



# Official Report (Hansard)

Tuesday 21 September 2021  
Volume 142, No 5

# Contents

## Assembly Business

Committee on Standards and Privileges: Chairperson .....	1
--	---

## Members' Statements

NI Senior Women: World Cup Qualifier .....	1
School Transport: Drivers .....	2
Mullaghglass Landfill Site .....	2
Litter: Eco Rangers .....	2
Pig Industry: Labour Shortage .....	3
Holylands: Safety Concerns .....	3
Centenary of Northern Ireland: Celebrations .....	4
Court Care Home, Ballymoney .....	4
COVID-19: Children's Education and Mental Health .....	4
Car Parking: Health Workers .....	5
Access to Health and Social Care .....	6
Road Safety: Bells Park Road Junction, Strabane .....	6
Schools: COVID Safety .....	6
Northfield House, Donaghadee: Temporary Closure .....	7

## Private Members' Business

Autism (Amendment) Bill: Second Stage .....	7
---	---

## Oral Answers to Questions

Education .....	28
-----------------	----

## Private Members' Business

Autism (Amendment) Bill: Second Stage ( <i>Continued</i> ) .....	36
Political Appointments Bill: Second Stage .....	41

# Assembly Members

Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Archibald, Dr Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Blair, John (South Antrim)  
Boylan, Cathal (Newry and Armagh)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Ms Sinéad (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Brogan, Ms Nicola (West Tyrone)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Buckley, Jonathan (Upper Bann)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Catney, Pat (Lagan Valley)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Delargy, Pádraig (Foyle)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dodds, Mrs Diane (Upper Bann)  
Dolan, Ms Jemma (Fermanagh and South Tyrone)  
Dunne, Stephen (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Ennis, Ms Sinéad (South Down)  
Ferguson, Ms Ciara (Foyle)  
Flynn, Ms Órlaithí (West Belfast)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Colm (Fermanagh and South Tyrone)  
Givan, Paul (Lagan Valley)  
Hargey, Ms Deirdre (South Belfast)  
Harvey, Harry (Strangford)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hunter, Ms Cara (East Londonderry)  
Irwin, William (Newry and Armagh)  
Kearney, Declan (South Antrim)  
Kelly, Mrs Dolores (Upper Bann)  
Kelly, Gerry (North Belfast)  
Kimmins, Ms Liz (Newry and Armagh)  
Long, Mrs Naomi (East Belfast)  
Lunn, Trevor (Lagan Valley)  
Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Fra (West Belfast)  
McCrossan, Daniel (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Philip (North Antrim)  
McHugh, Maolíosá (West Tyrone)  
McIlveen, Miss Michelle (Strangford)  
McLaughlin, Ms Sinead (Foyle)  
McNulty, Justin (Newry and Armagh)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (Speaker)  
Middleton, Gary (Foyle)  
Muir, Andrew (North Down)  
Murphy, Ms Áine (Fermanagh and South Tyrone)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (East Belfast)  
Ní Chuilín, Ms Carál (North Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
O'Toole, Matthew (South Belfast)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Rogan, Ms Emma (South Down)  
Sheehan, Pat (West Belfast)  
Sheerin, Ms Emma (Mid Ulster)  
Stalford, Christopher (South Belfast)  
Stewart, John (East Antrim)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (Strangford)  
Wells, Jim (South Down)  
Woods, Miss Rachel (North Down)

# Northern Ireland Assembly

Tuesday 21 September 2021

*The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Stalford] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

### Committee on Standards and Privileges: Chairperson

**Mr Principal Deputy Speaker:** I advise Members that Mr Speaker has received notification of the resignation of Sinéad Ennis as Chairperson of the Committee on Standards and Privileges with immediate effect. The nominating officer for Sinn Féin has informed Mr Speaker that Linda Dillon has been nominated as Chairperson of the Committee on Standards and Privileges, also with immediate effect. Mr Speaker is satisfied that the requirements of Standing Orders have been met.

## Members' Statements

**Mr Principal Deputy Speaker:** The next item on the Order Paper is Members' Statements. If Members wish to be called to make a statement, they should rise in their place. Those Members who are called will have up to three minutes to make their statement. Members are reminded that the statements will not be subject to debate or questioning. Interventions are not permitted. I will not take any points of order on this or any other matter until the item of business has been finished. I call Members to rise in their places.

### NI Senior Women: World Cup Qualifier

**Mr Frew:** This evening at 7.00, the Northern Ireland women's national football team will kick off against Latvia in a World Cup qualifier. That comes after the tremendous success of their 4-0 win against Luxembourg on Friday. They truly are an inspiration to all sportspeople, not least to young ladies who now wish to take up the sport. It is encouraging to see so many young people being able to partake in team sports. Recently, a new ladies' team was formed in my village of Broughshane — Raceview FC Ladies. Its first training session will be held on 24 September, which is this Friday night. That in itself is an inspiration for young people to get involved in sports.

Of course, there have been ladies' football teams in the North Antrim area, not least Ballymena United Allstars FC and, of course, Ballymena United Youth Academy.

Ballymoney United Ladies also has a youth academy, as does Ballymena United. They are bringing young ladies through to play football who would not have had the opportunity 10 or 15 years ago. We should encourage and support that in the Assembly — we should encourage team sports — and make sure that it is financed properly and appropriately so that young sports stars can flourish. The IFA should

also consider investment in that aspect of youth sports and ladies' football.

## School Transport: Drivers

**Ms Dolan:** Last week, a serious school bus driver shortage in Fermanagh was exposed. An invaluable provision for parents and pupils, especially in rural areas, has been running on a bare-bones service. The Education Authority and the Department of Education must do everything in their power to rebuild and strengthen school transport services.

Last week, a regular stream of parents voiced their concerns to me and my office about the lack of drivers, which resulted in a number of buses not running. It is unacceptable that schoolchildren's allocated transport to and from school is not available. It puts extra pressure on parents and schoolchildren that they can surely do without. It also puts extra pressure on the Education Authority district transport officers who are trying their best to run that vital service but are without the required resources. I thank the Fermanagh-based transport officers who answered my queries and communicated with me openly and honestly.

I will continue to liaise with and lobby the Department on the options that they are looking at to overcome the issues in the shorter and longer term. We need to ensure that the situation that Fermanagh families witnessed last week does not happen again and that school transport services are secured for the future.

## Mullaghglass Landfill Site

**Mr Catney:** I will speak about the awful odour that comes from the Mullaghglass landfill site. Last week, the Minister talked about how the site was compliant and how extra gas wells had been added, but the fact is that the odour from the site has continued to have a massive impact on residents across Lisburn and Belfast.

The problem is fully across Lisburn and Belfast; I live in north Lisburn and smell the odour in my house, up to 4 miles from the site. I have received complaints from as far away as Finaghy Road North in Belfast and Belsize Road in Lisburn. That is almost a 5-mile stretch — 5 miles where people's daily lives are impacted by the foul stench of rotten, putrid cabbage. Surely I do not need to ask whether that is acceptable.

I want Members to listen to what residents have told me about the smell. Imagine living in these

conditions and tell me if you would just sit by when officials tell you that nothing can be done. One resident told me that the smell lingered through the night, from about 11.00 pm until the morning when they leave for work. It has been that way for months. The resident said:

*"This is the environment you have to try and sleep in. If you do manage to sleep, you wake up with heartburn and the taste of this rotten odour, even with all the windows closed."*

I will leave you with the words of another resident that sum up very well what we have all had to live with:

*"The odours seep into the house. They have been blasting to make the site larger, allowing more and more of the gases to get into the house. In the early hours of the morning, imagine that smell inside your house. The odour is indescribable. Fourteen years of complaints, 14 years of our family life being affected, 14 years of odour — both the smell of the decomposing rubbish and the smell of whatever they spray to try to cover up the stench of this decomposing rubbish — and 14 years of filthy roads due to the lorries."*

Fourteen years is a long time for the residents who live around that dump. Will the Assembly take the issue seriously? The mountain is absolutely stinking.

## Litter: Eco Rangers

**Mr Stewart:** I echo the comments of the Member for North Antrim by wishing the women's team all the very best for this evening. As a Tottenham Hotspur supporter and a football fan, I mark the sad passing at the weekend of Jimmy Greaves MBE, who was a footballing legend.

I want to take the opportunity this morning to acknowledge and commend the work of the Eco Rangers, the Whitehead Wombles and all those across East Antrim and Northern Ireland who are fighting the war on litter. Many of my colleagues will have them in their area. What they are doing is absolutely phenomenal. It started off organically, with many people doing it by themselves, but, over the past 18 months to two years, particularly through lockdown and more recently, it has been organised by a dedicated group of volunteers, who have taken it from three or four people to scores operating on our streets, in laneways, across shorelines and on beaches.

I had the privilege to be out again with the Carrickfergus Eco Rangers at the weekend, doing a beach clean in Carrickfergus. One of the organisers, Christine, told me that, in the last four weeks alone, they have collectively lifted 600 bin liners of rubbish from East Antrim. What those people are doing is phenomenal. They are now, thankfully, doing that hand in glove with the council, and areas can now be targeted in a structurally organised way. I would like to put on record my thanks to Abe, Ricky and Christine and all those organisers and volunteers who continue to do what they do. I am sure that they are operating in many Members' areas, so I ask that you support them and encourage councillors to do the same by providing the grant support that they need in order to continue their great work. We always say that we live here and love here. It is a lot easier to do that with those fantastic people doing what they do daily.

### **Pig Industry: Labour Shortage**

**Mr McAleer:** I want to speak this morning about the labour shortage in the pig industry and the crisis that that is creating. We are facing a potential crisis in the pig industry as a result of labour shortages, which are a consequence of Brexit and a very hostile British immigration policy. That has made it very difficult for agri-food to attract agri-food workers, and many of our EU workers have left as a consequence of Brexit.

It is essential for the future of the agri-food sector in the North that we can continue to recruit EU workers. When I met the Ulster Farmers' Union earlier in the summer, it flagged up the crisis, and we have had more briefings on it since. It is estimated that about 25,000 pigs, which should have been culled, are backed up on farms. That will obviously have an economic impact on farmers and the food industry, and it raises a potential welfare issue for those pigs. As we approach the Christmas season, this issue will become even more pertinent.

As Chair of the AERA Committee, I have written to the British Home Office and DEFRA to highlight those concerns and to make a number of asks around relaxing immigration rules, extending settled status beyond June, including butchers and processing workers on the shortage occupation list, and looking at the possibility of compensation for those impacted by the crisis.

On top of the crisis, we have, in recent times, become aware of a severe shortage of CO2 in

the North. It is estimated that we have seven- to 10-days' worth of CO2 in the North. Members will be aware that CO2 is vital in many industries, particularly the poultry and pig industries, where it is used in the humane slaughter of pigs, and, indeed, in food processing and packaging.

There was a very bizarre exchange in the Chamber yesterday when my colleague Gerry Kelly raised the issue with the Economy Minister. The Economy Minister said:

*"the issues ... are not pertinent to my Department." — [Official Report (Hansard), 20 September 2021, p34, col 2].*

I cannot understand how the Economy Minister cannot work out that a shortage of CO2, which is so crucial to various industries across the North, is not pertinent to his Department. It is crucial that he reflect on that, because the issue needs to be got to grips with.

In conclusion, there are many crises facing the agri-food and farming industry. There needs to be action on those issues. Access to labour is crucial, as is addressing the CO2 shortage. If those issues are not acted on immediately, our agri-food industry, which is already under severe pressure, will be absolutely crippled.

### **Holylands: Safety Concerns**

**Ms Bradshaw:** The House will be very familiar with complaints about the Holylands area of South Belfast, with the all-night partying, the risk of COVID being spread and waste being dumped in alleyways. In addition, I was made aware overnight that a young woman was followed home. I have seen the footage of her front door having been kicked in by a man. This morning, two females, one of whom is a schoolgirl, were harassed. It was only through the intervention of a resident, from whom we have both had correspondence, Mr Principal Deputy Speaker, that the man ran off. I am so concerned about the area. It is becoming a lawless slum.

Public services, be they police, Belfast City Council, the Housing Executive or the universities themselves, are going to have to stop passing the buck and stop putting in place piecemeal interventions for short periods, because we are now getting to the stage where young girls cannot even walk to school without being harassed. What would have happened if that kind, heroic gentleman had not intervened? I declare an interest in that, just this weekend, I left my daughter off to Newcastle, a strange

city. We send our children to places around GB, down South and further afield knowing and hoping that they will be safe, and the last thing that we need is the harassing of our young female students when they are just minding their own business and trying to live their lives. I put on record that I am meeting the police next week and that I will be raising serious concerns with the universities about this today.

10.45 am

## Centenary of Northern Ireland: Celebrations

**Mr Allister:** I want to take a few moments to congratulate the Ulster-Scots Agency and the various Lambeg drumming associations for the magnificent and inventive display that they put on at the weekend in front of Parliament Buildings to celebrate our neglected centenary. Of course, following the churlish, bigoted refusal, courtesy of Sinn Féin through the Assembly Commission, to allow even a centenary stone to mark that centenary, it was fitting that such a tribute was paid in the grounds of Parliament Buildings. Even a rose bush could not overcome the bigotry of Sinn Féin. Therefore, I am delighted that, on Saturday, we had that display loud and proud to celebrate the centenary of this great place that we call Northern Ireland. Well done to them.

## Court Care Home, Ballymoney

**Mr Storey:** I concur with the comments of my colleague from North Antrim Mr Allister on what was a magnificent display outside these Buildings and also the words of my other colleague in North Antrim sending our best wishes to the Northern Ireland ladies' football team — our national ladies' team. We wish them well for tonight.

Today is World Alzheimer's Day. Later, the Health Minister will join with the Alzheimer's Society of Northern Ireland to commemorate the day. Sadly, it is in the context that our care home residents have accounted for some 51% of all COVID-19-related deaths compared with 50% in Scotland, 39% in England and 34% in Wales. Of course, the statistics have confirmed that over a third of all deaths in Northern Ireland relating to the virus were those of people with dementia.

It is in that context, therefore, with sadness, I pay attention to the decision to close the Court Care nursing home in Ballymoney. The Regulation and Quality Improvement Authority

(RQIA) has withdrawn the registration for that facility, and the fact that this situation has arisen has caused untold alarm and concern to the staff, to the families and particularly to the residents of Court Care Home. I pay tribute to the staff of the home for their care, because this decision is no reflection of the care that has been provided in that facility. It is, however, a telling reflection of the way in which the place was being managed. I place on record my appreciation to the chief executive of the RQIA, to the chief executive of the Northern Health and Social Care Trust and to their staff for the conversations that we have had with them over the past number of days. In the notice of decision issued by the RQIA, we see that the current registered provider raised concerns with RQIA by way of an email and in a meeting in July about the integrity of the new applicant and the financial arrangements underpinning the application, specifically a scheme known as Invest in Rooms. Following further research by the RQIA, it seems that that issue had been ongoing for some time. Therefore, I ask that the Health Minister and everyone concerned do all that they can to ensure that the issue is investigated and the care of the nursing home residents is provided.

## COVID-19: Children's Education and Mental Health

**Mr McCrossan:** I take this opportunity to highlight the damning response to the SDLP's recent education survey, which asked parents for their honest appraisal of the impact of the pandemic on their children's education and mental health, and of the support that they have received. The results, which have been published today, paint a frightening picture of parents' experiences during the COVID-19 pandemic and the complete dereliction of duty from successive Education Ministers and the Department throughout this challenging time. Of the 708 parents who responded to the survey, the majority feel that their child has missed out on learning and believe that that has impacted on their life opportunities. Perhaps most worryingly, 72% of parents feel that their child's mental health has deteriorated during the pandemic. A total of 95% feel that the Department of Education has handled the pandemic badly or could have done better.

Those results spell out the despair that many parents felt as they tried to juggle working from home and educating their children while receiving totally inadequate support. It also shows the total lack of faith that people have in the Department that is responsible for educating our children in Northern Ireland. It is

not just their education. Our children's mental health is at stake as we emerge from the pandemic and return to some form of normality. We need to see proper support mechanisms in place for pupils as they readjust to school, and life in general, in the coming months. We had a problem with inadequate mental health support for our young people long before the pandemic and cannot afford to ignore the challenge any longer. Our young people were kept indoors for long periods, away from friends and family, at crucial stages of their development. That will have long-lasting consequences that will become more apparent in the years ahead.

The after-effects of the pandemic will cast a long shadow, and we cannot allow our children to become casualties of the pandemic. No child should have their education or prospects limited as a result of matters entirely outside of their control. We need to ensure a level playing field for those affected and ensure that our young people are afforded the same opportunities as the previous generation. Even now that our children have returned to school, it has been nothing but chaos. School leaders have been speaking out about poor planning from the Education Minister, the Department and the Education Authority. Their actions since the beginning of term have typified the reasons for parents' lack of faith in the education system.

The findings place the onus on the Minister to come up with a plan to alleviate parents' fears and address the issues that have been raised as a result of disrupted learning during the pandemic. Given the actions of late, parents could be forgiven for struggling to believe that such solutions will be forthcoming. I have yet to see a detailed plan from the Minister of Education that will address the education deficit that parents are telling us exists for many children who were not able to engage in online learning.

To conclude, where the Education Minister has demonstrated a stunning dereliction of duty, we will step up. These results must inform our policy. We must take them on board and come up with a concrete plan that restores parents' faith in our education system, while ensuring that our children get the learning experience that they deserve.

### **Car Parking: Health Workers**

**Mr Carroll:** I pay tribute to Anto Finnegan, a community and sport stalwart and former Antrim captain who sadly passed away at the weekend. As a Member who lives in west

Belfast, my thoughts are with his family and former teammates.

I will speak about the disgraceful decision to reintroduce car parking charges for our health workers. It is causing fury amongst all our health workers, who sacrificed so much for everyone during the pandemic. After COVID, we were, supposedly, to learn lessons, but, seemingly, the Minister and the Executive did not get the memo. Not satisfied with ploughing ahead with a below-inflation pay offer that falls way short of what health workers deserve and have demanded, they have lumped another charge on to health workers at a time when they, like all working-class people, are feeling the financial squeeze. The reality for health workers is universal credit being cut, National Insurance contributions on the rise, and, now, being charged to park outside their place of work.

We are talking about people who work in ICU wards, treat cancer patients or are maternity nurses; the list goes on and on. Historically, we had the disgraceful decision that allowed private companies to charge millions to health workers to park at their workplace. Now, the Department and trusts are following in that vein.

Before the exemption for parking charges came into place, people at hospitals were forced to pay, including, obviously, health workers. The new proposal from the Minister and the Department will see those in health and well-being centres forced to pay to park outside. What message does that send to our OTs, mental health workers and those who work in those vital facilities? It is shocking that, as things stand, you or your loved ones may be forced to go to A&E services and may also be hit with a charge of £12 or more. Not only are those charges unfair and unjust, but they could be counterproductive, as they may discourage people from seeking medical advice and assistance at a time when they are told to do so.

