from a more diverse community background than the Catholic maintained sector, we must insist that more can be done, that more must be done, and that none of the figures reported can be called a success or celebrated. It must be reinforced

that I have no concern as to the level or quality of teaching that our teachers give in every sector or their ability to provide a first-class educational return. Rather, I am concerned about the missed opportunities that a more community-balanced and reflective slate of teachers could bring to all our schools. That would contribute to a deliberate and meaningful move towards the shared society that we all desire.

It was welcome to hear, today, the continuing commitment of Geraldine McGahey, chief commissioner of the Equality Commission for Northern Ireland, who welcomed the motion. The Equality Commission has long recommended the removal of teachers' exemption from the Fair Employment and Treatment Order 1998. Its view is that:

*"all teachers should be able to enjoy the same legislative protections as other workers"*

and that:

*"it is no longer acceptable to exclude the entire teaching workforce from the fair employment legislative provisions".*

There is a complete hypocrisy at play if we claim that we are truly in pursuit of a shared future. Without change, the vision of shared education will not succeed. Unless schools have interchangeable staff, whether that be at recruitment or upon promotion, and unless teachers can and do apply across the schools estate and are then selected based 100% on their holistic ability and fit to that school, perhaps we are doomed to fail. I commend the motion.

**Mr Clarke:** Thank you, Mr Deputy Speaker. You caught me on the hop there. I thought that it would have been the other side first.

I commend the proposer of the motion. Given that he has gone through so many of the statistics, it is hard to follow him other than to lay out our support for the motion. I would like to echo his comments about the teaching staff, regardless of what background they come from. Teaching is a vocation that these people go into. I am sure that, when they chose it as a vocation, they did not see the discriminatory part that we want to debate. I am sure that that was always far from their minds.

When I thought about this debate, I thought about a young teacher who is setting out. People shape the idea of their career at a

young age. We hear about the oversupply of teachers. However, when we look at how this plays out, we see that there is positive discrimination, particularly against people who come from a Protestant faith background. That should not be the case. Everyone should be treated equally. Education should be equal, and some of the religious aspects should be taught in churches as opposed to schools. As the proposer of the motion laid out, this has been well and often debated, going back as far as 2013. It is disappointing that we are still having the conversation today. I look forward to hearing others' comments to see if we can right what has been a wrong for so long.

**Mr Newton:** I thank the Member for giving way. Northern Ireland has an education system with an extremely good record on schools' ability to present pupils with opportunities that lead on to qualifications and university. Can the Member think of any reason why a member of one faith should not teach in a school that is predominantly another faith? Why should an applicant be refused that opportunity, if he is a well-qualified teacher of history, geography, mathematics or whatever, just because of his or her religion?

5.45 pm

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

**Mr Clarke:** I do not think that I will need it. The Member who intervened made the point, which I had written down, much better than I could have. He makes a very interesting point. You could expand on that. In the RalSe pack, there is reference to the need for the certificate and what purpose that has been designed for in relation to the ethos of the Catholic Church in particular. That could equally be said of the Protestant faith. For people who practice that faith, there are particular things, but there is nothing to impede anyone else from teaching in that sector. It is as if the exemption has been created as an article of positive discrimination. Rather than rehearse everything that has been said, I welcome the motion, and we on these Benches will support it.

**Mr Sheehan:** I speak in support of the motion. Before I move on to the main part of my contribution, I note that, a couple of times today, I have heard about the great education system that we have here. I heard it earlier during the statement that was given by the Education Minister. In fact, we have the longest tail of underachievement in Europe. Yes, we compare well with our peers across the water

on-A level and GCSE results, but, while we have that, nobody can stand here and boast about a great education system.