Workers should not be forced to pay for the planning disasters around our city. The lack of free and timely public transport and so on is a political failure. We always hear — we have heard it in the last number of days — that we cannot afford it and that the costs are too high. The trusts spend over £100 million every year on agency staff, so the money is clearly there. If supporting health workers is a priority for the Executive, they must ensure not only that health workers are paid a proper wage but that they are not forced to pay to park outside their workplace.

## Access to Health and Social Care

**Mr Principal Deputy Speaker:** I have three Members left on the list, and there are roughly seven minutes left, so chop-chop. *[Laughter.]*

**Mrs D Kelly:** I will endeavour to be generous with time.

A number of constituents have contacted my office in dire straits and with deep anxiety not only on their own behalf but on behalf of a family member about accessing health and social care. We have rightly heard a lot of talk about the challenging figures on COVID infection, which continue to rise, and the impact of the pandemic, but not enough is being said about the impact of people being unable to access the vital healthcare that they need, should their condition be red-flagged. For example, one constituent is still waiting for their breast cancer review. That is an anxious time for any person. I have another constituent who is in severe, crippling pain. That person has worked all their life and has been told, through me, that they have to wait over 52 weeks for an initial appointment in order to access painkillers. They then tried to access it in a private way. They were told that it would cost £150 for a phone call with a consultant that they would not get until November.

My concern also extends to the parents whose children have had to be assessed for autism and for all sorts of other mental health challenges over Zoom. I do not think that that is good enough. I do not think that we have any COVID recovery in place to deal with elective surgery across the North. My plea is that the First and deputy First Ministers and, indeed, the whole Executive, along with the Health Minister, quickly set out a recovery plan for the health and social care system to deal with the challenge not only of COVID but the waiting lists, which are a shame and disgrace across these islands.

## Road Safety: Bells Park Road Junction, Strabane

**Mr McHugh:** I will get straight to the point. I call on the Minister for Infrastructure to direct her staff in the west Tyrone area to immediately implement safety measures, including accident black spot signs and rumble bars, on the approach road to the Bells Park Road at the Prospect Bar, near The Glebe outside Strabane. It is possibly the most dangerous junction in Ireland. Since 2011, I have highlighted the dangers of the junction. Whilst measures such as improved signage and site

clearances have been implemented, accidents continued to happen and, because of their frequency, the junction has moved up the Roads Service's list of priorities for a major works programme.

Last Sunday, returning from Dublin, I received a phone call about another accident at the Prospect in which a vehicle had driven through the junction and collided with vehicles on the main Bells Park Road. Unbelievably, on Friday morning, I received a similar call about exactly the same circumstances.

On Sunday evening, I was incredulous to receive another call: once again, a vehicle had driven straight through the junction and crashed into another on the Bells Park Road. That is three accidents in exactly the same circumstances all within one week. That has to stop. *Buíochas le Dia*, thanks be to God that no one has lost their life, but I am sure that immeasurable damage has been done to vehicles and human beings at that junction. It has to stop. We cannot wait for the major project to come to fruition: measures need to be implemented now. I implore the Minister to act immediately to implement safety measures such as accident black spot signs and rumble bars on the approach roads to the Bells Park Road in order to alert motorists to the dangers of the junction and, in particular, to protect lives.

11.00 am

## Schools: COVID Safety

**Mr Lyttle:** I will raise briefly the ongoing and urgent issue of COVID safety in our schools. The priority for us all is to maximise children's safety and attendance at school. There is, however, ongoing and genuine concern about the new approach to pupil testing, tracing and isolation in our schools. The redefinition of what constitutes a pupil close contact has been ill explained and poorly implemented in our schools by the Minister of Education, the Minister of Health, the Chief Medical Officer (CMO) and the Public Health Agency (PHA), to the extent that I hear reports of contact tracing by WhatsApp. There are concerns about a lack of clarity on what constitutes a cluster, concerns for clinically extremely vulnerable children and, indeed, reports of the Education Authority (EA) rapid-response deep-cleaning team being stood down. I listened to a PHA official patronise an experienced school leader about those concerns rather than build confidence in the new approach to COVID safety in our schools.

I am grateful that the Education Committee has proposed a joint meeting with the Health Committee so that the Education Minister, the Health Minister, the CMO and the PHA can communicate clearly on these matters. I welcome the fact that the Education Minister, along with, I believe, the CMO and the PHA, has accepted the invitation to an extent and will attend the Education Committee tomorrow. It is incumbent on us all to heed the concerns and to ensure that a robust pupil test, trace and isolation system is fit to protect our children's safety and their attendance at school.

### **Northfield House, Donaghadee: Temporary Closure**

**Mr Principal Deputy Speaker:** Mr Alex Easton has been rising in his position from the start of Members' Statements, so it is only fair — even though, strictly speaking, we are out of time — to allow him to speak.

**Mr Easton:** Thank you, Mr Principal Deputy Speaker. I appreciate that.

I am raising the issue of the temporary closure of Northfield House rehabilitation centre in Donaghadee, which is run by the South Eastern Trust. It is a rather worrying development, because there have been previous attempts by the trust to close the centre permanently. It is disturbing that COVID was used as the reason for the temporary closure of the facility. Nineteen staff were written to and told that Northfield House was to close, as it was to be used for the recovery of COVID patients. All the patients in the facility were removed and sent home, some without care packages, which, I have to say, is an absolute disgrace. The staff waited for several weeks for COVID patients to come for rehabilitation, but not one COVID patient was sent to the facility. Several weeks later, the same staff got a letter saying that Northfield House was to be closed temporarily.

What concerns me is that we hear about our hospitals overfilling and about the serious state of our ICUs with their COVID patient numbers, yet here we are closing a facility that was up to 81% occupied before COVID. I warn Members to watch out in case trusts in their areas use COVID as a reason to try to close units. I also send a message to the Health Minister that the people of Donaghadee do not accept the temporary closure of Northfield House. We need every bed that we can get, right across our health service. I hope that Members will support me in the ongoing battle to reopen the facility.

## **Private Members' Business**

### **Autism (Amendment) Bill: Second Stage**

**Mrs Cameron:** I beg to move

*That the Second Stage of the Autism (Amendment) Bill [NIA 31/17-22] be agreed.*

**Mr Principal Deputy Speaker:** In accordance with convention, the Business Committee has not allocated a time limit to the debate.

**Mrs Cameron:** As chairperson of the all-party group (APG) on autism, I am conscious of the legacy of political action that I lean on; in particular, I refer to the late John Fee MLA, who brought the first debates on autism before the House, and to the dedication of Dominic Bradley, a former MLA and chairperson of the all-party group on autism, who saw his private Member's Bill on autism pass into law in 2011 and emerge as the most comprehensive, lifelong, cross-departmental, equality, single disability legislation worldwide.

When the Autism Act (Northern Ireland) 2011 was introduced, it amended the Disability Discrimination Act 1995 to recognise and protect the rights of people with autism: autism could no longer be ignored or denied. It was also the first legislation passed by the Assembly that mandated cross-departmental service planning and delivery across adult and children's services. As such, it predated the Children's Services Co-operation Act by four years. The 2011 Act was ahead of its time, and it mandated a recurrent seven-year NI autism strategy across all Departments. Unlike other strategies, the implementation of the strategy was a legal requirement.

The all-party group on autism, established in 2008, evolved from a network of MLAs in the Assembly who had been lobbied by Autism NI over the previous seven years. The period was characterised by evidence gathering with grassroots parent organisations that linked all our constituencies and by the building of international partnerships. Publications were launched, and delegations met counterparts in the US Congress, Westminster, the Dáil, the Scottish Parliament and the Welsh Assembly. The Celtic Nations Autism Partnership was formed, which was a coalition of indigenous national autism charities in Wales, Scotland, Northern Ireland and the Republic of Ireland, and it acted as a facilitator during that time.

All that work represents nearly two decades of political action on autism, and that is the legacy that I refer to. There are Members here today who were an integral and vital part of that journey. However, the reality is very different from what we anticipated. Ten years after the introduction of the Autism Act, I stand here to remind Members that a key pillar of the original Act has failed. My comments today will leave many of us not proud but ashamed at our failure in oversight. A lack of accountability, scrutiny, motivation and leadership by those entrusted with implementing the landmark legislation has meant that a uniquely mandated national strategy has not been actioned despite annual departmental promises of renewed and refreshed actions or intentions to the contrary.

In 2016, the all-party group on autism sponsored the launch of the 'Broken Promises' report published by Autism NI and the National Autistic Society NI. That report remains the only objective, independent evaluation of the post-Autism Act era. The damning concerns highlighted by the report were further investigated by the all-party group on autism during the three-year suspension of the Northern Ireland Assembly and the COVID-19 pandemic.

The all-party group on autism has, as a consequence, gathered evidence confirming that only one of the three action plans in the mandated Northern Ireland autism strategy has been completed; the Northern Ireland autism strategy progress reports are extremely subjective, generic and absent of any measurable outcomes or targets; no independent research or evaluations have been generated to assist discovery, planning or delivery; and a well-publicised plan by the Health and Social Care Board (HSCB) to initiate an independent study to explore the differential rates of diagnosis across the five health and social care trusts was never implemented. Answers to Assembly questions submitted by members of the all-party group on autism confirm that the causes of diagnostic inconsistencies across trusts remain unknown. We have a letter from the Health Minister acknowledging that his Department does not know why there are such inconsistencies from trust to trust.

No Department has submitted any new bids for funding for autism services in the last 10 years. The autism prevalence report produced by the Department of Health now reflects that we have the highest autism prevalence rate in the world, with one in 22 school-age children having a diagnosis of autism. No new funding was attached to the Autism Act (NI) 2011

implementation. The only published new recurrent funding injection was in 2016, when £2 million was allocated to the Health Department towards diagnosis.

The Department of Health maintains a medical rather than a social model of disability. That has created serious funding imbalance for conditions such as autism that require educational, social and community intervention. The Autism Act (NI) 2011 requirement for an autism awareness campaign has been replaced by an optional in-house intranet exercise and coffee mornings instead of the implementation of the initiatives recommended by the NI autism strategy's research advisory committee.

The impact of all that is best summarised by the reaction to the October 2020 public consultation on the Autism (Amendment) Bill that we are debating. The public consultation received in excess of 1,800 responses, making it the highest response to draft legislation in Northern Ireland's history. The high response rate is a huge indicator of the level of concern. Ninety-two per cent of respondents supported the need for an independent scrutiny mechanism as they believe that scrutiny, transparency and research in relation to autism services are inadequate. Ninety-five per cent of respondents supported a cross-departmental accredited autism training strategy that is coordinated to target key staff and reduce costly duplication. Ninety-four per cent of respondents highlighted concerns and the need for consistent adult autism services. Similar support was evident in the consultation for assessment and post-diagnostic services to be consistent across trusts. Most significantly, there has been overwhelming concern that the situation regarding support services has become worse. Obviously, that corresponds with the lack of investment in leadership, motivation and resources during a period of accelerating prevalence.

Another important issue is the current financial cost to families. Private autism diagnosis clinics are on the rise as parents turn in desperation to any service they can to access timely diagnosis and intervention. Many families cannot afford that route and are getting into debt to find answers and get help. That is damning evidence of the failure of our Health and Social Care (HSC) sector, which should be free and timely at the point of need for autistic individuals. The fact that a private diagnosis is recognised by our health and social care trusts, whereas 10 years ago it was not, can be interpreted only as an admission of not having the capacity to meet the need. It should also be noted that private diagnosis at a private clinic

often logically ties families into costly post-diagnostic early interventions.

Meanwhile, the postcode lottery continues between our five health and social care trusts, with families reporting huge service inconsistencies depending on which side of the health and social care boundary you live. We also know from research that families living with autism already make financial sacrifices, with many carers being forced to move to part-time employment options. That leads to many parents and carers having increased stress, depression and anxiety compared with the general population, and that is compounded by the lack of access to professional expertise due to the Executive's long-term failure to invest in autism training and resources.

There is also a financial cost to the public purse that can largely be summarised in the current costs associated with waste and duplication: duplication due to the lack of consistency and coordination across our health and social care trusts and our Departments and waste due to the failure to utilise and integrate the expertise in the autism advocacy sector through service development and funding partnerships.

All those critical issues indicate that the Autism Act (NI) 2011 must be strengthened. The Autism (Amendment) Bill would build on the 2011 Act by introducing measures to remove the existing barriers to the full implementation of the law. Crucially, we need an independent scrutiny mechanism to drive forward future Northern Ireland autism strategies. That should be in the form of an autism reviewer.

There are eight clauses in the Bill. The last three refer to the interpretation, commencement and short title of the Bill; therefore, I do not feel that they need further explanation. I will now give a summary of the remaining five clauses and outline the reasoning behind them.

#### **11.15 am**

Clause 1, "Autism strategy: consultations and data", expands the duties of the Department of Health to gather autism prevalence data on adults as well as on children. Currently, Department of Health data focuses on children only, but we need to gather adult data to aid future planning and service provision for our autistic adult population. We have no idea of the number of autistic adults; therefore, it is imperative that we develop our data collection systems further. Clause 1 also introduces a duty for the Department to consult more widely.

Clause 2, "Additional components of autism strategy", expands the autism strategy to include the development of an autism training plan for staff across Departments and public bodies. That will reduce duplication and increase consistency, coordination and competency across agencies. It will also enhance workforce professional development and introduce a tiered strategy, from basic awareness training for the many to targeted accredited training for the few. Two of the most obvious examples will be training for all teaching staff in Northern Ireland as well as mental health professionals who work with autistic people.

Recent research demonstrates the difficulties that those with autism are more likely to experience. Suicide is the leading cause of death in the autism community. An autistic child is 28 times more likely to consider or attempt suicide than his or her non-autistic peers. Autistic adults are nine times more likely to die by suicide than neurotypical adults. Autistic women are more likely to die by suicide than non-autistic women. Approximately one in five women with anorexia is autistic. Mental health issues in the autism community are often misdiagnosed due to poor communication and understanding between patients and practitioners. Mental health treatment needs to be adapted for autistic individuals. Those working with autistic individuals in Departments and public bodies need to be adequately trained in autism if we are to improve the everyday experience of our autistic colleagues, friends and family members.

Clause 2 also expands the autism strategy to include the development of a regionally consistent early intervention service that will ensure that regionally consistent ethics and practice feed into the autism training strategy. We all know that early intervention works. It is also cost-effective, as it reduces later dependency on core services. There are fantastic best-practice models locally that need to be tapped into and delivered regionally. Most importantly, a regionally consistent early intervention service will ensure that families receive the right guidance, help and support when they need it to help to put an end to the current postcode lottery of support.

Clause 2 proposes the development of a regional information service. As the prevalence rates of autism have risen, so has the imminent need for information and support. A regional information service will ensure consistency of advice and signpost autistic adults and families to local services in their areas. It should be available through a number of media to

accommodate different circumstances — for example, via telephone, in person or virtually. I am sure that other Members can sympathise with families who have come to them in desperation for advice and support. Numerous families have come to me and asked where to access support, how to access services after diagnosis. Some families do not know where to go, but, more worryingly, others have tried to seek support but have been failed by the lack of an accessible information service.

Clause 2 also outlines how adult services need to be developed while considering core areas of need. It proposes the development of a regionally consistent range of adult support services. The extension of data for autistic adults will improve the capacity to map need. Only 16% of autistic adults are in full-time employment, which is less than half of the total figure of those in the disability sector. We can all agree that that is an area that needs to be invested in and developed further.

Social opportunities are also needed as so many adults feel misunderstood, alone and unsupported. That is evidenced by the stark fact that an autistic adult is nine times more likely to commit suicide than a neurotypical adult. The lack of support services and opportunities may be contributing to that terrible statistic. Again, many families have contacted me to seek support for their autistic adult children, brothers, sisters, aunts and uncles. They deserve to be supported to reach their full potential and engage in the community and the workforce in a fulfilling and meaningful way.

Clause 3, "Methodology of the autism strategy", places a duty on the Department to ensure regional consistency of practice, which will be vital to ensure the success of other, aforementioned components of the autism strategy, such as an early intervention service. Clause 3 also outlines how the autism strategy must have measurable targets and outcomes to measure effectiveness, which speaks for itself. Ultimately, any truly effective strategy must be measurable in order to assess success and what improvements and changes need to be made to achieve overall aims. The strategy should be the basis for ongoing transparency and accountability and will be an essential tool for the autism reviewer.

Along with the general duty to consult that is introduced in clause 1, clause 3 includes a specific obligation to consult organisations when setting measurable targets. The autism strategy must be developed in consultation with the autism community. Nobody knows the

needs of the autism community better than our autistic people and their families, as well as the voluntary and community sector that represents them. Over the past 10 years, that consultation has not happened.

Clause 4, "Annual autism funding reports", places a requirement on the Minister to lay a report before the Assembly from all Departments, setting out how funding for autism has taken account of the NI autism strategy, the needs of autistic individuals, the current prevalence rates and the potential for partnerships with autism rights bodies. This amendment will address the previous failure by all Departments to bid for investment to progress the Northern Ireland autism strategy. It will also evidence the matching of data against investment; for example, whether a rising prevalence of autism is being matched by rising investment.

Clause 5, "Autism reviewer", will introduce a requirement to set up an independent scrutiny mechanism, which will be known as the autism reviewer. The duties of the autism reviewer will be to monitor the effectiveness of the Northern Ireland autism strategy and advise the Assembly; to assess the effectiveness of the funding arrangements in respect of autism; to review the adequacy and effectiveness of the law and practice relating to autism; to review the adequacy and effectiveness of services provided for autistic individuals and their families; to commission independent research; and to issue an annual report to the Department, which must be laid before the Assembly.

Finally, it would be remiss of me not to acknowledge the particular pressures that are being faced by Departments as a consequence of the current pandemic. Specifically, I am aware of the long-standing failure to invest in the future of our national health and social care service. The introduction of the Autism (Amendment) Bill, which has cost implications at this time, must be conducted with sensitivity and realism. The reality must be balanced by the awareness that the Autism Act (NI) 2011 was impacted upon by the caution that was generated by the banking crisis and recovery measures. The failure to address funding implications or to agree an incremental funding plan impacted negatively on the implementation of the 2011 Act.

In response, I propose the appointment of an autism reviewer with a budget allocation similar to that of the mental health champion but with duties that protect the independence of that post from departmental influence or

interference. A budget for research is an essential component in order to guarantee service and cost effectiveness. These measures, and the accountability that will be generated from the requirement that is placed on the Department to submit an annual autism funding analysis to the Assembly, will address proven concerns over the lack of objective scrutiny, accountability and motivation in the implementation of autism legislation.

I commend the Autism (Amendment) Bill to the House.

**Mr Gildernew (The Chairperson of the Committee for Health):** I welcome the opportunity to make some initial remarks on behalf of the Health Committee, outlining our consideration of the Bill, before speaking as my party's health spokesperson.

This private Member's Bill is relatively short, as Pam Cameron mentioned, with five key clauses and eight in total. As its sponsor has said, the Bill has three policy objectives: to enhance the autism strategy by strengthening the consultation process and the collection of data; to provide autism training for staff of public bodies, including setting out details of an autism early intervention service and autism information service; and to require the appointment of an autism reviewer to review the Department of Health's functions in relation to autism.

The Committee is aware of the problems in the system with regard to helping families to get diagnoses and support as children go through education and into early adult life. Over the past year, the Committee has received correspondence, from groups and individuals, outlining the difficulties that they have and that it seems that there is a postcode lottery for the time taken to get a diagnosis and support. We have heard from individuals that they have had to go private to get an early diagnosis to try to get support as early as possible. Many studies have been completed that show that early interventions help and that early behavioural interventions can ensure that children learn life skills and coping mechanisms that will equip them for life in mainstream education and into adult life. We absolutely need to support families through this process, to ensure that diagnoses and appropriate support are provided at the earliest opportunity and that services are provided consistently across all trusts.

At its meeting on 16 September 2021, the Committee was briefed by the sponsor of the Bill and representatives from Autism NI on the

principles of the Bill. During that briefing, there was discussion about the prevalence of autism here in the North, which has the highest prevalence rate in the world. As the Deputy Chair said, there is a rate of one in 22 children with autism in our community. The sponsor outlined that, by and large, this Bill will implement and improve the previous Autism Act from 2011 and that it will introduce the appointment of an autism reviewer. The Bill outlines that the role of the reviewer includes monitoring the implementation of the autism strategy, considering funding arrangements in respect of autism, keeping the effectiveness of the law, practice and services relating to autism under review and commissioning research on autism.

During the briefing, Committee members asked a number of questions about the Bill, including questions about the proposed costs of the reviewer and of the implementation of the early intervention service and autism information service. The proposer advised that the Assembly's Research and Information Service (RaISe) is undertaking research on the costs relating to the Bill. We look forward to seeing that research in due course.

Members also asked questions about autism training for staff. There was discussion about some very good examples of training of some front-line staff and about how there needs to be learning and sharing of that best practice. There was also some discussion about why legislation was required and why this could not be better delivered through the autism strategy. Members raised the need to provide autism awareness to children and young people in schools and the need to provide support for adults with autism and their carers.

Following the Bill passing First Stage in July, the Committee agreed to go out for consultation. That was due, in part, to the significant and very heavy legislative schedule that the Committee will have over the coming months. I take this opportunity to encourage organisations and individuals to take part in the consultation process. Further information on that can be found on the Committee's website. Provided that the Bill passes Second Stage, the Committee looks forward to engaging with stakeholders and scrutinising the Bill in further detail.

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

I will now make some remarks as Sinn Féin's health spokesperson. I want to recognise that there is a considerable network of families, activists and organisations that are interested in

improving the outcomes and lives of those with autism and their families. Those include Autism NI, the National Autistic Society (NAS) and other groups, collections of individuals and individuals who have struggled and worked together to try to improve services across this area. I also acknowledge Pam Cameron from the DUP for bringing this Bill forward and recognise the cross-party support and ongoing work of the all-party group on autism. All parties, including mine, are on that all-party group.

We all understand the huge difficulties that many people in our community encounter when dealing with autism and getting services in the first place. I have experience of that, as I am sure that we all do. I have met with literally hundreds of people who are struggling with autism, and I will very quickly touch on one case that I dealt with a couple of years ago, pre-COVID, which highlights how difficult it can be.

It was the case of a woman who was on her own. She had two children, one of whom had a diagnosis of autism and the other of whom was going through the process of having a diagnosis confirmed. That diagnosis was eventually confirmed. She was struggling on her own to get services for the child who had already been confirmed as having autism and to get the assessments done.

In the midst of all that, her day-care centre closed as a result of an emergency admission, which left her struggling and, at one point, in the heartbreaking situation of having to consider whether she was able to manage with both of her children or whether she would have to, in their interests, ask the state and the health services to provide care for that child. The situation was addressed over time and some support was put in, but she struggled and came very close to breaking point. Having heard from her about some of the situations, I honestly do not know how she coped; at times, she had to choose which of the appointments she would take and which she would reject and maybe not get rescheduled for a long period. We are all aware that those are the difficulties and that there are very difficult situations to deal with individually and collectively.

### 11.30 am

Sinn Féin is concerned about the services that are provided to those with autism and their families, including access to assessments, follow-on support services and early intervention. I acknowledge that the Minister

has agreed to improve the collection of data so that we can get a better idea of the picture of how many people are having to privately access assessments, which are so badly needed.

The interim autism strategy that was launched by the Department is not up to the task of improving the lives of and outcomes for those with autism or their families. Sinn Féin brought a motion to the Assembly on 11 May that called for a longer-term strategy to be co-produced with the sector. It was amended by the DUP to include measurable targets, which we supported. The motion was strongly supported in the House.

COVID-19 has had a huge additional impact on families and those with autism. Usual routines or coping strategies were denied, and lives that were already difficult were turned upside down. Many families are struggling and are at breaking point, which is often overlooked. It is also relevant today to, once again, acknowledge that we have not provided additional support to carers to make up for the supports that were withdrawn as a result of COVID. Those have not been fully rebuilt. We have not done anything additional even to acknowledge the work of carers, and they are struggling — no question.

Sinn Féin supports the principles of the Bill. We are eager to engage on its substance clause by clause. I thank the Minister for facilitating a meeting that I will have tomorrow with senior officials from his Department about the autism strategy, the autism forum and the issues that have already been raised in the House today and those that will be raised throughout the debate.

**Mr McCrossan:** As the SDLP's education spokesperson, I support the broad principles of the Bill. I thank Pam Cameron for bringing forward something that is vital to so many people across Northern Ireland and many in the House directly. I speak today as not just an MLA or the SDLP's education spokesperson but as an uncle of a six-year-old child called Ashton who has autism and is non-verbal. It has been a learning process for my sister, her partner and our family as we have watched that child develop and seen, increasingly, how difficult it is to get support from the system. That support did not exist pre COVID, and it certainly has not existed during COVID. There are so many gaps in the system. Things that you could not possibly imagine occur when a child is frustrated and cannot express how they feel properly or communicate. I suppose that that is their form of communication. Ashton is a

wonderful child. He is very smart and bright. He loves to carry on, and loves getting out in the car. That is the only time that he settles for my sister; she drives around for an hour to keep him occupied and busy. I speak today with him in mind, because I have seen the worst, and the best, possible scenarios emerge.

The Bill deals with this very important issue. I want to highlight from the outset that the support and services for people with autism across Northern Ireland are inadequate and underfunded and simply do not get the attention that they deserve. We have spoken about this many times in the House, but more so over the last few years. If we look at the Autism NI website, we see that, over the last five years, the rate of autism has increased by 82% among schoolchildren. One in 24 children in our schools has autism, and 86% of children with autism have special educational needs. Over 4,500 children are on the waiting list for an autism assessment. Those figures are damning, and they clearly point to a situation that needs to be tackled. There is strong support across the House to see that we do all that we can to ensure that that happens.

The waiting lists for autism and special educational needs assessment are absolutely appalling. It is clear that, while demand for services has substantially grown, it has not been met with the additional budget or resources allocated to deliver. In the Assembly, we have a terrible habit of coming up with great plans as to how we can fix major problems. We can be united around them, but often found wanting when it comes to the funding to deliver what is essential and necessary. Many families are impacted by this, and they include my own. Many struggle with no one to turn to. Many schools struggle as children wait months or years for statementing. In the context of this debate, it is vital to highlight this issue and urge the Ministers of Health and Education to work together, as closely as possible, to produce solutions to these problems and to ensure that funding is found so that we can alleviate the major pressures on families and young people and ensure that support services are there when they are needed, not many weeks, months or even years down the line.

As I have outlined, we are happy to support the Bill, and we believe that it adds to the great work that the SDLP has been pushing for almost two decades. I thank Pam Cameron for recognising the work in 2002 of our late colleague, John Fee, who did a huge amount of work on the Autism Act, and also of a former colleague, Dominic Bradley MLA, who brought

forward legislation in 2011. I thank Ms Cameron for mentioning them.

The Autism Act recognised that autism was not just a Health issue or an Education issue, but a cross-departmental issue, and a developmental disability. Since then, we have had the autism strategy 2013-20, the interim 2020-21 strategy document and, most recently, a consultation on the 2023-28 autism strategy. Those strategies are all cross-departmental, introduced by the Health Minister, and aimed at addressing the whole-life needs of people, families and carers who live with autism in Northern Ireland. Sadly and unfortunately, the potential of the 2011 Act to transform people's lives has been compromised, not only by the lack of financial support, but by the lack of ministerial decision-making. I recognise that we have had a difficult process because the Assembly was absent for three years, which added a huge amount of difficulty to families and children with autism. Also, we are in the middle of a pandemic and there is no blueprint for what we have been through. I know that things have been difficult. Despite many promises, strategies and plans, children and adults with autism, along with their families and carers, still feel that they are being failed, and no one in the House disagrees with that. Every family that I have spoken to feels that the system is just not adequate to assist or deliver what is necessary to help them.

Mr Gildernew specifically mentioned a family that has a number of children who are autistic. I spoke to a single parent in West Tyrone whose four children are all autistic. It is an extremely difficult situation, and this lady is extremely brave and determined to ensure that her children receive the support that they should receive and should have received all along. I found it fascinating to listen to her experience, because I know what it is like for my sister with Ashton, and I imagine that four children in the house, stepping stones apart, would be an extremely challenging situation in normal times, but particularly during a pandemic.

It is important to stress that we can have all the strategies and action plans that we need, but they will not be wholly effective unless they are properly resourced, properly financed and properly measured. We need to see a sea change in how autism services are delivered, and we need to see tangible results come from them.

I will provide some initial commentary on the Bill's provisions. We have no issue with clause 1. As part of the autism strategy consultation process, the Bill seeks to open up engagement with other persons rather than with

departmental bodies only, and that is a very good suggestion. The SDLP welcomes that and believes that it is important that as many people and organisations as possible feed into the process. There are so many that can play a vital role in ensuring that we get this right, and that is key. As we move along, we will have to adapt and ensure that we do more to support those with autism, but some of the suggestions in the Bill are already right on that.

Clause 2 would amend section 3 of the Autism Act (NI) 2011, and I particularly welcome the focus on providing autism training to civil servants and staff of all public bodies. The reason that I say that is because I recently witnessed on social media a video, not filmed in Northern Ireland, in which a police officer was in a school dealing with an autistic child. The child was in difficulty, and as pointed out I will be about it is to say that sufficient training had obviously not been given.

It is critical that everybody in public bodies be trained, but training should also happen at a community level so that people have a greater awareness of the challenges and of how they can help, support and understand what an adult or a child wants or is trying to say, communicate or do.

As we all know, last year, we got a commitment from the former Minister of Education Peter Weir on the introduction of mandatory autism training for teachers in the North, and that was wholly welcomed. I am sorry to say that, 19 months later, it has not yet been introduced. As I have said, it is not something that I am not going to politic on at all. I recognise that we are in a pandemic, but we do need to see that training happen as swiftly as possible.

**Mr Lyttle:** I thank the Member for giving way. I have no intention of party politicking on the matter either, but it is important to seek some clarification, as it is my understanding that the Minister of Education does not currently support the introduction of mandatory autism training for trainee teachers. Perhaps that is something on which we can get clarity.

**Mr McCrossan:** Yes, it is important to seek clarification on that. The Minister of Education is probably extremely busy, but, given the debate, it would have been good if the Minister of Health and the Minister of Education had appeared here today, even just to observe. I thank the Member for his intervention.

The amount of time that children spend in school and the opportunities available for early intervention mean that there is a massive issue

here. Given that 78% of children with autism are in mainstream schools, it is absolutely shocking that mandatory autism training has not yet been introduced here. It is absolutely critical. Any public representatives who visit any school in their constituency will be told that the biggest challenge in the school, aside from COVID, is to ensure that children who are autistic or going through the process get the support that they need and, in turn, that the other children in the class also receive the support that they need. That is vital. As Mr Lyttle rightly pointed out in his intervention, we should get clarification urgently. I know that Mrs Cameron feels very strongly about the issue, and I am sure that she will follow up on it with the Minister as well.

The training needs to be incorporated into initial teacher training. A lot of teachers have come forward and suggested that it is a positive thing that they would be very keen to see happen, but there is also an inherent need to have continuous training as part of teachers' professional development, because things change. We need to ensure that the training is adequate at all times. Providing autism training cannot be used as an excuse for underfunding and under-resourcing. Rather, it should be used to bolster educational outcomes in our schools. That is absolutely critical.

I hope that the Minister of Education will follow through on her predecessor's commitment to mandatory autism training for teachers — I welcomed that at the time — and that she will consult all the teaching unions immediately on that. Given that this is a cross-departmental issue, I urge colleagues in the Executive also to raise it.

#### 11.45 am

I also welcome clauses 3 and 4, and, in particular, the need for regional consistency, hard targets and proper reports on the funding allocated for autism services. Those are all very important issues.

Clause 5 introduces an autism reviewer, and that is a very welcome suggestion. The reviewer will examine and review the Department's functions in relation to autism. That welcome provision will enable another level of scrutiny and measure of the Department's performance in service provision.

In conclusion, the Autism Act should, like all legislation, be seen as a living instrument. Where necessary, it should be updated to deal with any current or urgent issues as they arise.

Things have changed since 2011 and the original legislation. All of us are learning all the time from the challenges that arise, and it is important to consider that.

Parents, particularly single parents, look after autistic and/or non-verbal children who find it difficult to express themselves. I have seen parents with scraped faces and arms that are bruised and nipped. I have seen situations where a bowl has been fired through a plate glass window or things have been thrown out of car windows. I have seen a child who was in a car with only their parent become uncontrollable, and the situation became dangerous. I have seen situations in which the strongest people I know have fallen apart. I have seen people who, in a situation where they genuinely need help, call those who should be in a position to help them, but they cannot help. What happens if that parent is no longer able to cope because the system has not been there to support them? The child is affected as well. We need to get these things right. I believe that the House wants to get this right, and it is very welcome that there is such unity on this important issue.

The SDLP has no hesitation in supporting the general principles of the Bill at this stage. Indeed, we look forward to further considering and developing it at Committee Stage. We thank Pam Cameron for bringing the Bill to the House.

**Mr Chambers:** I also thank my Health Committee colleague Mrs Pam Cameron for introducing this private Member's Bill on autism. Pam is absolutely passionate about this topic. Autism is a condition that seems to be touching more and more families. My party broadly welcomes the Bill. We feel that a few aspects may need to be tweaked as it proceeds through Committee Stage, and I look forward to engaging in that process.

The overall objectives of the Bill are positive, and many have already been identified, with work or discussion under way: for example, clause 2(4D) states:

*"The autism strategy must set out how the needs of adults with autism will be addressed".*

The fact that this has already been included as an action in the 'Autism Interim Strategy 2021-2022' indicates that the Bill is heading in a direction that will enjoy broad consensus.

The Bill also includes many other worthwhile objectives, not least the further detail on training

for staff in public bodies, the provision of an autism information service and taking best international practice into account. Some other parts of the Bill, such as the appointment of an autism reviewer, may require further scrutiny before the Ulster Unionist Party can commit either way. The discussion that will happen over the weeks and months ahead will be useful. Fundamentally, however, the Bill will help to focus minds, and that can only be a good thing.

For too long, autism services have struggled. Like many other services, they fell victim to a decade of underinvestment and lack of strategic direction. That has resulted in the gap between capacity and demand at present. The Minister has said openly that the current model of autism services is unsustainable. Too many people are waiting for far too long for an initial diagnosis. In turn, that robs them of the opportunity for early intervention. If it passes, the Bill will help, along with the interim strategy that the Minister published earlier this year. However, what is needed most is sustained investment to allow for the recruitment of additional permanent staff in order to stabilise and sustain the provision of the autism services that Northern Ireland deserves. As I said earlier, the Ulster Unionist Party broadly welcomes the Bill.

**Ms Bradshaw:** I support the Bill. I do not intend to speak for too long on it because it is largely self-explanatory. Most of all, what I want to say is intentionally general because the Bill is primarily about filling gaps and moving in the right direction. I commend the chairperson of the all-party group on autism, Pam Cameron MLA, for bringing forward the Bill, and everyone else on the all-party group. I have raised issues at Committee, particularly around how the Bill will impact on the health and social care workforce. We have explored those issues, and will certainly come back to them. The matter affects the whole health service, but I do not think that that should hold up the Bill at this time.

I recognise many of the serious issues that have been noted by the proposer and others: the length and variation of diagnoses, the lack of support for those who have been newly diagnosed, the lack of budgets and so on. It is important to see the positive potential of the Bill to address those failings. I should state specifically that the lack of clear Northern Ireland-only data on adults with autism is one of several data failings across the entire health and social care system. It is extremely frustrating. I sincerely hope that the independent autism reviewer, whose appointment is proposed in the draft legislation,

will be able to make a difference. If we want to get to somewhere, we first need to know where we are. We cannot just know.

The Bill is also useful not just because of its content but because it establishes autism as an issue that we all must take into account. Furthermore, it has long been apparent that the cost of doing something is lower than the cost of not doing it. For many years, autism has been bracketed under mental health or learning disability. That has been done with the right intentions, but it has presented autism as something that it simply is not. Presenting it in such a way risked and, I suspect, caused significant stigma. Personally, I am not sure that the word "syndrome" is helpful either. What we are really talking about is difference. In some cases, yes, significant intervention and support will be necessary. For example, it is currently the case that 86% of children with autism have special educational needs. However, if we focused on understanding and inclusion across all services and wider society, we would greatly improve outcomes.

I want to point out as an aside that responses to the current consultation on the autism strategy 2023-2028 are to be sent to the learning disability unit. While I understand why that is, I do not think that it is right to regard autism as a learning disability. It is a difference. People with autism are not automatically less able to learn: they learn in different ways. I wonder just a little whether we have fallen at the first hurdle there.

Autism should absolutely not be presented as some form of devastating diagnosis. On the contrary, in most cases, at least, it is as much about experiencing the joy of difference. As Temple Grandin — I hope that I have pronounced her name correctly — put it when she spoke in Belfast a few years ago, there must be a place in society for everyone on the spectrum and at all levels of the spectrum. As one parent of a child who received the diagnosis put it to me recently, the challenge is to work out that the child's mind will work differently. That means that suitable adaptations will need to be made, not least in the education system. The key point is to provide a sense of purpose, or, to put it another way, to emphasise what the person can do, rather than what they cannot do.

By shifting our whole perspective on autism and how to ensure that there is a place and purpose for people with autism across society, we will find it much easier to be inclusive and to raise the awareness and understanding of the whole population.