The motion relates to the exemption under the Fair Employment and Treatment Order 1998 (FETO), which:

*"allows schools to lawfully discriminate on grounds of religious belief, in the appointment of teachers in schools."*

A consequence of that exemption is:

*"schools are not required to monitor the community background of their teaching staff. In addition, they are not required to carry out reviews of their teaching workforces, or of the employment policies and practices affecting teaching staff, or consider whether they are providing fair participation to members of the Protestant and Roman Catholic communities, in relation to the employment of teachers."*

The Equality Commission has, as Robbie Butler mentioned, recommended the removal of that exemption from FETO, and Sinn Féin shares its assessment, which is:

*"all teachers should be able to enjoy the same legislative protection as other workers".*

During the Equality Commission's investigation of the issue, concerns were raised by Catholic schools that the FETO exemption was a necessary tool to protect the ethos of their schools. Catholic schools help many young people to reach and achieve their academic potential. That is due in part, no doubt, to the excellent teaching standards of those schools, but the sector also argues that its strong emphasis on a particular ethos in those schools contributes to the positive outcomes in Catholic schools. It is well documented that the vast majority of highest-achieving schools are in the Catholic sector. Be that as it may, but I would argue that exemption —.

**Mr Newton:** I thank the Member for giving way. The Member is right: the Catholic education system is performing extremely well in Northern Ireland. We should all be glad about that, but this issue is not particular to the Northern Ireland education system. This is an issue that operates in various parts of the world.

**Mr Deputy Speaker (Mr McGlone):** Beidh bomaite breise agat, a Phádraig. You have an extra minute added to your time.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. I argue that an exemption from fair employment legislation is not the platform that should be used for nurturing any ethos in any school.

Members will be aware that Ulster University's Transforming Education programme has produced a series of papers on a range of issues. The Assembly recently debated its paper on academic selection, and the Transforming Education team also published a paper, which I think Robbie also referred to, about teacher mobility across different school sectors and the impact of the FETO exemption on that. While there was evidence of a considerable number of Catholic teachers moving into the controlled sector, traffic in the opposite direction was much lower. Our education system only stands to benefit from greater levels of professional mobility across sectors. I want to take this opportunity to commend the work of the Transforming Education team in Ulster University for its positive, evidence-based contributions to education policy in the North.

Sinn Féin is on the side of workers on this issue. We cannot continue to have a situation where our teachers do not have access to the same level of equality and discrimination protections as other workers. The main teaching unions are in favour of removing the exemption, and all parties now seem to be on the same page on the issue.

**Mr Butler:** I thank the Member for giving way. He made the point that he always speaks up for workers. Given, then, the point that I made, which was that nursery-school and primary-school teachers are predominantly women, does he agree that this legislative provision can be likened to an indirectly discriminatory measure against women by preventing them from gaining employment?

**Mr Deputy Speaker (Mr McGlone):** The Member has very little time.

**Mr Sheehan:** I do not disagree with the Member, but I would have to see some evidence.

In conclusion, I am aware that some consideration is being given to the issue in TEO, and I hope that some progress can be made before the end of the mandate.

**Mr Deputy Speaker (Mr McGlone):** I call Daniel McCrossan.

**Mr McCrossan:** Thank you, Mr Principal — sorry, Mr Deputy Speaker. I gave you an elevation there.

I welcome the opportunity to speak on this important motion, but I must state from the outset that I am disappointed that no Minister has turned up for this all-important debate; maybe they are stuck in a lift somewhere. This is an issue that has been lingering on for years, and it does need to be dealt with. I welcome the opportunity to debate it today. The SDLP has considered the issue in great detail over many years on the occasions that it has come up, and today we will vote in support of the motion.

It is very clear that FETO, the Fair Employment and Treatment Order, has been very contentious in the Chamber. There have been differences of opinion, but it is interesting that, from gauging the Chamber today, opinions have shifted. Things have changed on what was once a very contentious issue of considerable debate in the House.

It is equally important that, in the context of this debate, we recognise that the issues that we are discussing impact most on our valued, dedicated and hard-working teachers across Northern Ireland. It is important that today's debate reflects not only the views of the parties across Chamber but the views of our teachers, especially our young teachers who are entering the education workforce for the very first time.

The SDLP supports the motion as we believe that the legislative measure currently in place has long outlasted its necessity. The Fair Employment and Treatment Order was brought into being in 1998. It includes an exemption under article 71, which is based on 1976 legislation to address the imbalance in employment opportunities for teachers. However, since 1976, the social, political, cultural and religious landscape across the North has changed substantially.