One of the biggest challenges that people bring to me is simply ensuring awareness of the connections and assistance that are out there. It is essential that people with autism and their families, perhaps most notably siblings, can build connections and share experiences from the moment that autism is recognised and diagnosed.

When I saw the Bill, I asked myself, "Does it move us towards much wider acceptance, awareness and inclusion of what is, ultimately, difference?". I believe that it does. Strengthening the consultation process, for example, should enable greater input from people with autism and their families and, therefore, greater understanding and awareness.

Will specific autism training as something distinct in its own right promote acceptance and inclusion of people with autism? I believe that it will. Will benchmarking ourselves against international best practice improve the lives of people with autism here and lead to improved awareness and better connections and, indeed, to a real sense of purpose? I believe that it will. Will the autism reviewer provision help to connect us all and enable us to better understand where we are succeeding and failing on autism? Again, I believe that it should.

I see the ultimate objective of the Bill as moving autism away from something that is dealt with under "health" towards something that we accept as "difference", which should be respected and included across public services and society. I hope that we can pass the Bill quickly and move towards implementation and towards a society in which people with autism are better connected and understood and in which they have a real sense of purpose and of who they are.

**Mr Boylan:** I speak in favour of the Bill, as vice chair of the all-party group, having been there for 13 years along with some Members who are still here. I want to take the debate back to the premise of the original Act. While we hope that this Bill will enhance the Act and the services for all those across the spectrum, I have to recognise the fact that the Act, in principle, was a good starting point. I pay tribute to the members of the Committee who worked on it.

It is interesting to hear conversations about the Education Minister and the former Minister, who is in the Chamber, but the Bill will not work unless we get buy-in from all relevant Departments. The autism strategy for 2013-20 and the 2013-16 action plan outlined the key roles and responsibilities of each Department in

developing all that. If we do not get that right and there is not ownership and responsibility, we will not get any further with it.

The Bill is good. It has been interrogated by the Committee over the past number of years with each question that has been asked of the Department and the Minister, and I thank the former Minister for providing updates in that time.

Bringing the Bill forward today will enhance the Act and lead to better outcomes. Members mentioned personal experiences; we have all had them. In my constituency, there is a young single mother with a three-year-old who is waiting on a statement. She said, "Three-year-olds in normal society go into school and everyone talks about the 'sponge years' and giving them all the support, and here is the most vulnerable child who needs all the support". I am not denying support to any child, but, among the most vulnerable in society, that child needs access to support.

I hope that, by passing the Bill at Second Stage today, we can go forward and provide support for those who need it. I wish the Committee well in its deliberations. The Committee Chair mentioned questions that were raised at the Committee briefing. I hope that the Bill is fully interrogated and that the Committee invites all the departmental officials who may have responsibility for addressing the issues in it to interrogate them. I think that better outcomes lie in doing that as well.

## 12.00 noon

I have a couple of issues. Obviously, I want to pick up on the issue of strengthening the consultation pool. If we are to formulate a proper strategy, we need to consult properly. In the original Act, that was not there. As Mr Lyttle will know, at our monthly APG meetings, the issues that come up, month after month, are data; the consultation pool; how we will formulate the strategy; and, more importantly, how, once we formulate that, we will hold people to account. That relates to clause 1.

The other issue that I want to pick up on is the training element, which is dealt with in clause 2, and on which we have had debates in the Chamber. Training has been a big element for the APG; there is no doubt about that. Like I say, there is no point in us talking about training, and there is no point in us running back to the Department of Education, if that is not going to be implemented in the way that Mr Lyttle said in an earlier intervention. If we are serious about getting this right, each of those

Departments has to play its part. There were conversations about that in Committee. Mr Deputy Speaker, you have been on the Committee and sat through all the debates.

I have raised and will continue to raise the fact that, when the Act first came in, we hoped and the sponsor of the Act thought at that point that there would be a funding stream to deliver on the Act and to deliver services for those across the spectrum. The funding issue still comes up. I know that we are waiting for a paper on that from the Assembly's Research and Information Service. I am glad that the Health Minister is here for the debate. It is a cross-departmental issue, and it should be resolved in a collective manner.

As vice chair of the all-party group, I thank the sponsor of the Bill and the group for their hard work on this. I look forward to the debate in Committee and at the Consideration and Further Consideration Stages and to seeing what comes out of that. I support the Bill at Second Stage, and I hope that it gets the Assembly's full support.

**Mr Weir:** I support the Bill. I will not go into detail on it. A number of Members have done that, and I do not want to reiterate what they have said. However, I will make a few comments on the general flow of this. First, it is right to place on record my congratulations to my colleague Pam Cameron and to those involved in the all-party group on autism. The Bill is a fine example of how an all-party group, working alongside, in this instance, the autism sector, can deliver something that is productive and focused.

A trap that most, if not all, in the House fall into with legislation is that we sometimes believe that it is the end point. We see changes to the law as being the solution to a particular problem, and then we move on. As somebody who is unmarried, maybe I am the wrong person to draw this analogy, but it is a bit like seeing the wedding day as the be-all and end-all of a marriage without looking at the work that needs to be put into a marriage. As the vast majority of marriages do not end on the wedding day, although the odd one probably does, marriage requires a considerable amount of work. Similarly, with legislation, there is a need to nurture it. That is the case on two fronts. First, from the point of view of —

**Mr Lyttle:** I thank the Member for giving way. Would a better analogy not be that it is about adhering to the vows that you make on your wedding day, if we are talking about the implementation of the original Act?

**Mr Weir:** As I said, as somebody who is unmarried, I do not want to get too much into marriage overload, but I take the point.

All of us can be guilty of looking at legislation and saying, "That is it done. That is it put in a box", and then forgetting about it. It is actually about implementation, and the Member is right to make that analogy about it. That is very much where the focus of the Bill is. To be fair, nobody doubts that the Autism Act of 10 years ago is good legislation, but, even if there was good implementation of a good Bill and all the vows had been faithfully maintained, there are changing circumstances. As my late friend and colleague Gordon Dunne was fond of saying in what was almost a catchphrase of his in particular circumstances, "The game moves on". For all of us, for good or ill, in autism, the game has moved on. I will come to that in a moment.

The key emphases in the Bill are on plugging gaps and ensuring that that level of implementation is followed through. For instance, in the audit of data, we see the requirement for Departments to work together. We see in clause 3 the measurements that are there. Clause 5 provides for an autism reviewer. It is all about ensuring that best practice and best implementation actually happens. Ensuring that it happens is one of the major reasons why it is a good Bill.

I talked about the game moving on, and, while there can be concerns about the speed of implementation at times, one of the positives that we have seen in the past number of years has been a growing awareness and recognition of autism. Undoubtedly, today, despite any of the concerns that have been raised, we are in a much better position regarding diagnosis and knowledge of it than we were in a generation ago. From that point of view, while improvements can be made to the provisions that we make for our children with autism, one of the major gaps is that there are generations that have gone before us where the level of knowledge and the level of detection of autism was not the same. That is where the identification is in clause 1. We see people who have been established as having had autism throughout their life but have perhaps been identified only in the past few years. Probably, in some cases, they are still unidentified. The gathering of data and that focus on the older population, of which I am a part, is critical. That is an important element of this.

Secondly, it is important that the issue of early intervention services is put up starkly in the Bill and made a key component of it. Coming from

a broadly educational background, I know the value of early intervention in a range of activities. If we are being cynical, from a state resource point of view, the earlier the intervention to make those early changes, the less we will have to put in the high-level resources to cope with a problem that has been exacerbated and has developed. That is the broad government focus, but it is also an important focus and crucial to the individual because the sooner help can be given, the more that can be used to support that individual's life. For all of us, making that difference to the individual is critical.

Finally, clause 2 talks about the need to expand training in the public service and ensure that that is done consistently. Again, while I think that good efforts have been made by successive Ministers of whatever Department to ensure that there is joined-up thinking, the criticism that is often levelled at government in Northern Ireland — probably not just in Northern Ireland — is a tendency of public bodies, including Departments, to operate with a silo mentality. This can be something that draws together best practice. In these things, best practice is not necessarily always what is initially thought of. I think of the Middletown Centre for Autism, which, I know, a number of Members have visited down the years. It is in a very different shape from what was envisaged a number of years ago. Plan A did not work, but plan B has been a lot more successful. Despite some of the problems that there have been, such as COVID, plan B has worked well and provided an excellent resource to families with a family member with autism. It met the challenges of the pandemic. Through Middletown, we even saw an expansion of the availability of training resources during the pandemic. There is great value in direct face-to-face training, but I suspect that, in a pandemic or post-pandemic world, there is, increasingly, a need to take advantage of a lot of online courses and the opportunities to expand that. There are others who are more expert than me on the subject to dictate what the best form of training is, but it is critical that training is made available to all who need and want it and is done on a cross-public sectoral basis. The all-party group on autism has also investigated that issue. Given the vast expenditure that government makes each year across the board on everything, it can be delivered effectively and efficiently for amounts of money that, within the public purse, are not enormous. It is critical that we get that uniformity of training and support.

I appreciate that the Committee will want to take its time to see if the Bill requires any fine-

tuning, but this is an excellent start. It is not the finished point, as we said, because legislation should be seen not as a single act but as part of a process. We are taking a strong step forward today in what, I think, will be universal support for this excellent Bill.

**Ms Brogan:** I welcome the opportunity to discuss the Bill, and I thank the Bill sponsor, Pam Cameron, for bringing it to the Assembly. It is evident that people with autism in the North and their families and carers face severe difficulties in accessing the support, resources and proper services that they need. The support that is available throughout the North is wholly inadequate. I am glad that there is widespread support for the Bill. I am happy to support its passage through to Committee Stage. I hope that it strengthens future autism strategies and that it will make a real difference to the lives of autistic children and adults.

I also declare an interest, as a family close to me is awaiting an autism assessment for their child. They, like countless families throughout the Western Trust, have faced lengthy delays in accessing an autism assessment. I have witnessed at first hand the distress, anxiety and worry that the family has faced because of those delays and the frustration and exhaustion that come with that. That is simply to get an assessment and a correct diagnosis so that they know what support and services their child will require. For them, the journey is just beginning. They have already faced massive hurdles getting to this stage. At the start, they were told that their child was much too young to be assessed or diagnosed, and then they were advised by other people that early intervention is key. It has become a real minefield for parents and carers of young children especially. The support and guidance offered to parents and carers of young children in the North is inadequate and severely lacking.

We often hear of the importance of early intervention when it comes to supporting and developing our children, as has been mentioned already today. However, the system as it stands is completely failing children with autism and their families, especially when there are such lengthy delays to get the initial assessment. We need to ensure that early intervention is embedded in the health and social care system and the education system. I am happy to support the Bill because it will go some way to addressing those huge shortcomings, but there is still a lot of work to be done beyond the Bill.

12.15 pm

I am Sinn Féin spokesperson for children and young people and a member of the Education Committee, so much of my commentary will focus on the needs of autistic children, but I want to make it clear that I believe that there should be increased support for adults with autism as well. I have worked closely with families, carers and groups throughout West Tyrone —.

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

**Ms Brogan:** Cinnte. Gabh ar aghaidh. Go ahead.

**Mr Gildernew:** You mentioned support for adults and parents. A significant issue was raised at the all-party group on carers this week: the siblings of children with autism often struggle to be recognised in the education system as being carers as well as young children. That can create difficulties engaging with education. They also need attention and support.

**Ms Brogan:** I thank the Member for his intervention, and I absolutely agree. One of the benefits of having all-party groups is hearing evidence from different sectors and parties at play and seeing how things affect them. We should definitely consider how siblings of children with autism are affected. Thank you for that.

Although my comments will focus on children and young people, I appreciate that adults with autism need increased support as well. I want to mention the fact that I have worked closely with families throughout West Tyrone, and the work that they do is really important. I fully support their calls for increased services for adults with autism.

There are a couple of points that I will raise about the Bill. Clause 1 suggests that the Department will be obliged to consult other Departments and persons before preparing an autism strategy. That is key. It is crucial to engage with wider stakeholders and, most importantly, people with autism, their families and their carers, along with other outside groups, so that their lived experiences are reflected in future autism strategies. It is fair to say that those who have autism or who assist a person with autism and have that lived experience are best placed to identify gaps in services and to highlight the supports that they find most beneficial and those that need more development. The meaningful involvement of children with autism, their families, their carers and others in developing policy and services is

critical, moving forward. Their voices need to be heard loud and clear.

As has been mentioned, clause 2 calls for autism training for civil servants and staff in all public bodies to be included in the autism strategy. Mr McCrossan mentioned the importance of autism training for staff in the police. I completely agree with that, but, as a member of the Education Committee, I am more focused on training for teachers. I will not get into the debate on whether autism training should be mandatory. The Chairperson of the Education Committee said that there were differences in opinion, and there are. I think that the Children's Commissioner is not fully behind making autism training mandatory, but it is a really important point.

When I think of autism training specifically in schools, the use of restraint and seclusion is the first thing that springs to my mind. The Education Committee heard evidence at the beginning of the year from families and organisations that are campaigning to end the use of restraint and seclusion in schools. We heard some really distressing testimonies about children with a range of additional needs, including autistic children, who had experienced those incidents. It was suggested that adequate training and proper de-escalation techniques for children with autism is one way to reduce the use of restraint and seclusion practices in school settings. For that reason, comprehensive autism training for teachers and teaching staff is definitely a good idea.

**Mr Lyttle:** I thank the Member for giving way. Regardless of the clarity from the Department of Education, it is probably best to note that the Assembly voted in favour of mandatory teacher training on autism.

**Ms Brogan:** I thank the Member for his intervention. He is right: that did happen. I support autism training for teachers. There are many benefits of such training, particularly for children and their families.

I support the Bill, but I have some concerns about the lack of reference to the educational needs of children and young people with autism. I have been contacted recently by constituents with concerns about their children with autism having been put on shortened days and reduced timetables at nursery and at school. That is really concerning, because, yet again, we are letting down our autistic children and their families. That will have an immediate and detrimental effect on children with autism and their families, so it needs to be addressed urgently. If the Bill passes to Committee Stage,

I would like Health Committee members to address the specific issue of shortened school days and the question of how the Bill will support the educational needs of children with autism. I support the Bill's passing to the next stage.

**Mr McNulty:** I will begin with a heart-warming story. A number of months back, a gentleman called Declan Carvill got in touch with me. He said, "Justin, I want you to come down to St Mark's High School in Warrenpoint to see what we are doing", so, a few weeks ago, I went down on a Sunday morning. A training session was commencing for children of all abilities, including children with autism and children with Down's syndrome. It is an understatement to say that it was a joy to behold what was on view there. The camaraderie, the warmth, the teamwork, the enjoyment, the encouragement, the laughter and the smiles on the children's faces were a joy to behold. All the parents were mucking in, the girls' team was coaching, and it was a wonderful experience. Most importantly, the parents told me that the participation in a team environment was lighting up their children's lives. Children who had been non-verbal were starting to talk. My point is that, while the Bill is very much focused on health and education, a necessary element in it is for the Department for Communities to provide support for children to be part of a team and to participate in sport.

**Mr Lyttle:** I thank the Member for giving way. As a youth sports coach, I have some experience of the challenges faced in delivering coaching in the excellent way that he described. Maybe we can discuss it with the Bill sponsor later in the debate, but does the Member agree that there may be scope in some of the clauses to include an amendment on training and information for sports coaches to ensure that coaching is provided in a way that enhances the experience and includes children with autism so that they can enjoy sport and develop their skills?

**Mr McNulty:** I agree fully. The thrust of the Bill is to allow every child to shine, and I thank and commend the Member for bringing it to the House. My God, were the children on that Sunday morning at St Mark's in Warrenpoint shining, and so were their parents and coaches. They have created such a wonderful environment there, and they do it every Sunday. It is powerful. It is not just players from Warrenpoint who are involved. Players are coming from Burren, Hilltown, Mayobridge and from afar. It is wonderful.

I acknowledge Dominic Bradley, my constituency predecessor, for sponsoring the Autism Bill in 2011 and former constituency colleague John Fee, a man of strong principle who was beaten up by local "heroes" to within an inch of his life for having those principles. He was the first Member to bring the issue of autism to the Chamber.

Autism's impacts are far-reaching and impossible to ignore. Just under 5% — one in 22 — of school-age children have an autism diagnosis. Approximately 25% of individuals with autism have an accompanying learning difficulty. Just 16% of autistic adults are in full-time employment, despite individuals with autism having the ability, the skills and the will to be employed. Over 4,000 children are on a waiting list to be assessed.

All of us here know the volume of cases that come through our offices from parents who are at their wits' end and are looking for the support that their children not only need but are entitled to. Education is those children's human right. On that basis, I welcome the provisions that set out how the Department will make provision for an early intervention service and how the needs of adults with autism will be addressed, particularly in relation to employment, learning, emotional and mental well-being and supported living. The Bill will create the position of autism reviewer, whose responsibility it will be to ensure and monitor the implementation and effectiveness of the autism strategy. It will also bring international best practice to bear on our autism strategies and provide for annual reports on autism funding.

Far too often, we view disabilities such as autism through the lens of statistics and numbers. Behind those statistics are children and adults who have shown us for generations that they have limitless potential and an ability to literally change the world — to put a ding in the universe. It is therefore a damning indictment of us all as a society that only 16% of individuals who have autism hold full-time employment. We are not allowing those people to shine.

Far too many families feel forgotten and ignored. Too many bureaucratic quagmires impede the ability of people with autism to reach their full potential, to allow them to shine. The demand for autism services is overwhelming. Government needs to ensure proper resourcing to meet the need and ensure that no one falls between the cracks for want of support. Every individual with autism deserves the chance to live up to his or her full potential. The role of government should be to remove

the obstacles in their way and give them a fair run to let them shine.

I started with a heart-warming story, so I will finish with another. I saw this story in 'Armagh I'. It is not only inspirational, it is uplifting. It gives you great hope in humanity. A member of the public recently wrote to the principal of Jonesborough Primary School, Donal Keenan. The letter read:

*"My name is Amanda Gilligan. I was in Jonesborough playground on Friday afternoon with my three sons when six students from your school arrived by bike.*

*My oldest son Davie, who has autism, and is working with thus far limited success on social boundaries made a beeline for them.*

*He began his habitual intense questioning about names, addresses and family. The lads were clearly there for a post school chat with their mates and I was concerned that Davie might irritate them or, being honest, that they would be mean to him.*

*To my pleasure and surprise the boys talked happily with him and even took part in a race at his suggestion."*

Ms Gilligan said that such kindness and inclusion was not always their experience. Her letter to the principal continued:

*"[I] wanted to let you know so you might pass on my appreciation and perhaps use the opportunity to have their teacher talk a little to their class group about differences being ok and the big impact individuals can have on making the world a better, nicer place.*

*Their names were Brogan, Nathan, Darren, Callum, Keane and Brian. They made his day! Thanks so much and keep up the good work."*

Those boys, their teachers, classmates, community and parents have the right idea. They are doing things right. Those boys allowed Davie to shine. That is the challenge for all of us: to put in place the supports to help every child to shine. Then, as a society, we, in turn, can shine. That is the challenge for all of us.