An exemption that affords a legal right to discriminate against a teacher is not something that we can support in 2021. Indeed, it is absolutely abhorrent that any teacher could be selected for a job based simply on their religion rather than because they are the best candidate for the job. That exemption needs to be stripped out of legislation, which would bring our laws up to date and provide blanket protection for teachers against religious discrimination.

Over the past number of years, we have seen in these institutions Ministers and Departments passing the buck rather than grasping and dealing with the issue. We have seen the

Education Minister and consecutive Ministers attempt to wash their hands of the issue, while the Executive Office sits on its hands and fails to act. That inaction, despite majority consensus on the way forward, is unacceptable and raises significant questions about who or what is actually holding us back from moving on the issue.

It is important to refer to the CCMS position on the teacher exemption. Previously, it stated categorically that it was happy to see the exemption removed, and, as far back as 2013, it wrote to the Executive Office in order to express its support for that. That was welcomed eight years ago, yet we are still waiting for a review into abolishing the measure. Again, I ask this: what has taken it so long?

**Mr Butler:** I thank the Member for giving way. He has, obviously, read the pack in detail. It is good to note that. As regards the discussion around 2013 to 2015, the same question was raised and the perceived logjam could not be identified. The non-appearance of Executive Office Ministers or the Minister of Education — we were looking for Executive Office Ministers today — perhaps points to something. Does the Member share my concern that, although this could be a good debate and we could get unanimity in it, perhaps the logjam is higher up the chain than we once thought?

**Mr Deputy Speaker (Mr McGlone):** The Member will have an extra minute added to his time.

**Mr McCrossan:** I welcome the Member's intervention. I absolutely agree that questions need to be asked about the root cause of the situation. A few weeks ago in the House, the First Minister said in response to a question from my constituency colleague Nicola Brogan that she supports getting rid of the exemption. Sinn Féin supports getting rid of it. So, I do not quite understand where the logjam is.

It is important to refer to the Certificate in Religious Education (CRE), which has spawned a number of debates over the years. The SDLP has welcomed the collaboration between St Mary's University College and Stranmillis University College that has been ongoing since 2019 to ensure that student teachers have access to the CRE as part of the bachelor's degree. That is an example of St Mary's commitment to shared education and equality. It has been a massive step forward and fully complements the great work that St Mary's and Peter Finn, in particular, have been doing for many years, yet, not too long ago, there were

financial threats emanating from the Executive in this very institution that called into question St Mary's very existence. The SDLP remained four-square in support of St Mary's, which has been and remains a centre of teaching excellence in west Belfast, catering for teaching students from across the North and beyond.

The SDLP is happy to support the motion in the context that the entire landscape has changed since the introduction of the teaching exemption to equality legislation. I welcome the debate. It is a sign that things have changed. I welcome the motion, and I thank the Ulster Unionists and my Committee colleague Robbie Butler for bringing it to the House.

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

**Mr McCrossan:** It is a sign that things have changed. I welcome and commend the motion.

**Mr Lyttle:** I, too, am genuinely shocked that not one of the four Executive Office Ministers has attended the debate. I am genuinely eager to hear whether there is an explanation for that non-attendance, because, in the absence of any explanation, it is difficult not to conclude that the failure of any of the four Executive Office Ministers to attend is consistent with the failure to respond to this equality issue in over a decade of having responsibility for it.

The Alliance Party and, it seems, most political parties in the Assembly are clear that teachers should be included in the Fair Employment and Treatment Order. I will, therefore, speak in support of the motion. I acknowledge that those who tabled the motion brought the matter to the Assembly on a number of previous occasions. The Assembly should, however, debate legislation on the matter, not motions. That is why I will propose a private Member's Bill to repeal the exemption of teachers from the Fair Employment and Treatment Order. I hope that I will have the support of all parties in the Assembly in the consideration of that legislation.

The consultation on the proposed private Member's Bill is open for public response, and a link is available on the Assembly website. It will close on 10 June, in time for the submission of a final proposal to the Speaker, which will, I hope, meet with approval for drafting into a Bill that will be presented in time for consideration before the end of this mandate.