**Mr Butler:** My remarks will be brief. It is a privilege to follow Mr McNulty, whose words were excellent. He gave us really good examples of real-life impacts and of some of the good stuff that goes on. It is always a wonder

how he is able to get in GAA sports as the fix-all. However, Justin is absolutely right that other outlets, parents and organisers of sports already lead the way in some of the things that can be done to support those with autism: children, young people and even adults.

I am thinking of an initiative that was started recently in Portadown by Hanover FC, which runs a very similar sporting outlet for children who have autism and other challenging issues. Ballymacash Rangers in Lisburn has also run events like that.

### 12.30 pm

As a legislature, we need to embrace what is in front of us today. I must go on record to thank Pam, the chair of the APG. That APG was one of the first ones that I signed up to in 2016. We have all aged a little bit since 2016, particularly me. I had brown hair back then; it is silver at the sides now. A few others in here may have changed a little bit since then, too. The deputy chair, Cathal, to be fair, has been robust. The APG has been collegiate the whole time. I am not being rude, but I cannot mention all the members, because it has been a well-supported APG. This Bill has been a while in the making, and it is great to be here today. It is really good to be in the Chamber when, across the House, we are hearing very similar remarks. We are finding broad support for what is in front of us today. Behind the scenes, we have support from the secretariat, Autism NI in particular and the National Autistic Society. Without their advocacy, this would not be possible. They speak on behalf of many parents and young people.

The APG held evidence sessions, which were priceless, and the information really came home during those sessions. We have heard lots of statistics on prevalence and so on today, but those things are kind of cold, because, unless you have had that personal experience, you are talking about a number. When we had those evidence sessions, we talked to carers, parents and people who have autism and heard about the real-life experiences and challenges. That is probably what gave us and Pam the energy to put the Bill together. I thank Pam, the members of the APG, the secretariat, the National Autistic Society and those who have contributed to the Bill getting this far.

I also want to thank the Minister. I do not say this because he is a Minister from my party; I will thank whoever deserves credit. In the midst of a COVID pandemic, and in the midst of other priorities like mental health and so on, the

Minister has seen this as a priority and has, in this mandate, already started the ball rolling, and I know that he will be behind creating good legislation here. I thank him for that.

I was going to say that one thing had not been covered, but Justin, to be fair to him, covered it. We have talked about the prevalence. The other thing is the life opportunities and the pressures, whether educational or in the workplace, on people who have a diagnosis of autism. It is good to see that that has been recognised in the Bill and can be built upon. Proposed new subsection (4A) tilts us towards that cross-departmental working. This is a cradle-to-grave approach. We should not just be looking at this in the context of the education piece at the start, albeit the start is probably the most important piece, and support needs to be there for the young people, their family and those around them. The systems need to be there for those people, whether in our schools, further education or higher education colleges for transitions into work, and we need to ensure that we have created the greatest scope of opportunity for those people. We will be giving them hope, too. We will be putting them front and centre of our discussions and will be creating, hopefully through cross-departmental working, opportunities for them to genuinely live their best life.

I am looking forward to the Bill going through Committee. The Chair of the Education Committee made a good point, saying that we can make amendments to the Bill, not to take away from it but to add to it and perhaps champion, in the Department for Communities or wherever it may be, the need to make sure that our priority is the quarter of the service users who may need that additionality. That would be a useful addition to this, and we need to be proactive about it.

I will close on this point. I do not want to get too far into the debate on education and teacher training. We were pretty collegiate in the Chamber with regard to that. We visited Middletown a number of years ago, and the former Minister of Education has put the case well that when something is birthed, it can change, it can be agile and it can be better, and we need to be mindful of that. The Bill, which is at Second Stage, gives us a really good blueprint to do something that will make a difference to the lives of those people who need our support. We will support the Bill.

**Mr Sheehan:** I welcome the opportunity to speak on the Bill and in support of the policy objectives that it intends to achieve. At this stage, most of what I wanted to say has already

been said. Nevertheless, I thank Pam for bringing forward the Bill and the APG on autism for its work in helping to drive it forward.

I want to use my contribution to focus on the need for enhanced cross-departmental working on autism support and services, particularly in Health and Education, and to look at how that can be strengthened through a new strategy. Justin McNulty raised the need for the Department for Communities to be involved as well. In all likelihood, all Departments will have some role to play in developing the strategy in the time ahead.

One in 24 children in the North receives a diagnosis of autism. Their journey through education and how they are supported on that journey is crucial so that we can ensure that they all have access to the same opportunities as their peers. Statistics also suggest that 25% of those presenting with a diagnosis of autism will also have some other learning disability. The challenges that those children face must be met with an ambitious strategy that encompasses their health, social and educational needs. Our education system is one cog in the wheel of supporting our children with autism, but that cog cannot support or deliver for those children in the absence of a timely diagnosis.

Many MLAs across the Chamber will have heard from distressed families who are their wits' end, having waited for up to three years for a diagnosis of autism. When it comes to supporting and developing our children, we hear, time and again, how critical it is that early intervention is made. We have a system that is failing countless children and their families from the very outset. We need to fix that and ensure that early intervention is embedded in the health and social care and education systems.

Key to the success of any strategy for supporting people with a diagnosis of autism is accountability. The Audit Office recently published an impact review of special educational needs in the North. One of its conclusions, that neither the Education Authority nor the Department of Education could demonstrate value for money for the vast sums of money that had been spent — up to £1.3 billion over five years — was startling. Agencies and Departments cannot just throw money at special educational needs. Our children deserve strong and accountable leadership that offers a strategic vision for how they will be supported during their educational journey. While Health may take the lead in delivering the strategy, it must be done in

collaboration and partnership with Education and others.

From an educational perspective, some pressing issues could be resolved in the interim that could have a positive impact on the school experience of children with autism and their families. The Department's policy and guidance on the use of restraint and seclusion are not fit for purpose and should be done away with immediately. In recent times, the Education Committee heard shocking testimony on the use of restraint and seclusion. Even more worrying was the lack of statutory guidance on the monitoring and recording of such incidents in schools.

Last year, the Assembly supported a motion on mandatory autism and special educational needs training for school staff. I listened to the Chair of the Education Committee intervene on a number of occasions today, and he correctly made the point that the Assembly voted in support of that mandatory training. Our teachers want to be equipped with the necessary skills to support children with autism. Given the objective in the Bill to provide information on autism training for staff and public bodies, we should explore, in consultation with the teaching unions, how we could advance that and, indeed, go further for our school staff.

We must support people with autism from the earliest possible moment. That is why Education must take a prominent role in the development of any longer-term strategy in this area. I look forward to, hopefully, engaging further on the development of the Bill and advancing the policy objectives in it.

**Mr Lyttle:** One of my most valued and remembered early actions as an MLA was to vote in favour of the 2011 Autism Act. Despite that significant step forward, too often in my role as an MLA, I have been engaged to assist with the consequences of the dysfunctionality of the public services and support that is available to children and families with autism in Northern Ireland. I have spent much of my service as an MLA seeking improvements to that provision and seeking fairness and equality for children and families with autism.

I am privileged to be a member of the all-party group on autism, and I would like to recognise the work of autism organisations on that group, such as Autism NI and the National Autistic Society and some notable individuals such as Arlene Cassidy, Kerry Boyd, Eileen Bell and Shirelle Stewart, who drive advocacy on behalf of children with autism in Northern Ireland. I

also recognise the key work of Autism NI's 'Broken Promises' report and, of course, the commitment of the all-party group on autism chair, Pam Cameron, to this important area of work. I congratulate Pam on the work that she has done to get the Bill to Second Stage. I regret that the lack of implementation of the Autism Act (Northern Ireland) 2011 has made the Autism (Amendment) Bill necessary, and I will be glad to support the Bill on behalf of the Alliance Party, further to my colleague Paula Bradshaw's important contributions today.

The Autism (Amendment) Bill will build on the 2011 Act by introducing measures to remove ongoing barriers to full implementation of the law. We need independent scrutiny to drive forward autism strategies, and we need an autism reviewer. We need improved data on adults as well as children with autism. We need an autism training plan, particularly for teaching staff, front-line health services, employer training and the development of regionally consistent autism information. In that regard, as I mentioned earlier, I would be interested in discussing further with Pam, as the proposer of the Bill, whether there is an opportunity to specifically reference sports coaching in relation to clause 2, in terms of training and information services provided. I have seen, at first hand, how team sport can be a particularly challenging area for young athletes with autism. The more informed and equipped sports coaches can be in that regard, the better the experience and equality of opportunity for young people with autism would be in that context.

Too often, the support services that are offered to a newly diagnosed child vary considerably from trust to trust. We need regional consistency in relation to support services. The principle of the Bill that the autism strategy must have measurable targets and outcomes is absolutely vital. The autism strategy must be developed in consultation with the autism community. I particularly welcome the independent scrutiny mechanism that would ensure effective monitoring of the autism strategy and the effectiveness of funding, law and practice relating to autism and would review the effectiveness of services provided.

The least that children and adults with autism can expect from the Executive and the Assembly is fairness, equality and best practice support. It is important to acknowledge that the fairness, equality and best practice provision that we seek for children and adults with autism must also be extended to all areas of special educational needs, as has been mentioned by other Members.

**Ms Ennis:** I appreciate the Member giving way. On that note about equality, Members will be shocked to learn that there are no autism-specific learning centres in any of the post-primary schools in Newry and Mourne. If we are serious about getting this right, as Members have rightly suggested that we should be, we cannot allow inequalities, such as those that exist in my area and probably in other areas, to persist.

**12.45 pm**

**Mr Lyttle:** I thank the Member for that intervention. There is a real issue with the location of support centres. As the Member acknowledged, that is perhaps the case geographically, but it is also the case in terms of type of school. That is something that should be explored.

I welcome the Second Stage of this Bill today. I regret the need for it, but I will give the passage of the Bill my full support.

**Ms Hunter:** I welcome the opportunity to speak in my role as my party's health spokesperson in support of the Bill.

I thank Pam Cameron, who is the Member responsible for bringing the Bill forward, and everyone who was involved, especially Autism NI and the all-party group on autism. They have worked tirelessly for years to support and advocate for so many people with autism and their families. I also thank the Minister of Health for being here today and for his ongoing support and activism on this issue.

At the end of last year, almost 4,500 children in the North were awaiting an autism diagnosis. That is not only alarming but heartbreaking. We are failing our children because of the lack of support that is available, and that is made even worse by the fact that some of them have been waiting for well over two years. Those delays have a huge detrimental impact on not only academic achievement but the confidence and self-esteem of our little ones amongst their peers. That can cause damage into adulthood.

The Bill being discussed today will assist profoundly in making our society autism-inclusive and will undoubtedly contribute to a more fair, equal and just society. I especially welcome clause 5, which introduces the idea of an autism reviewer role to review functions in relation to autism and to hold the Department accountable for ensuring that the needs of those with autism are met. I note that the disparity in waiting times between different trust

areas is a huge issue, as are the health inequalities that arise as a result of the waiting lists. Some families are able to afford to pay for a private diagnosis for their children, while others simply cannot.

Let us look at the numbers that we are talking about when it comes to children with autism in our society. Almost one in every 20 school-age children in Northern Ireland has been diagnosed with autism. That is 13,000 children between the ages of four and 15 with a diagnosis of autism. That is a large part of our population that we all must do better for. At last week's Health Committee, Pam noted that autistic adults feel left behind. I welcome the inclusion of education and training for mental health professionals, which is badly needed, especially with the sad and unfortunate statistics around suicide for autistic individuals. Recently, in my constituency, I met with Destined, which is an incredible charity that is committed to helping those with autism and other special educational needs to prosper and grow and to teaching them life skills. That is something that is very hard to find, specifically in rural areas, due to a lack of funds or limited funds.

It is important to raise as many personal stories as possible in the Chamber as a firm reminder of the neglect that families in rural communities feel when it comes to support for special educational needs. One lady in a very rural part of my constituency has a young teenage daughter with autism who, well into the second week of September, had no school placement. That is absolutely disgraceful.

At a school that I visited last week it was said that, "At least a quarter of our class could avail itself of a special educational needs teacher, but where is the money? We need more support from our politicians on the hill". For generations, people with autism have been failed by politicians in this Building. Let us not allow that to happen again. I regret that the Minister of Education is not here, because it would have been of great benefit to her to hear some of the stories today. The SDLP fully supports this Bill at its Second Stage.

**Mr Durkan:** I am glad to speak on this private Member's Bill, which, I hope, will provide a springboard to the creation of a more equal, supported and fulfilling environment for individuals with autism, their families and their carers. I must pay tribute to the all-party group on autism and, in particular, to the Bill sponsor, Pam Cameron, for ensuring that the experiences of people with autism are heard

and for bringing this private Member's Bill to the Assembly.

The Bill is a vital addendum that will strengthen the Autism Act 2011 and see much-needed improvements, including early intervention and information services, as have been mentioned. Sadly, the potential of the Autism Act (NI), which was championed and brought forward by my party colleague Dominic Bradley, to transform people's lives has been compromised by a lack of not only financial support but ministerial decision-making over the past decade. While public awareness around the issue has improved massively during that time, that is thanks in no small part to organisations like Autism NI and the National Autistic Society and others in my constituency like Parents of Older Children with Autism (POCA), the Jigsaw Project, Circle of Support, and their members. It is painfully clear that services and legislation here have not kept step with the needs of individuals with autism.

According to the National Autistic Society, its members attest that the one thing that would make the biggest difference in their daily lives would be if people understood autism. That is simplistic, but, nevertheless, it is a vital starting point. It is our responsibility here today to ensure that a vision of understanding is enshrined in law. To understand is to listen. I am content that much of that work has been informed by and done in conjunction with those who have a lived experience of autism. The nature of co-design is a key component here. That first-hand contribution must be at the core of the legislation to ensure its effectiveness. It is not enough to just be aware; rather, it is incumbent on all of us to listen to, respect and include people with autism. Clause 2, which concerns additional components of the autism strategy, does just that. In particular, the focus on the role that is played by public bodies is critical. All those who provide a public service throughout the North should be trained to appreciate the challenges that are faced by people with autism, whether that is in the workplace, in schools, on public transport, or in the provision of healthcare.

The need for greater training and awareness in relation to autism has been recognised in all jurisdictions, particularly among front-line workers and especially among health and education professionals. Mandatory training for front-line workers must be more than just a consideration. The Bill is an opportunity for the North to be a leader on these islands with regards to best autism practices and the creation of a more inclusive society. That opportunity must be grasped. Ensuring that the

needs of adults with autism are met in terms of lifelong learning, employment support, well-being, and facilitated supporting housing opportunities are all integral cogs in the support framework for individuals and their families.

Evidently, the Bill is cross-cutting and requires a multidisciplinary and consistent approach across all Departments. Sadly, we have not seen that to date. The role of the autism reviewer to monitor the implementation and effectiveness of autism legislation is important. While I appreciate the reservations that have been expressed by the Children's Commissioner and others about clause 5, I argue that the prevalence of autism demands radical thinking. An independent reviewer would improve accountability, working alongside the existing scrutiny mechanisms. However, the crux of that work is the creation of an early intervention service. The sooner that an ASD diagnosis can be given, the sooner that support services can be accessed.

It is clear that autism services across the North are at breaking point. Some of the figures have been quoted here today already. Figures that I obtained recently from the Health Minister via a question relating to ASD assessment waiting lists for children are testament to a system that is in absolute chaos. As of March this year, around 4,500 children here were waiting for an ASD assessment. In the Western Trust alone, there were 1,085 patients on the waiting list, 527 of whom had been waiting for longer than a year. That represents 4,500 children struggling in a class of their peers, frustrated with the added turmoil caused by lockdown and left without the additional support that they desperately need. It represents 4,500 families battling for answers, trying their utmost to secure assistance for their children. The system has failed each and every one of those.

It is unconscionable that children and their parents live with uncertainty, without a statement and, more importantly, without the critical support that follows one. Not having that crucial diagnosis or the assistance that comes with it is distressing itself but now, with the impact of COVID, their chance of getting a diagnosis has been pushed even further down the road. These delays are nothing new, and it is lamentable that adequate care pathways, both before and after diagnosis, are yet to be established, despite knowledge of the issues laid out in the 'Broken promises' report by Autism NI, that other Members have referred to, written prior to the Executive's collapse. As a result, an improved framework could not be implemented, leaving access to autism services in a state of inertia.

This is an area marred by historic underinvestment, and funding, thus far, has failed to match or come anywhere close to the increase in demand, year on year, for autism support and services. These staggering figures are, in part, born out of the pandemic compounding already dire waiting lists. Given that access to autism services was already under immense pressures, the exponential increase in demand means that the needs of many children and their families have not — and, sadly, will not — be met. This will undoubtedly impact on their ability to do things that most people take for granted, particularly with regard to education, making an already frustrating and lengthy process even more stressful.

It is imperative that this area of underinvestment be addressed by the Executive. We need to create a fit-for-purpose system — a system of understanding that meets the needs of autistic individuals and their families. That begins with early diagnosis. No child should be neglected on colossal waiting lists and fighting for the support to which they are entitled. Nevertheless, clause 4, the annual report detailing how autism funding will be allocated, is a welcome and necessary inclusion in the Bill.

While obtaining diagnosis, an often laborious process, is just the first step, it is important that the support provisions post diagnosis are also properly resourced. Figures, again from Autism NI, and quoted by Ms Hunter, show that one in 22 children have an ASD diagnosis. That is at least one child in every classroom, many of whom are, or will be, in mainstream education, which further underscores the importance of mandatory autism training for all teaching staff — a commitment made in this Chamber in February last year and referred to by Mr Sheehan. The phased implementation of a new special educational needs framework will go a long way, I hope, in providing assurance that people with autism are supported throughout every step of their education.

No conversation on autism can be had without acknowledging the toll that the past 18 months has taken on people with autism and their families. Lockdown and its aftermath have undoubtedly impacted on all our lives but, for those living with autism, this period has been fraught with unimaginable challenges. The National Autistic Society's report, 'Left Stranded', presents stark evidence of that. I have personally listened to some heart-wrenching stories from families who struggled throughout lockdown without respite and with limited access to services. For many

households where routine is golden, this monumental shift in their daily lives, and coming to terms with the new normal, has been hugely detrimental. The findings in this report show that the events of recent months have had a disproportionate, and often devastating, impact on the mental health, well-being and education prospects of people with autism and their families. Again, it is clear that the autism strategy explicitly looks at a new funding model.