**6.00 pm**

We cannot allow another mandate to pass without considering legislation to repeal the anachronistic exclusion of teachers from fair employment protection. The Fair Employment Act outlawed employment discrimination on the grounds of religious belief in Northern Ireland in 1976, yet the Fair Employment and Treatment Order continues to permit discrimination on the grounds of religious belief in the recruitment of teachers to this day.

Almost all workers in Northern Ireland can rely on legislation to protect them from discrimination on grounds of their faith, but that protection is denied to teachers. Employers in Northern Ireland with 11 or more employees must register with the Equality Commission and monitor the composition of their workforce, but that does not apply to the teaching workforce.

What is the consequence of this legal discrimination? Recent research carried out by the UNESCO education centre at Ulster University suggests that only 2% of teachers in Catholic primary schools are from a Protestant background, and, in primary schools with mainly Protestant pupils, only 7% of teachers are from a Catholic background. That cannot be an acceptable status quo.

The Equality Commission for Northern Ireland recommended the removal of the exception at secondary level in 2004 and that early consideration be given to removing it at primary level, as it is considered no longer acceptable to exclude the entire teaching workforce from fair employment legislation that covers all other occupations. It has also recommended that teachers be included in monitoring and review requirements. Alliance supports that recommendation. We support the motion and will seek the support of all parties in the Assembly for a Bill to include teachers in fair employment legislation.

**Ms Brogan:** I support the motion and thank my Committee colleague Robbie Butler for bringing it to the Floor. Those in the education sector who, at some point, supported the exception, argued that it was necessary in preserving a specific ethos in some schools. I have no doubt that a strong ethos is the foundation on which a lot of the academic success that many of our young people enjoy is built, but fair employment legislation is not the place for dealing with issues of ethos.

In recent times, teacher representatives quite rightly viewed the exception as discriminatory and called for its removal. I am sure that our faith-based schools are sufficiently confident

and resilient to welcome teachers from all backgrounds and of different faiths.

The changes do not remove the right of schools to exercise exception where the nature of the task is directly related to a particular religious belief. Our schools already work together to promote understanding and tolerance across different faiths. It is simply an extension of the good work that our schools are undertaking. They do not need me to tell them that diversity is to be cherished and even celebrated.

As Mr Butler said, and Mr Lyttle had the same statistics, recent research has shown that only 2% of teachers in Catholic primary schools were from Protestant backgrounds, and, in primary schools with mainly Protestant pupils, only 7% of teachers were from a Catholic background.

It has also been mentioned today that the Equality Commission has recommended the removal of the exception from secondary schools and early consideration of its removal from primary schools. It also recommended that teachers be included in the monitoring and review obligations attached to fair employment legislation.

It is clear that what was once seen as a pragmatic compromise is now viewed as a barrier to equality. All workers should be afforded protections under fair employment rights. I do not think that anyone would disagree with that. I support the motion and urge other Members to do the same.

**Mr O'Dowd:** I, too, support the motion and wonder why it has taken this length of time to bring forward legislation to bring this matter to a conclusion. During my time as Minister, I stated publicly that I supported the removal of the clause from the Fair Employment and Treatment Order. At that time, I also corresponded with the Executive Office on bringing forward legislation to remove it because it was no longer necessary, if it ever was necessary, in our education system.

It is about protecting the rights of workers. Those who work in our schools should be under the same legislation as those in every other workplace.

It is worth noting that, in terms of the percentages of one denomination or another working in schools, the controlled sector is very varied. It would be a mistake to refer to it simply as the "Protestant sector". A variety of schools are encapsulated in it. You need to drill down deeper to see where people are working in a

different background from the schools in which they were taught, but the figures are very poor. That needs to be examined further. The ending of the exemption will bring opportunities across our society for people to work in schools from different backgrounds than those from which they originally came.

**Mr McCrossan:** I thank the Member for giving way. What does he, as a former Education Minister, believe to be the reason for the delay? This has been going on for so many years. Is it something in the Department?

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

**Mr O'Dowd:** It is not within the gift of the Department of Education to bring it forward. Legislation relating to it belongs to the Executive Office, which is responsible for equality legislation. The simple answer is that I do not know. It may be because of other legislative pressures at various times in the different Executives.