*The sitting was suspended at 1.01 pm.*

We cannot rest on our laurels where the delivery of effective and accessible autism services is concerned. A system establishing the needs of autistic individuals and their families to cope with the repercussions of COVID-19 and beyond is key. While I agree with the sentiments of this Bill and the ambitious ideas set out on paper, putting those plans from paper into practice to deliver real change and benefit to people's lives requires the provision of adequate funding. The outworkings of the autism strategy cannot be left battling for financial support and investment at every juncture.

In conclusion, as a society, we have made huge leaps in improving support and developing our understanding of the needs of people with autism, yet we are nowhere near the finish line, and today's debate has brought that very much to the fore. The envisaged future of an enlightened, inclusive society depends on the creation of communities in which those with autism, their families and their carers can feel safe, included and understood in every aspect of their lives. Going forward, the Executive must promote the positives of employing people with autism and ensure that advice on supporting those individuals is made available to employers.

I am conscious that it is lunchtime. Given that autism affects so many areas of government, it is difficult to address them all in such a short space of time. I could opine where we need to go, what we should be doing and what not to do. Suffice it to say, however, we support the Bill and look forward to its passing Second Stage.

**Mr Deputy Speaker (Mr Beggs):** The Business Committee has arranged to meet at 1.00 pm. I propose therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Minister of Education, after which we will return to the debate, where the first Member scheduled to speak is Gerry Carroll.

*The debate stood suspended.*

*On resuming (Mr Speaker in the Chair) —*

2.00 pm

## Oral Answers to Questions

### Education

**Mr Speaker:** Questions 4 and 13 have been withdrawn.

### Post-primary Transfer Contingency Plans

1. **Mr Beggs** asked the Minister of Education what contingency plans are in place for P7 transfer tests should disruption continue into the autumn as a result of a spike in COVID-19 cases. (AQO 2437/17-22)

6. **Mr Muir** asked the Minister of Education to outline contingency plans for post-primary transfer in 2021-22 should disruption occur due to COVID-19. (AQO 2442/17-22)

**Miss McIlveen (The Minister of Education):** With your permission, Mr Speaker, I will answer questions 1 and 6 together.

The post-primary transfer tests are organised and operated by two private operators, the Association for Quality Education Limited (AQE) and the Post Primary Transfer Consortium (PPTC). I have no role to play in their operation or timing. However, I have highlighted to the test providers the importance of ensuring that they comply with health protection legislation and of communicating clearly and early to parents, pupils and schools if contingency plans are being considered, should the tests not proceed or pupils are not able to take any of the tests.

If the tests are cancelled, it will be a matter for individual boards of governors to decide and publish the alternative admissions criteria that they will apply for admitting pupils to their post-primary school in September 2022. My Department publishes guidance annually on the post-primary admissions process. The guidance includes recommendations on the admissions criteria that post-primary schools should and should not use and a timetable for the process.

Now that Transfer 2021 has concluded, my Department will undertake a "lessons learned" exercise with the Education Authority (EA) and key stakeholders in advance of the issue of guidance for Transfer 2022. The exercise will

examine issues such as the process for schools submitting their admissions criteria, the use of the new online admissions portal and the operation of the admissions appeals process, including, on the basis of appeal outcomes, the robustness of schools' admissions criteria. Once that process is complete, it will inform the issue of revised guidance to schools on the process this autumn. As I have noted, the setting and application of admissions criteria remains a matter for school boards of governors.

**Mr Beggs:** I thank the Minister for her answer. Whilst the test is operated by outside bodies, is the Minister willing to facilitate testing in local primary schools? The young people would be in their protective bubbles and would have the advantage of a familiar background.

**Miss McIlveen:** I thank the Member for his question. As he will be aware, there is no bar to prevent primary schools from hosting the test. However, it is a matter for individual schools. In 2016, my Department removed the instruction that had prevented that. Recently, I met the Bring it Back to Primary campaign and teacher representatives to explore the issue. Teacher representatives were opposed in principle to it, as were the majority of the small number of school leaders who were at the meeting. While there would obviously be benefits for pupils, the proposal is not without difficulties, and they were highlighted at the meeting. They include logistical issues such as the security of papers and school premises being used on Saturday mornings, often by community groups and other organisations. There are also workload issues for staff, who, in some cases, may have to be available on up to five successive Saturdays in November and December.

Any move away from the current arrangements would require the consent of all primary schools and teacher representatives. I certainly cannot compel them to agree to it. Unless the schools agree, there is a risk of creating an inequality, in that some pupils would be given the opportunity to sit the test in their school while others would not. Certainly, from an individual perspective, I would welcome such a move, but I cannot compel schools to do that.

**Mr Muir:** I thank the Minister for her response. Does the Minister accept that the absence of common contingency criteria for post-primary admissions last year caused immense harm and distress to children? Will she commit to putting in place common contingency criteria for this year in order to avoid that distress to

children, who should be the focus of everything that we do?

**Miss McIlveen:** I do not disagree with the Member. As he will know, test providers have reviewed and modified the content of this year's tests to take into account any disruption that has taken place over the past 18 months, and the full details of that are available on their websites. The Member will also appreciate that the transfer tests will compare only the pupils who have chosen to take tests in November and December, so they will all have experienced similar issues. Again, the decision to move forward with the tests lies very much with the operators and the schools that use them as an admissions criterion. Certainly, moving forward, there will be lessons learned from last year's experience if we have to go through the same thing again. That will be communicated in correspondence and guidance to schools for their preparation.

**Mr Allister:** With regard to lessons learned from last year, does the Minister agree that it is important to resolve that there will be no rush to delay or cancel tests? As it turned out, tests probably could have been held last November. Parents want certainty. Can they have the Minister's assurance that everything possible will be done to ensure that the tests take place in November?

**Miss McIlveen:** I thank the Member for his question. As he will know, over the past number of months, I have tried to ensure that our young people remain in school for as long as is possible. The intervention of the Public Health Agency (PHA) with regard to close contacts will aid that to ensure that P7 pupils will not be disrupted to the level that, perhaps, they were. Again, how the tests are coordinated and timetabled is very much up to the providers. Currently, AQE has set out a timetable of 20 November, 27 November and 4 December. PPTC has set out 13 November, with a supplementary assessment on 11 December. I would like to think that our P7s who have opted to take the tests will be able to do so in the timetable that has been outlined by both providers.

**Ms Brogan:** As a result of the disruption caused by COVID-19, we have found alternative ways to award qualifications to young people, including children moving from primary school to post-primary school. With disruption to individual learning likely to continue through the year, will the Minister put children first, scrap transfer tests and find a

method of post-primary transfer that allows all children to reach their full potential?

**Miss McIlveen:** I thank the Member for her question. I appreciate that there are diverse views on academic selection. Certainly, my view is that academic selection will be maintained. If there is to be any change to that, it will require agreement in the Executive and the Assembly. As the Member will be aware, a significant number of parents have chosen to enter their children in the transfer tests in order to obtain a place in a grammar school of their choice. I support the right of parents to make that decision. Equally, that is what they choose to do.

**Mr Stalford:** I declare an interest as the parent of a P7 child. While I appreciate that boards of governors set the criteria for admissions to year 8, will the Department provide more explicit guidance to boards of governors in order to provide uniformity across schools or at least to ensure that the eldest child is not discriminated against?

**Miss McIlveen:** I thank the Member for his question. The setting of admissions criteria is by law a matter for schools' boards of governors. The Department issues advice on the transfer process, including the criteria that it is recommended that schools should use. However, while schools must by law have regard to that guidance, the setting of admissions criteria remains very much a matter for schools. Even if my Department could compel schools to use a uniform set of admissions criteria, that would be less desirable than the current position, because, essentially, in many instances, it could mean that the same children are prioritised at all schools. Schools' boards of governors are better placed to set admissions criteria that meet the needs of the communities that they serve.

On ensuring that eldest children are not unfairly treated, the guidance advises schools not to use family criteria beyond a sibling currently attending the school. An example would be a parent's attendance, which is a type of criterion with the potential to disadvantage eldest children or newcomer applicants. The Department recommends that sibling connection is prioritised. Unfortunately, we had instances in Transfer 2021 of the separation of twins as the result of some schools' admission criteria.

All of that will be part of the review that will be undertaken and the further advice that will be

given to schools if we fall into the same circumstances as last year.

**Mr McCrossan:** Will the Minister provide an assessment of the magnitude of appeals in the allocation of places in 2021-22? Will she agree that putting in place a robust and efficient appeals process for parents, carers and guardians is important?

**Miss McIlveen:** I thank the Member for his question about appeals. As he is aware, it was a difficult year for parents and young people, with 280 young people unplaced in June. I found that distressing, and I know that there is a very small number, about five, who are still unplaced, and that needs to be addressed.

As the Member knows, additional money — £130,000 — was put into appeals. Over 120 appeals in respect of post-primary admission were upheld. I am concerned about that, and I think it is important to ensure that schools operate a robust admissions process that minimises unnecessary stress on children and families. It is also important to ensure that all schools can plan for an academic year with certainty and without having to worry about increases or drops in their intake.

My Department will engage in a "lessons learned" exercise, as I indicated, but we will also talk to a number of schools in the coming weeks to ensure that the reason for lost appeals has been identified and that remedial action is put in place to avoid that situation in future. I absolutely agree on the need for a robust process, and I am disappointed in the outcome of this.

## Schools: COVID-19 Mitigations

2. **Mr Blair** asked the Minister of Education how she will protect the safety of the school population in order to maximise in-school learning. (AQO 2438/17-22)

3. **Ms Hunter** asked the Minister of Education to outline her plans to address concerns regarding COVID-19 track and trace in schools. (AQO 2439/17-22)

7. **Mr Sheehan** asked the Minister of Education to outline her plans to mitigate the impact of sustained disruption as a result of COVID-19 on the delivery of education this year. (AQO 2443/17-22)

**Miss McIlveen:** Mr Speaker, with your permission I will answer questions 2, 3 and 7

together as they all relate to COVID-19, and I respectfully ask for an additional minute.

**Mr Speaker:** No problem. Go ahead.

**Miss McIlveen:** Thank you.

We have all seen how disruptive it is for pupils to be prevented from accessing classroom-based learning. The Executive have aimed in their decisions to balance the low risks to pupils' health with the harm to children caused by disruption to their education. A range of mitigating measures remain in place to keep pupils safe, including regular asymptomatic testing, the offer of a vaccine to staff and now to pupils over 12, the use of face coverings by post-primary pupils in schools and on transport and encouraging ventilation of classrooms wherever possible.

At the start of the term, too many pupils were asked to self-isolate and school resources were stretched in supporting contact tracing. The Health Minister and I therefore agreed that the Public Health Agency would undertake all contact tracing, with schools no longer having significant involvement. The Chief Medical Officer (CMO) endorsed that approach in his letter of last week that explained why schools are safe. He stated that the vast majority of pupil close contacts did not go on to develop COVID and that teachers are not at an increased risk of hospitalisation or death in comparison with comparable adults.

The PHA has narrowed its definition of a school close contact because of the evidence that children are at a low risk of severe disease and because all staff and some pupils will have been offered a vaccine.

While, in some cases, the PHA may identify no close contacts in a school, I support the more targeted approach taken by its experienced contact tracing staff, following expert public health advice. That reflects the evidence referenced by the CMO and will help to ensure that pupils are not asked to self-isolate unnecessarily.

## 2.15 pm

On minimising the impact of COVID, among other initiatives, I recently launched the Engage II programme. The programme will invest over £16 million to help to limit any long-term impact on educational standards by providing support for pupils' learning and engagement. It will also support pupils' social, emotional and mental health and well-being. Should there be further

unavoidable COVID disruptions, which I hope will not be necessary, there are plans in place in areas such as examinations and post-primary transfer that build upon the work done in those areas during the last academic year.

**Mr Blair:** I am grateful for the answer. Does the Minister accept that the new approach to pupil testing, tracing and isolating has been poorly explained and implemented? Can she confirm that plans are being put in place to improve communications from the Department, the Education Authority and the PHA in that regard?

**Miss McIlveen:** I thank the Member for his question. I know that there will be some uncertainty, given where we were in the first week with schools being very much hands-on in contact tracing. In response to that, the Department put some measures in place towards the end of that week. Things escalated over that weekend, and, as a consequence, I engaged directly with the Department of Health, the Minister and the Chief Medical Officer in order to try to find a solution, because I was aware that many school leaders were under significant pressure, and that was on top of starting a brand-new school year and the challenges that naturally come with that.

As regards the changeover and the intervention of the PHA nearly two weeks ago, that has led to an easing of the burden, to a certain degree, on school leaders, although it has not come without its difficulties, because they have had to explain to parents the very different approach that the PHA is now taking to close contacts. I was aware of that, and I was concerned about it. The Member may be aware that this afternoon sees the start of a number of webinars to discuss that directly with teachers and school leaders. The CMO will be present at those webinars. I hope that communication will be much clearer as a consequence of that.

**Ms Hunter:** I thank the Minister for her answers so far. Can she detail what advice she has given to schools on the matter of ventilation as we approach the winter months?

**Miss McIlveen:** I thank the Member for her question on the issue of ventilation, which is very topical. We have been trying to roll out education on that in the schools. It is not just a matter of opening windows; there are other aspects to it as well.

I am aware of the approach being adopted in other jurisdictions with the wider roll-out of carbon dioxide monitors in schools. My officials

have worked closely with professional colleagues in the Education Authority, and the current advice being provided to schools is based on that work. While the updated advice continues to encourage schools to do what they can to improve ventilation locally by opening windows and doors where possible, if there are any specific concerns about ventilation, the school should call the EA maintenance officer. They will then assess the situation and agree an action with the school aimed at undertaking work to fix, where possible, issues identified. It is considered that that approach permits an assessment of the issue on a case-by-case basis, with remedial action being planned and implemented as necessary. That is being taken forward by qualified professionals.

For the Member's information, of the 1,600 calls to the EA maintenance help desk since 1 March last year, to date, only 33 have related to ventilation requirements, and those have, I understand, been addressed. My officials will obviously keep working very closely with professional colleagues in the EA to keep that under review. Outside of that, you will also know that schools are being very creative in utilising outdoor space in a way that they have not been able to do and have not done before. Many have used the money from the well-being fund to repurpose areas. Last week, I launched an £800,000 fund for special schools, which very much focuses on outdoor play.

**Mr Speaker:** Time, please.

**Miss McIlveen:** So, schools are being very creative.

**Mr Sheehan:** On 2 September, trade union representatives gave evidence to the Committee for Education and told us that they were unaware of any contingency plans to deal with serious disruption as a result of COVID in schools. Since then, the situation has deteriorated. If schools are to remain open, it is imperative that plans are in place to deal with issues such as continuity of learning, exams, support for children with special educational needs and so on.

**Mr Speaker:** Can you come to a question, Member?

**Mr Sheehan:** Can the Minister tell us when we can expect to see those plans?

**Miss McIlveen:** I thank the Member for his question. I take a little bit of issue with the inference that school leaders have not been supported and that there are not any plans in

place if the situation deteriorates. My priority is very much to ensure that our young people remain in school, not only for educational purposes but for their mental health and their well-being. As the Member knows, school is a refuge for some of those pupils. It is imperative that we recognise that this is an issue. I believe that disruption should be somewhat reduced for many by the role that the PHA is now playing, particularly in relation to contact tracing.

Experience over the past 18 months has meant that blended learning and remote learning practices are now well established. Teachers are now skilled in this in a way that they were not at the start of the pandemic. The Member will also be aware of the announcement made by my predecessor in May on public examinations and the reduced content of those. Contingency plans are being developed by CCEA for awarding qualifications if required. These arrangements will be based largely on the professional judgement process that was deployed last year and will obviously be refined to take account of lessons learned through that process. As we have heard, the transfer test will be very much a matter for the providers and the member schools, taking cognisance of public health advice at the time.

I have to be a realist, and I am. I recognise that the pandemic is very much a fluid situation, and contingency planning is taking place. However, I also want to be an optimist. I hope that these plans will not be used and that, if they are, they will be used only as a last resort. I want to give confidence to the Member that contingency planning is taking place.

**Mr Newton:** Minister, we are all concerned about the safety of pupils, teachers and, indeed, the general staff in schools. Can you be specific about the impact that contact tracing has had on pupil attendance since the start of this term?

**Miss McIlveen:** I thank the Member for his question. Attendance data for the week commencing 13 September showed 1% of the total pupil sessions being recorded as pupils self-isolating having been identified as a close contact of a positive case. This is a significant reduction from the corresponding figure of 2.7% of sessions in the week commencing 6 September. The more targeted approach to contact tracing that is now being used by the Public Health Agency has enabled a significant reduction in the number of school days being missed through self-isolation as a close contact. The Chief Medical Officer explained in his open letter that only a very small proportion of close contacts go on to test positive and, therefore, it

was the correct approach to move to more closely targeted close contacts. As we know, too many children have been identified as close contacts already this year. It is right that we have taken the action that we have done to allow children to stay in school.

**Mr Lyttle:** What is the Education Minister's reaction to reports that the PHA is failing to contact trace even the redefined most intimate close contacts? Indeed, how many pupils have tested positive for COVID between day two and day eight PCR testing?

**Miss McIlveen:** I thank the Member for his question. If what he has said is the case, it concerns me. I will raise the issue with the PHA, as I will the other issues that have been raised with me regarding the PHA. I am happy to write to the Member with the information that he has asked for on those who have tested positive.

**Mr Delargy:** After consultation with fellow teachers, families and pupils, I am deeply concerned that the PHA evidently does not have the capability to take on contact tracing. What steps has the Minister taken to rectify that? When will she provide our school communities with a solution?

**Miss McIlveen:** I thank the Member for his question. I have been given assurances by Minister Swann and the Chief Medical Officer that the PHA has the capacity to carry out the role that it has undertaken. The Chief Medical Officer will be attending tomorrow's Committee meeting. My officials keep in regular contact with the Health Department on this issue, and I am more than happy to continue to press them on capacity.

**Ms S Bradley:** It has been suggested that the evidence gathered on isolation during the 2020-21 academic year and the beginning of this year did not capture any significant data on the delta variant, yet that information and evidence has been used as a basis for the new definition of close contact. What message does the Minister send to the staff and parents who have expressed concerns to me that, while in the school environment, they feel more exposed than the general public to the possibility of catching COVID-19?

**Miss McIlveen:** Obviously, the Member is reiterating genuine concerns that have been articulated to her, and to me, by those who are feeling vulnerable. The situation has changed slightly with regard to the uptake in vaccination. I would like to think that those who have been

able to avail themselves of it will do so. With regard to the data, the conversations that we have had with the Department of Health and the Chief Medical Officer suggest that schools are a safe place to be and that the PHA is working on the close contacts. That is very much being led by the PHA and its expertise and data. I will reiterate what has been said here to the Chief Medical Officer when I see him. That will be part of a conversation that we have tomorrow at the Committee.