I am not suggesting that anybody has hinted at this today, but nobody should believe that Members and parties calling for the removal of the exemption in FETO is an indication that they are in favour of an education system that does not recognise the ethos of the Catholic sector. I am not talking about the religious ethos. It is not my job to defend any Church, but you have to look at the history of this state to understand the Catholic sector. If it had not been for the Catholic sector, Irish culture and identity in this part of the island would have been educated away. In fairness to those who embedded the Catholic education system in our society, they defended the Irish culture and language and allowed young people to be Irish in their own land. That ethos has to continue.

**Mr Newton:** Will the Member give way?

**Mr O'Dowd:** Give me one second, and I will.

That ethos has to continue as our education system evolves over time.

**Mr Newton:** I thank the Member for giving way. Does he recognise that, as I said to Mr Sheehan, this is not an issue that is particular to Northern Ireland? It is an issue in other parts of the world, including some of the most liberal societies.

**Mr O'Dowd:** The point that I am trying to make is not necessarily about educational attainment, which is higher in certain Catholic schools. It

also has to be said that there are high levels of educational underattainment in the Catholic sector. More Catholic boys than Protestant boys leave school without proper qualifications. The figures for Protestant young people is higher percentage-wise, but it is higher for Catholic young people numbers-wise. I am talking about identity. The Catholic sector allowed the identity of Irishness to exist. As we move forward and our education system and our society evolve, that has to continue. That has to be an important part of any future education system.

On the stand-alone issue of the exemption, I support its removal. I do not know why it has taken so long for it to come about. Mr Lyttle's private Member's Bill may well be the solution to that, although I never judge any legislation until I have read it clause by clause. I await his legislation. That may be the answer to the equation before us, but I fully support the principle of removing the exemption.

**Mr McNulty:** I thank the Member for Lagan Valley for tabling today's motion. I am happy to support it. I attended a Catholic primary school and a Catholic secondary school. My Catholic education helped to shape the person I am today. It helped to hone my values, beliefs, identity and sense of humanity. My Catholic education taught me that we all belong to one human family.

It taught me to be a global, outward-looking citizen and to play my part in making this world a better place. To me, the ethos of Catholic education is about the whole-school and whole-world experience. As Pope Francis put it, Catholic education:

*"recognizes that humankind's moral responsibility today does not just extend through space, but also through time, and that present choices have repercussions for future generations."*

I believe that there is now, and always will be, a place for faith in our education system, but I also believe that to discriminate against or prevent someone from getting a job in a school, or, indeed, in any place of work, based on that person's religious belief is wrong. As I said at the Education Committee recently, I cannot believe that such legislation is still on our statute books. It is outdated and should be removed. I want to take Pope Francis at his word that:

*"present choices have repercussions for future generations."*

I want to build a fairer, better and more equal society. I want to build a society that shares this place and that provides opportunity for everyone who opts to call this place home. I want to build a society that embraces those of Christian faith, other faiths and, indeed, those with no faith at all. I want to build a society with an education system that, at its core, promotes equality and nourishes ambition and opportunity. We must lead by example. The exemption of teachers and schools from the FETO legislation has passed its sell-by date. I support the motion.

**Ms Armstrong:** Like everyone else who has spoken so far, I am, of course, going to support the removal of teachers from not the "exemption" but what is called the "exception" in the Fair Employment and Treatment Order.

Why are teachers not protected? This is not just about religion or teaching religion but about protecting teachers. Across the world, Northern Ireland is picked out for having very good recruitment processes. There are protections in place for employees, and if you are not treated well, you can go to a tribunal or to court, where you can win your case and be awarded the job or get the promotion for which you were turned down. You have access to all of that, but we do not allow our teachers to do so. Those are the people who quite often look after children for more hours of the day than parents see them. I believe completely that teachers should be included in our Fair Employment and Treatment Order: of course they should.

As Mr Sheehan and others said, unions have said that it should be done away with, because, as Justin McCamphill said:

*"The exemption to the Fair Employment and Treatment Order is outdated and needs to be removed."*

Why therefore has it not been done?