**Mr Speaker:** The next two Members are not in their seats. I call Stephen Dunne.

### **Hollywood Multi-schools Project: Update**

9. **Mr Dunne** asked the Minister of Education for an update on the Hollywood multi-schools project. (AQO 2445/17-22)

**Miss McIlveen:** The Hollywood multi-schools project is not currently within the Department's major capital investment programme of announced schemes. The only major capital project for a controlled school in the Hollywood area is for Priory Integrated College, which was announced by Theresa Villiers, then Secretary of State for Northern Ireland, on 23 March 2016 as part of the Fresh Start programme. Any project to be taken forward needs to be included in a future capital announcement. I intend to make an announcement for a major works call by the end of the financial year.

**Mr Dunne:** I thank the Minister for her answer. The multi-schools scheme that she mentioned, involving Hollywood Primary School, Hollywood Nursery School and Priory Integrated College, has been in the system for a considerable number of years. I welcome that commitment. All three are crying out for investment. Can the Minister provide a detailed timeline for further progress, particularly in relation to Priory Integrated College?

**Miss McIlveen:** The Department of Finance has approved a business case for a new-build school and associated external works at a site at Redburn, Hollywood. That new building will accommodate the school's approved enrolment of 600 pupils and enhance the provision of integrated education in Hollywood, east Belfast and north Down. In February 2020, the Education Authority appointed an integrated consultant team to complete the design and oversee the development of the new provision for Priory Integrated College. The project is at RIBA design stage 2.

It is anticipated that the construction work will commence in summer 2023, with the school moving to its new Redburn site in summer 2025. That will be dependent on achieving the relevant statutory approvals, however.

**2.30 pm**

**Mr Speaker:** That ends the period for listed questions. We now move on to 15 minutes of topical questions. I advise Members that topical question 8 has been withdrawn.

### **Bangor Central Integrated Primary School**

T1. **Mr Chambers** asked the Minister of Education for an update on the relocation of Bangor Central Integrated Primary School from its current site to the proposed new campus at Bloomfield Road, Bangor. (AQT 1581/17-22)

**Miss McIlveen:** I thank the Member for his question. As he will be aware, Bangor Central Integrated Primary School has been selected for a major capital investment project to improve or replace its existing accommodation. My Department approved the business case in July 2020, and it identified the preferred option of a new build on a new site on Balloo Road in Bangor. In July 2020, the Education Authority appointed an integrated consultant team, and the early stages of design are now progressing well, with good engagement among all stakeholders. The current programme anticipates construction on-site commencing in spring 2023, with completion expected by summer 2025. As the Member will understand, the project will be regularly reviewed as it develops.

**Mr Chambers:** I thank the Minister for her answer. Minister, do you, your Department or the governors of Bloomfield Primary School have any concerns about there being any negative impact on Bloomfield Primary School's pupil intake, given the proximity of the proposed new campus to that primary school?

**Miss McIlveen:** I am not really that familiar with the detail of schools in that particular area, but I am happy to come back to the Member in writing, if he is happy with that.

### **Schools: Parental Choice**

T2. **Mr Allister** asked the Minister of Education, given her belief in parental choice, how she views the Education Authority's proposal to expunge such choice in the Coleraine district by

amalgamating into an integrated school the very successful Coleraine High School, Dunluce School and North Coast Integrated College, thus leaving the area with no other post-primary, non-selective school for parents to choose. (AQT 1582/17-22)

**Miss McIlveen:** I thank the Member for his question. I understand that the proposal has come out of two years' discussion among the boards of governors of the three schools. Those discussions have included the EA, the Northern Ireland Commissioner for Children and Young People (NICCY) and the Controlled Schools' Support Council (CSSC), as well as Ulster University, which, I understand, wants it to be a flagship project for a university school. The vision for the new school is to have it on the Coleraine campus.

The Member will understand that, at this stage, it is a pre-publication consultation. The Department therefore does not get involved until the development proposal is published. I recommend to the Member that it is really important that he express his views and, I guess, the views of many of his constituents to the EA in advance of the development proposals being published.

**Mr Allister:** The situation that we have therefore is that there already is an integrated college, and now the EA wants to delete all other schools and have only a new integrated college. How does that fit with parental choice?

**Miss McIlveen:** I very much appreciate the comments that the Member has made. I reiterate that he should express those views explicitly to the EA. I cannot get involved in expressing an opinion, as the matter is likely to come to my desk, but, if it is of help, I am happy to meet those who have concerns about the project.

### **NSMC: DUP Boycott**

T3. **Dr Archibald** asked the Minister of Education whether, in light of the serious educational issues that are dealt with at the North/South Ministerial Council (NSMC), her party should reconsider its reckless and irresponsible decision to boycott NSMC meetings, which demonstrates the type of politics that will have real consequences for areas of policy and cooperation. (AQT 1583/17-22)

**Miss McIlveen:** I thank the Member for her question. At this point, no dates have been agreed for a meeting. I will address that in due

course. I refer the Member to Sir Jeffrey Donaldson's speech. I hope that the concerns that he raised will be addressed in advance of any decisions being made on NSMC attendance.

**Dr Archibald:** I thank the Minister for her response. At the NSMC meeting in June, it was noted that evidence gathered as part of the recent 'A Fair Start' report on educational underachievement here and the Delivering Equality of Opportunity in Schools (DEIS) programme in the South could be used as the basis on which to develop joint actions under the PEACE PLUS programme. The DUP claims that it is a priority to address educational underachievement in the communities that they represent. Does the Minister now accept the obvious damage that the reckless boycott of the NSMC will do to the essential work of tackling educational underachievement? Does she accept that her party is jeopardising the entire €1 billion of PEACE PLUS funding as a result of its panic and desperation?

**Miss McIlveen:** I thank the Member for her question. Obviously, I do not share her views. The recommendations of 'A Fair Start', which were published as a consequence of the expert panel's recognition of the importance of early intervention in our education system, are being taken forward by my Department. Considerable work is being done on that. A sum of £4 million has been set aside, and we are working through to spend that. I do not recognise the issue to which the Member refers.

### **SEN Regulations and Code of Practice**

T4. **Mr Weir** asked the Minister of Education for an update on the implementation of the special educational needs (SEN) regulations and code of practice. (AQT 1584/17-22)

**Miss McIlveen:** I thank the Member for his question. Following an appearance at the Education Committee on 23 June, officials have continued to collate and consider the changes to the draft SEN regulations and the associated code of practice that the consultation responses suggested. Based on the consultation responses, a number of suggested amendments and refinements have been compiled for inclusion in the finalised regulations, and they will also be reflected in the associated code of practice. The Department is engaged with the Departmental Solicitor's Office with a view to agreeing a final set of regulations that can be brought to the Education Committee and the Assembly for

consideration in the autumn. In preparation for the draft regulations becoming law, my Department is working closely with colleagues in the EA, the Department of Health and the Department of Justice on the appropriate time to commence each provision. Careful sequencing is needed to ensure that the appropriate resources and procedures are in place, alongside the training of appropriate staff and boards of governors.

**Mr Weir:** I thank the Minister for her response. As we all know, children have, in many ways, borne the brunt of the pandemic, and children with special educational needs may have had the toughest times during the past year or two. What additional support is being provided for SEN pupils, particularly in COVID recovery plans?

**Miss McIlveen:** I thank the Member for his question. He makes a valid point about SEN children. Cross-departmental actions for vulnerable children and young people during the COVID-19 pandemic were drafted in September 2020, of which, of course, the Member will be aware. The jointly agreed definition of "vulnerable" in the actions included children and young people with special educational needs. I recognise that the pandemic continues to have a significant impact on children and young people with SEN and on their emotional health and well-being. That has to be and remains a priority for my Department.

The framework that was launched in February 2021 for emotional health and well-being provides for a range of support programmes, including funding of £5 million for a new pilot of a primary school counselling service, which will be launched shortly, and an additional £5 million well-being fund being made available for distribution across schools. Some £850,000 was also made available to special schools during the 2020-21 academic year to support the delivery of the Engage programme, and special schools were also incorporated into the Engage II programme, which was launched on 6 September.

The Department also supported the implementation of summer provisions across schools by providing funding of £4.5 million. That enabled an enhanced programme of summer activities right across special schools.

The Member will be aware of my recent announcement for £16 million to assist with COVID-19 and to increase educational standards. That is to give support for learning and engagement. Last week, we launched an

£800,000 fund for special schools to support outdoor space for play and learning.

## **Schools: COVID-19 Capital Investment**

**T5. Mr McAleer** asked the Minister of Education whether the new COVID-19 reality will be reflected in future plans for capital investment in the schools estate, given that she will be aware of the many concerns about ventilation and appropriate space and capacity in schools that have been highlighted by parents, children and staff. (AQT 1585/17-22)

**Miss McIlveen:** I thank the Member for his question. He will be aware that, over the past few months, I have made that a priority as much as I can around a broad range of schools. I am concerned about the disparity of provision across the schools estate.

I recently met my officials and representatives from the EA to discuss minor works, maintenance, the school enhancement programme and major capital projects. The Member will be aware, having been in attendance at many finance debates in the House, that money is clearly an issue and will continue to be so. While capital is probably more readily available to the Executive, resource is also required to carry out those projects.

I am more than happy to put together a substantial bid if the Member's colleagues are willing to support it. While I hope to announce a further list of capital projects before the end of the mandate, it really will be only a drop in the ocean of what is required to bring the estate up to standard. All children and young people, along with the dedicated staff who nurture and educate them, deserve to be in facilities that are fit for purpose. I will continue conversations with my officials to try to achieve that.

**Mr McAleer:** I thank the Minister for her response. One college on which I have lobbied her Department frequently is the Dean Maguire College in Carrickmore. Her colleague, former Minister Weir, paid a ministerial visit there earlier this year. The college is in need of additional space and investment, and a project is in the pipeline. The Minister may not have the detail of that specific case. If she has, that would be great, but, if not, could I be updated on that project in due course?

**Miss McIlveen:** I thank the Member for his question. Many Members could point to schools in their constituencies that are in need of an

upgrade or replacement. I do not have the details of the school that he mentioned, although my colleague to my left might be able to whisper into my ear. *[Laughter.]* If the Member is content, I will write to him with information. Given that my same colleague visited quite recently, he may not need a ministerial visit.

**Mr Speaker:** I call Claire Sugden, who may get only one question.

### Schools: CEV Pupils

T6. **Ms Sugden** asked the Minister of Education, in the light of the fact that responsibility for contact tracing has moved from school principals to the Public Health Agency, with principals and parents, particularly those with clinically extremely vulnerable (CEV) children, now concerned that they are not being contacted when positive cases are identified, to the end that they are considering whether to send their children to school at all and are willing to risk an unauthorised absence, how she is supporting principals and parents with those concerns and if those concerns are genuine, because their kids are very ill, will those parents be supported rather than penalised. (AQT 1586/17-22)

**Miss McIlveen:** I thank the Member for her question, in particular in relation to children who are extremely vulnerable. She may recall that, on 9 September, a letter from the Chief Medical Officer explained that schools were a safe place for children and staff. He outlined that the evidence showed that the vast majority of those who were identified as close contacts did not go on to develop COVID. However, the basis of the Executive policy is that, in most cases, clinically extremely vulnerable pupils should be able to continue to attend school.

It is important that we remember that a CEV child is likely to have been very vulnerable to a wide range of threats, including flu, over many years and that schools that have been working alongside them are very much alert to that. They work with not only the child but the family to put in place arrangements to manage the specific risks to those children. That was the case even before COVID came into existence. The management of COVID for those pupils is very similar to that approach, and it is about trying to minimise the risks for them. Additional measures are being put in place, such as CEV pupils over the age of 12 being eligible for a vaccine, the use of face coverings in post-primary settings and asymptomatic testing

being available for staff, post-primary pupils and special-school pupils.

**2.45 pm**

If a school has particular concerns about a CEV pupil or a member of staff, it should contact the EA helpline, and that can be escalated, as necessary, with the PHA. If the Member has a concern and would like it raised, I would appreciate it if she could contact my office, and I can also follow that up.

**Mr Speaker:** Time is up. Members should take their ease for a moment or two before we move to the next item on the Order Paper.

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

## Private Members' Business

### Autism (Amendment) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Autism (Amendment) Bill [NIA 31/17-22] be agreed. — [Mrs Cameron.]*

**Mr Carroll:** I will speak briefly to support the Bill and to raise some connected issues that are very relevant to autism support, even if they are not necessarily detailed in the Bill. I raised some of it in Committee last week, but it is relevant to today's discussion.

The Bill mentions amending and strengthening autism strategies. That is important and is welcome, especially training for staff and so forth, but there is a gap. While staff should, obviously, be provided with all the necessary training and support, 14% of people with autism are not receiving the appropriate SEN assistance despite needing it. In my view, any strategy has to take that into account, and any strategy should also increase the number of staff assessing people who are in need of SEN support and increase the number of people providing that support. To be blunt, you can have the best training in the world, but there will not be enough people to implement best practice unless we have staff doing those jobs.

We have a situation with the diagnosis of autism. We have one of the highest rates in the world, but so many people are still forced to wait an excessive amount of time to receive their assessment and their confirmation of

autism. Some never receive a diagnosis at all, and that needs to be factored into the debate as well. Whilst the Bill has no significant financial implications, if we are truly to support people with autism and let them be themselves, as somebody said earlier, we need increased investment, especially in support services for people with autism.

There is the stark statistic that the rate of autism in school-age children in the 10% most deprived areas is 30% higher than in average areas. That is concerning, not because there is anything obviously wrong with people who have autism but because people in deprived communities already face massive barriers and there are greater barriers generally for people with autism in society. Those barriers are higher in those areas as well.

Finally, I echo the point that was made by Nicola Brogan and Pat Sheehan about restraint and seclusion measures being used in schools and other educational settings, especially on young people with autism or any other learning disability or condition. That should not be happening. I imagine that it is very traumatic for children. That is not directly connected to the Bill, but it is something that should be factored into the conversation going forward. I am happy to support the Bill, but those other points have to be raised. If there is any way to submit amendments to that effect, we will do our best to do that.

**Mr Swann (The Minister of Health):** I welcome the opportunity to respond to the Second Stage of the Autism (Amendment) Bill today, and I thank Pam Cameron for getting the Bill to this point, along with many families in our communities who have worked tirelessly to strengthen and improve the awareness and delivery of autism services across Northern Ireland. There is much to be welcomed in the Bill, and I hope that I and my officials can work closely on it with the Member in the weeks and months ahead.

I acknowledge the comments from Mr Sheehan and Mr Boylan about the cross-departmental nature of the work that needs to be done to make sure that the Bill's objectives are delivered. There has been acknowledgement of the work of former Members and previous iterations of the Assembly to get autism services to this stage. I want to add to that by acknowledging my predecessor in North Antrim, Reverend Robert Coulter, who was a champion for autism during his tenure here and as chairman of the board of governors of Castle Tower School in Ballymena. It is through Bob's work that, even before being elected here, I

was aware of the prevalence of autism in our society.

As I have said many times before, I am also conscious of the challenges that the growing waiting lists for assessment and support pose to individuals and families, and I have stated in the House that that situation is unacceptable. However, we must also acknowledge how far we have come in our awareness of autism — Peter Weir mentioned that in his contribution — and in recognising the changes that we must make in our society if we are to enable autistic people and their families to feel supported, included and accepted.

I have heard the criticisms of the previous autism strategy, but I am also aware of the many welcome steps that were in it. I thank those who acknowledged that changes are being made to embrace how we address autistic people's needs in the delivery of services, how we interact with our communities and how opportunities have been provided. That will continue to evolve through Mrs Cameron's Bill.

Nevertheless, there is always room for further progress, and I can assure you that I and my Department are fully aware of the work that needs to be undertaken to address that. My Department has been, I feel, open and honest in declaring that more could and should have been achieved. That has also been my assessment, since coming into the Department of Health last year.

From extensive engagement with people who have lived experience of autism and from the relationships that have been built in recent years with the community and voluntary sector organisations, we are informed about the areas in which progress needs to be made. More importantly, however, we are acutely aware of the need for autistic people to be included in the development of policies, strategies and the services that affect them, in order to ensure that those are people-centred from the outset.

I last spoke on an Assembly motion in May about the work that is being undertaken by my Department, which is in collaboration with people with lived experience. I would like to take this opportunity to update the House on the work that we have been doing. As you will know, my Department published an interim autism strategy in March of this year for a two-year period in order to allow for the development of a longer-term strategy. That, unfortunately, has been severely constrained as a result of the pandemic.

Since then, however, my officials have been working across Departments and the health and social care sector to finalise a series of outcome-based, measurable actions that will be aligned to the Programme for Government and will support the key priorities set out in the strategy. It has been acknowledged that this is not solely in the remit of the Department of Health, and I want to thank the different voices that we heard today from members of the Education and Communities Committees.

This work has been undertaken during a period when services are rebuilding due to the impact of the pandemic. Many of the actions that were previously prepared for implementation have been reshaped or amended due to learning throughout this period, which relates particularly to the impact of the pandemic on autistic people. Unfortunately, some actions have been delayed. Once completed, the actions will be monitored and evaluated to ensure that they make a difference to the people that matter: autistic people, their families and their carers.

That leads me to the establishment of an autism forum by my Department in recent months. The forum is comprised of people with lived experience and community and voluntary sector representatives who represent them. The forum is co-chaired by my Department and two autistic advocates. The forum has held two workshops: the first was to establish the terms of reference for the forum and the second was to determine the priorities for a longer-term autism strategy. The next meeting will take place in a couple of weeks.

The autism forum was established with the intent that it would be an independent group that could influence and scrutinise the work undertaken by Departments in relation to autism. It is in the best position to advise whether our actions are making a difference or whether we need to redirect priorities. It will advise whether there is a need for research or where the inclusion of recently published research must be focused. Collectively, that group and the Departments will co-produce and co-design actions along with the outcome-based measures in relation to autism. They will also influence how we can develop our services further. Progress can only be effectively assessed if there are measures in place that can be evaluated. It has been welcomed by members of the forum, and all of us here today should welcome and embrace the progress.

In addition to that, in recent months, my Department commenced collaborative work on the development of an understanding autism e-learning package that will be accessible to all

staff across Departments and will signpost to more specific and comprehensive training for those who work in areas that need it, such as those on the front line or in public-facing services. I have also been advised that some areas of our Departments are already working towards accredited training. The learning package will be co-produced by the autism forum and civil servants with lived experience of autism. As Departments, we recognise that we must increase our understanding of autism. We must enhance how we support autistic people in the workplace and in our communities, as well as how we develop and deliver services.

To underpin the preparations for a longer-term strategy and to ensure that a wide audience has the opportunity to express their views on the priorities that need to be addressed within the strategy, my Department launched a consultative questionnaire to provide an opportunity for views to be contributed to shape that longer-term strategy. The questionnaire will remain open until 8 October 2021. Following an analysis of the responses, my officials will submit recommendations to me, outlining priorities for the next strategy. Those recommendations will be based on what people say that we need to do. That will happen prior to work commencing on the longer-term strategy.