Given how many non-binding party motions that we have had in this place over the past number of weeks, I have to ask why the Executive Office has not brought this matter forward. It is not as if it is overburdened with legislation. I do not get it. I do not understand, and I would really have loved for one of them to be here today to explain to us why that cannot happen. Why does it have to take a private Member's Bill to do it? Why do we have to take up the time of Assembly staff for something that could easily be done? We all support the motion.

To be very clear, we do have the independent review of education, but that will take years and

years to implement. That, if it comes forward, has the potential to make the biggest changes to our education system in Northern Ireland, but it will take a long time.

To be clear to anybody who is listening in, although I doubt that that is the case at this time of the night, this is not about bashing people of faith. This is not about Catholic-bashing. There are other areas in which Catholic ethos can be carried through. We see it already in integrated schools.

I went through Catholic education: primary school and post-primary school. I attended one of the best schools in Northern Ireland. My daughter went through integrated schools. She still got her Catholic sacraments. There was no difference.

**Mr Butler:** I thank the Member for giving way. My learned colleague Justin from the Education Committee referred to Pope Francis. In 2018, I had the privilege of going to Dublin to meet the Pope. I went down a Christian Protestant unionist. When I came back up, I was a Christian Protestant unionist, and the Pope was still a Catholic.

Genuinely, what were they trying to do? Did people genuinely fear that teachers would be converted or that children would be converted? Does the Member agree that the exemption is just discrimination?

**6.15 pm**

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

**Ms Armstrong:** Hopefully, I will not need it, Mr Deputy Speaker.

Let us be very clear: we do not want discrimination in anybody's workplace. As I said, this is not about bashing people of faith; it is about giving teachers fair employment. When we are looking at the independent review of education, the removal of the exemption is one step further towards inclusive education. It is not about blinding out people's backgrounds and cultures. We should be developing people who respect themselves and who they are and respect others for who they are. It is time to move forward, and removing the exemption would be a good and welcome way forward. Just as we have Stranmillis University College, which offers the education certificate, there is a way to move this forward.

I understand completely the Catholic Church's concerns, especially in primary education where there is protection and where Catholic teachers can bring forward the ethos for sacraments. However, I draw people's attention to the fact that the Equality Commission has basically provided a solution. It has said that, in order to take the chill factor away from people of other backgrounds seeking employment in those schools or feeling like they cannot apply for a teaching job in a certain type of school, a discussion can happen on positive action or affirmative action, if it needs to be taken, and plans can be put in place. That is as long as people know clearly whether they can apply before they apply.

We have an Equality Commission that has been asking for a removal of the exemption. We are all asking for that, and there are solutions for people who have issues with doing so. We do not need to bland out who people are: we can celebrate diversity and inclusion. Now is the time, but I would have loved it if our Executive Office Ministers had been here, stood up and said, "Grand, no problem. We've heard you all and are going to take it forward". There is not enough time left in the mandate for them to do that, so it will be over to Mr Lyttle. I hope that his private Member's Bill is tabled in time for it to be heard and taken forward.

**Mr Deputy Speaker (Mr McGlone):** In the absence of a ministerial response, I call Mrs Rosemary Barton to give a winding-up speech. Mrs Barton, you have up to 10 minutes to do so.

**Mrs Barton:** Thank you, Mr Deputy Speaker. I thank everyone for taking part in the debate. It has really been interesting, and it is great to hear everybody speaking with such a united voice.

Mr Butler spoke first, saying that removing the inequality is something that the UUP has been working towards since 2013. Sandra Overend brought several motions on the issue to the Assembly at that time. Robbie said that he is looking towards a much better and shared future with inclusiveness and diversity in which we work together. He talked about a chill factor that is related to discrimination in the teaching profession and looked forward to that being removed.

Mr Clarke gave his support for the motion and welcomed it. He stated that everyone should be treated equally and that religion should be taught in churches and not schools.

Mr Sheehan gave his support to the motion and said that we in Northern Ireland have the longest tale of underachievement in Europe. He said that schools are not required to carry out a review of their workforce in relation to fair employment. He also talked about the excellent teaching standards in Catholic schools, which he attributed to their ethos. He also spoke about the greater levels of professional mobility across the sectors that there are now.

Mr McCrossan said that he was disappointed that no Minister had turned up to listen to the debate and that the SDLP would be supporting the motion. He said that laws against religious discrimination needed to be brought forward and said that we need to ask what is holding that up from happening in the Assembly. He said that such laws needed to be enacted as quickly as possible to get rid of that discrimination.

Mr Lyttle spoke passionately about the legislation that he hopes to bring forward. He talked about the Equality Commission and about teachers in primary and secondary schools. He said that their employment needed to be reviewed and monitored in the future when the legislation is brought in.

Ms Brogan spoke about teachers' representatives and called for the removal of this discriminatory law. She spoke about it being supported by the Equality Commission and said that all workers should have the right to fair employment protection.

Mr O'Dowd supported the removal of the FETO clause and said that it was no longer necessary. He said that the controlled sector was wide and varied, with people from different communities and backgrounds. He spoke about Catholic culture and said that it defended the Irish identity and helped it to exist.

Mr McNulty spoke about his very good Catholic education that made him the man that he now is. He believes that there is still a place for faith in education but legislation must be brought forward to ensure that there is no discrimination against teachers when they apply for positions in schools.

Ms Armstrong asked questions about the Executive Office and what the hold-up was. She also said that teachers must be afforded the right to fair employment and that there must be developments towards an inclusive education system.

I will say a few words on behalf of the Ulster Unionist Party. In Northern Ireland,

discrimination laws still apply. It remains perfectly legal for an employer to select between applicants for teaching posts in grant-aided schools solely on the basis of their faith or religious belief. Unlike other organisations and businesses that employ 10 or more staff, teacher employing authorities are not required by law to monitor their practices for fairness or to record the community composition of their workforce.

It is, however, clear from this afternoon's debate that a fairer way, leading to equality of opportunity for all teachers as they enter the profession and apply for their first post or as they progress up the career ladder, will have to be established. Over the past few years, approximately 40% to 50% of the jobs advertised in teaching have limited appeal to all teachers because they do not meet the eligibility criteria for teaching posts, particularly in the Catholic maintained nursery and primary schools. Those positions require the applicant to possess a recognised RE certificate, which leads to inequality when teachers apply for those posts. That mandatory certificate was a CCMS requirement, although I have learnt this afternoon that it has now dropped that requirement, which is good news.

In very recent years, particularly in the post-primary schools, there has been greater mobility among the teaching profession, with many controlled schools now employing teachers who have not been educated in the faith of the school. That has happened particularly in the controlled sector, where appointments are more subject-based. Teacher mobility between the traditional sectors is also inextricably connected with the separation of teacher education institutions and the policy concerning the place of religion in schools in Northern Ireland.

As we become an increasingly multicultural society, the Fair Employment and Treatment Order needs to be recognised in Northern Ireland's education system. Parents have a right, according to the European Convention on Human Rights, to bring up their children in the religion or belief of their choice. However, apart from independent Christian schools, all schools in Northern Ireland are fully state-funded, so should teachers not have a right to apply for all available positions within their ability without being curtailed?

In April 2019, 98% of those surveyed for a LucidTalk poll indicated that organisations that employ teachers should aim to select the best person for the job, while 82% stated that those organisations should be subject to the same

equal opportunities monitoring as other employers. A total of 71% believed that the teacher exception to the Fair Employment and Treatment Order should be repealed.

It is certainly not acceptable that teachers today are subject to discrimination on religious grounds. Therefore, I ask the First Minister and deputy First Minister to remove the exemption and ensure that every teacher has equality of opportunity and is able to apply for work in any school, regardless of their faith or perceived community background. No teacher should be denied an opportunity to teach or become a principal of a school on the basis of their religious belief.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the exemption in fair employment law allowing discrimination on the grounds of religious belief when appointing teachers; acknowledges that it is unacceptable that teachers should be excluded from protection from discrimination in employment on the grounds of religious belief; and calls on the First Minister and deputy First Minister to repeal urgently this exemption to ensure equal opportunities in employment are afforded to all without exception.*

*Adjourned at 6.26 pm.*

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