While I reinforce that we must work together to improve services for autistic people, their families and their carers, I am conscious that considerable progress has still to be made to improve the situation of ever-increasing waiting lists for assessment. Individuals, families and carers need support. To do that, we need to focus more on early intervention. That is also a focus of the autism strategy for our health and social care sector. In recent months, the Health and Social Care Board has liaised with trusts with extensive waiting lists and those where disparity has been evident in access of service across the region. Their findings will be provided to me once that work is completed. I must acknowledge, however, that a diagnosis is not a golden ticket for support and access to services. It is simply the start of the journey, because individuals and families face confusion and concern as they embark on that road. Whilst they are at an early stage, discussions have commenced about how we can provide services across the region that will navigate individuals and families through the system and to sources of support at their greatest time of need and, perhaps more importantly, in a way that best suits their needs at that time.

**3.00 pm**

Whilst I recognise that we all wish to see progress being made in supporting autistic people and their families, I can assure the House that my Department, all Departments and the wider health and social care sector are committed to driving change. Reflecting on Mr Weir's point — it was about the strange place that we are going and an analogy with weddings and different things; I was not sure where it would end up — the changes have not been driven by legislation or the need for further legislation. They have been made because the need for change was recognised. We have services that have been stretched to their limits over the past year, and that continues. Our COVID-19 figures show that we still have some way to go until we recover. Whilst we know that our health and social care workforce is committed, that was demonstrated to lengths that we would never have thought were imaginable.

As I speak, I hope that some of the issues highlighted in the Bill have been shown to be recognised and are being addressed. However, as I said earlier, I look forward to working with the Bill's sponsor in the time ahead as she progresses the Bill through its legislative stages. I encourage Members to support the Bill at its next stage when it gets there.

**Mrs Cameron:** I again thank all past and present Members, and, of course, the all-party group on autism, for their efforts in passing the original Autism Act, which was, and remains, a landmark piece of legislation.

I am here to ask you to support the principles of the Autism (Amendment) Bill. The Bill aims to strengthen the original Autism Act to ensure that we do better for our autism community. I state my thanks and appreciation to all those Members who have stated their support for the Bill and to the all-party group on autism. They have all contributed to the progression of the Bill to this stage.

I extend enormous thanks to the Bill Office for its devotion and support throughout the process and, of course, to the drafter of the Bill. I also thank the secretariat of the all-party group on autism, which is provided by Autism NI, for their tireless efforts and the efforts that they put into developing the Autism Act and the Autism (Amendment) Bill. I also thank and acknowledge our other autism charities and organisations for their work throughout Northern Ireland and all those who too often provide lifelines to families that are desperately in need of help and support. Finally, I thank the Health Minister for attending the entirety of the debate and for his good wishes for the Bill. I look

forward to working with him and his Department as we progress the Bill further.

As we are all too aware, this Bill is about addressing the ways in which we have failed our autism community. To briefly summarise again, the Bill aims to make practical changes to improve autistic lives by appointing an independent autism reviewer to ensure scrutiny and accountability of the autism strategy; ensuring that the needs of autistic adults are met in terms of lifelong learning, employment support, recreation, well-being and supported living; creating a regional early intervention service; introducing an information service and helpline for autistic individuals and their families, carers and professionals; providing training to all NI Departments and public bodies; ensuring that the Department of Health's approach to autism considers best international practice and is multidisciplinary and consistent across all health and social care trusts; providing autism prevalence data for adults as well as children; setting measurable targets to judge the success of the autism strategy; and providing an annual report to the Assembly that details how autism funding is allocated.

All of those measures are needed to tackle the urgent difficulties, such as waiting lists, access to services and health inequalities, resulting from the current inconsistency of services that Members such as Cara Hunter touched on, whereby those in the rural and most deprived areas are least likely to have access to the support and services that they need.

I also thank Members for raising real, practical issues and asking how those will be addressed in the Bill. The Bill was developed out of a practical need for change and improvement for our autism community. It was developed after a large public consultation that received over 1,800 responses. It is vital that the spirit of consultation with those who have knowledge and experience continues, and that is why I have reached out to grassroots organisations that are involved with autism. I have asked them to respond to the Health Committee's call for evidence should the Bill pass its Second Stage. I encourage other Members and parties with an interest in autism to respond to the call for evidence.

I recognise that some Members have raised concerns, and I thank them for their valuable contributions to the debate. I will address some of those concerns immediately. I thank the Chair of the Health Committee, Colm Gildernew, for his contribution and words of support. I will now address his query on

research to outline the potential costs from the Bill, which the vice chair of the all-party group on autism, Cathal Boylan, echoed. When presenting at the Health Committee last week, I explained that we were waiting for research from the Assembly's Research and Information Service (RaISe). I can confirm that we requested research from RaISe that explored the potential costs of a reviewer model. Originally, the research was considering the costs of a commissioner model, which is not comparable to the reviewer model that we propose, as it would be much more expensive. We asked RaISe to amend the research to compare with a reviewer model. RaISe has explained that the only two models that it is aware of that have lower comparative costs are the mental health champion and the UK terrorism legislation reviewer.

Colm also mentioned the costs of implementing an early intervention service. Although we do not have the costings for that service, research has consistently shown that early intervention is essential to bringing about the best outcomes. Thanks to the work of RaISe, we have further research that demonstrates that the economic costs of not acting are greater than those of intervening, as costs are deferred until further down the line, when individuals need access to more complex services to meet their needs.

I thank Daniel McCrossan, Alan Chambers, Peter Weir, Nicola Brogan, Justin McNulty, Robbie Butler, Pat Sheehan, Chris Lyttle and Cara Hunter. We also had a contribution from Gerry Carroll, along with one from the Minister of Health at the end. I thank them for outlining the needs that they have been made aware of in their constituencies and in their personal lives for further raising awareness of the wider issues that we are here to address and for their words of support for the Bill's principles.

I welcome comments from Members such as Pat Sheehan, who called for increased interdepartmental cooperation. The needs of autistic people are not limited to the Department of Health. Pat also noted that, despite vast amounts of investment, the Education Authority (EA) and the Department of Education struggle to demonstrate value for money. That again demonstrates the need for the independent scrutiny that the proposed autism reviewer would carry out.

Nicola Brogan asked how the Bill addressed the educational needs of children and young people. She spoke about shortened school days and reduced timetables for autistic pupils.

The requirement for the staff of all NI Departments and public bodies to receive autism training, the introduction of an early intervention service, the requirement for regional consistency across trusts, the requirement for an autism reviewer able to scrutinise best international practice relating to autism and the commissioning of independent research will all go a long way to improving the emotional, social and educational difficulties felt by many autistic children and young people.

I also thank Nicola, Gerry Carroll and other Members for raising the current issues of restraint and seclusion in schools. The areas that I have discussed, particularly a focus on adequate training, the introduction of an early intervention service and recent robust research on best practice, will help provide solutions to that issue. The Committee and I will, however, be open to further discussions on the topic should the Bill progress to the next stage.

I thank Chris Lyttle for his support and contributions to the debate and, of course, his contributions as a member of the all-party group on autism. I recognise his suggestion that sports coaching be integrated into clause 2, which discusses training opportunities, and I would welcome further discussion on that topic at Committee Stage, should the Bill progress.

I thank Cara Hunter for raising the issue of the detrimental impact of waiting lists on achievement right into adulthood and for her comments welcoming an autism reviewer to hold the Department to account.

I also acknowledge the contributions from Paula Bradshaw and Gerry Carroll. Paula raised questions around workforce planning, and, as she noted, that is, perhaps, a discussion more appropriate for Committee Stage. However, I acknowledge her contribution and recognise that that is an important discussion to be had.

When initially discussing the autism reviewer, we discussed the possibility of an autism advocate, something similar to a commissioner model. We concluded that we did not need someone to speak for the autism community: we needed someone to scrutinise the autism strategy's implementation and success. We need someone to commission independent research and to scrutinise practice, provision and the effectiveness of services.

I reiterate that the public consultation found that 92% of respondents supported the need for an independent scrutiny mechanism, as they believe that scrutiny, transparency and research in relation to autism services are

currently inadequate. Importantly, it is proposed that the reviewer produce for the Department an annual report that must be presented to the Assembly. In understanding the core needs and functions of a scrutiny mechanism, I tried to be practical in understanding the current situation. As a result of the drive for effectiveness and practicality, I proposed an autism reviewer that adopts a reviewer model. I have previously used the mental health champion and the UK's Independent Reviewer of Terrorism Legislation as examples. The goal is to have a scrutiny mechanism independent from the Department of Health that is effective in promoting and ensuring change and effective practice. The role should be filled by an appropriate individual and be cost-effective.

I want to put on record and briefly address the Bill's use of language when discussing autism. I understand that there has been much debate about how people should talk about autism. The general rule is to ask a person how they prefer to be referred to. When the original Autism Act of 2011 was developed, there appeared to be a general preference for "Person first" terminology, that is describing someone as "a person with autism". More recent research has indicated that autistic people would prefer to be referred to as "autistic" rather than as "a person with autism". As "Person first" language was used to write the original Autism Act, the Autism (Amendment) Bill had to use the same language; otherwise, it would have had to be repealed and re-enacted.

I kindly ask Members to put their support behind the principles of the Bill and commit to making changes for our autism community.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Autism (Amendment) Bill [NIA 31/17-22] be agreed.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Second Stage of the Autism (Amendment) Bill. The Bill stands referred to the Committee for Health. I ask Members to take their ease for a few moments.

**3.15 pm**

*(Mr Speaker in the Chair)*

## **Political Appointments Bill: Second Stage**

**Mr Allister:** I beg to move

*That the Second Stage of the Political Appointments Bill [NIA 34/17-22] be agreed.*

**Mr Speaker:** In accordance with convention, the Business Committee has not allocated any time limit to the debate. Before we commence the debate, I urge Members to focus on the content of the Bill.

**Mr Allister:** Although the debate and the Bill are primarily about the privileged position that is held in some public offices by victim-makers, it is, for me, actually about respecting victims. I hear much talk in the House and elsewhere from time to time about respect, about looking after the interests of ordinary people and about the interests of the ordinary people being more important than the political elite. Today we will decide whether that is so.

In setting the context of the Bill, I will begin by talking about a very ordinary person: a lady by the name of Nora Field. She was a 61-year-old widow. She had known the trauma and upset of losing her husband. She lived in a council flat in London. She was the carer for her 92-year-old mother. On 11 October 1981, she went out to get some groceries for her mother. She never returned, because, as she passed Chelsea Barracks, a 6-inch nail ripped through her chest and pierced her heart. That 6-inch nail came from the shrapnel of a bomb that was packed with 1,000 such nails and pounds upon pounds of nuts and bolts, which, of course, were there to maximise the damage not just to structures but to the structure of the human body. They certainly did that in respect of Nora Field.

The bomb had been detonated; it had 30 lb of gelnite in it. The bomb was detonated in a laundry van, or what passed as a laundry van, from a lookout opposite the barracks. The judge, in a subsequent trial, said — and this is quite chilling — that the bomber had full view of the fact that there were innocent civilians walking past on the street. The judge in sentencing the bomber stated:

*"You showed not a shred of compassion for innocent passers-by."*

**Mr Stalford:** I am grateful to the Member for giving way; I am loathe to interrupt him at such an important point in his address.

Will the Member agree that the debate takes place in the context of a culture created by successive Governments' policy in London and Dublin? We now have a situation where people who have suffered experiences like that have to live in a society where those who behaved in such a despicable way are lauded by elected representatives as heroes and people worthy of respect?

**Mr Allister:** The Member puts it in a manner that I cannot disagree with at all.

The bomber who was told:

*"You showed not a shred of compassion for innocent passers-by."*

was Paul Kavanagh. He is now one of Sinn Féin's political elite, appointed by that party to serve on the oversight body, the Education Authority. Mr Kavanagh collected five life sentences for three murders. Another one of those murders was a civilian bomb disposal expert, Kenneth Howorth.

Paul Kavanagh was told by the court that he was not fit to be at liberty. The House is asked today whether such a person is fit to sit on the Education Authority. That is the question that every MLA must individually address. Nora Field was not his only victim that day. A young Irish Catholic lad, John Patrick Breslin, aged just 18, had one of those nails embedded in his brain and he died three days later. Two children, aged five and three, were injured, as, of course, were multiple members of the Irish Guards.

I repeat the question for the House: is such a person, with the imprimatur of the House, suitable to have oversight of the Education Authority, which includes not just schools but the Youth Service? Not much thought was given to the youth, John Patrick Breslin, or the two children. The question to each party and individual in the House is this: do you stand for the elevation of such a person to such a position? Take yourself back to that day. Picture the scene. A widow is out shopping for her 92-year-old mother and is making her way along the street, when she is suddenly blasted with shrapnel and a nail rips through her chest and embeds in her heart. If the House has any heart for ordinary people and ordinary victims, it will eschew the very notion that such a victim-maker deserves elevation in society.

Amongst the numerous Irish Guards who were severely injured is one who has spoken publicly in the media a number of times about the matter, Lance Corporal — as he then was — John Radley, who was aged 21. A 6-inch nail passed through his neck and down his back. He was blinded in one eye. He lost the hearing in one ear. He was left never to be the same again. Speaking after the appointment of Paul Kavanagh to the Education Authority, John Radley asked this poignant question:

*"how can this person guilty of murdering an 18-year-old boy get a job on an Education Authority?"*

The second-most poignant question that he asked, and one that we all must grapple with, is this: what is the message to upcoming generations? What is the message of the House to upcoming generations? Is it that it is OK to kill and murder, provided that you do it in the name of some supposed cause, and then you can become the political elite and be appointed to public office and paid from public funds? What does that tell the upcoming generation in areas where terrorism still seeks to recruit? I say this: let John Radley's two questions echo round the House. As Members go through the Lobbies this evening, let those two questions echo in their ears: how can the murderer of an 18-year-old get a top job in the Education Authority, and what is the message for upcoming generations?

That is the context in which the Bill seeks to terminate such appointments. It does two things in that regard.

It indicates that anyone with a serious criminal conviction, which, as you will see, is defined in clause 5 as a sentence of immediate imprisonment of five years or more. Anyone with such a criminal conviction — it does not matter whether it is rape, paedophilia, murder, robbery; it does not matter whether it is domestic murder or terrorist murder; it does not matter whether it is IRA murder or UVF murder — would be prohibited from holding office as a nominee of a political party. If such a person was already in office, their appointment would be terminated with whatever requisite compensation met legal obligations.

**3.30 pm**

**Mr Stalford:** I am grateful to the Member for giving way. He is being generous with his time. Given some of the offences that the Member has listed, will he agree with me that it is actually outrageous that there are people

serving on public bodies in this country who, if an Access NI check were undertaken on them, would not be allowed over the doors of a primary school?

**Mr Allister:** Absolutely. I will come back to that point about the contrast between how the non-political elite and the political elite are appointed to public bodies. What a stark contrast it is.

I make the point that, under the Bill, such a person could not hold office, except — there is an exception, and it puts the onus on the person affected. The exception is laid out in clause 3 where, through a panel established, I suggest, by the Commissioner for Public Appointments, such a person can continue to hold office — can in the first place be appointed — if three criteria are met. One is whether the person has shown contrition. Is that too much to ask, when you think of Nora Field? Is contrition too much to ask? The second condition is that they have taken all reasonable steps to assist in the investigation and prosecution of all other persons connected with the commission of the offence. Some in the House might think that would be particularly pertinent to someone who serves on the Policing Board. The third criterion is the views of any victim of the offence.

The onus, then, is on the person with the serious criminal conviction. If they can demonstrate contrition and that they have done all that they can to bring justice and closure, whereby victims can live with the appointment, that person can serve, but not if they will not or do not do so — not the unrepentant terrorist who gloats and glories in his acts and who was only appointed as a mark of his achievements as a terrorist.

What I have said about service on the Education Authority can equally be said about the Policing Board. There we have an equally notorious situation. I hear much talk of and demand for a border poll. We once had a border poll in this Province. It was on 8 March 1973. What was Gerry Kelly doing on 8 March 1973? He was planting his bomb at the Old Bailey in London; eschewing democratic process to engage in terrorism. Some 200 people were injured. Frederick Milton took a heart attack and died. Where does the Old Bailey bomber sit today? On the Policing Board of Northern Ireland.

Add to his notoriety jailbreaker. Overseeing a police service, part of whose function is to put lawbreakers in prison, himself a jailbreaker in September 1983, when prison officer Ferris was stabbed and died of a heart attack and prison officer John Adams was shot in the head,

something of which Mr Kelly has obliquely boasted. After being on the run, he was caught three years later with a cache of weapons in the Netherlands. Some will say, "Oh, he's an elected MLA". Yes, he is. The people who elected him did so in spite of that. That is true. The Bill is not challenging that, given that that is not within the competence of the House. It is one thing to be elected an MLA. It is another thing to have a passport to the Policing Board.

Is it not interesting that, courtesy of the Alliance Justice Minister in 2011, the PCSPs are provided for in the Justice Act of that year? Paragraph 9(3) of schedule 1 to Mr Ford's Act states:

*"A person is disqualified for being an independent member of a PCSP if—*

*(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person".*

So you cannot serve on the PCSP, but you can serve on the Policing Board.

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

**Mr Allister:** Yes.

**Mr Muir:** Will the Member accept that that qualification applies to independent members, not political appointees, and that it expires five years after the offence?

**Mr Allister:** Both those facts are correct, but they do not detract from the fact that it is stipulated in legislation that an independent member with a relevant conviction cannot serve on a PCSP. I trust that the Alliance Party will reflect on the direction of travel set by its former leader in respect of PCSPs and realise that that is equally, if not more, applicable to the all-powerful Policing Board.

One will observe with interest whether it ditches the approach of Mr Ford or whether it logically builds on it. I trust that it will build on it.

**Mr Stalford:** I thank the Member for giving way. Mr Muir now appears to be defending a situation in which a person with criminal convictions cannot be appointed as an independent member to a lower-level policing body, the PCSP, yet can have a direct hand in the appointment of its members via membership of the Policing Board. Does the Member agree that there is absolutely no logic in that position?

**Mr Allister:** The Member makes the perfectly good and unanswerable point that it is not, "Do as I do" but, "Do as I say".

The situation is untenable, I suggest. Think of the situation across the water, where they have police commissioners who are not policemen but overseers. Under the legislation there, you cannot serve if you have a conviction for an imprisonable offence. Here, however, you can lord it over the police, no matter what terrorist convictions you have.

I have to say to the House that those of us who are familiar with the unionist and loyalist community will be conscious of the fact that there is a huge loss of confidence in policing in that community. When I talk to young people in particular about policing, the riposte that I often get, to be frank with the House, is this: "What do you expect? Sure Gerry Kelly runs the police". That is a boil that we can lance. We lanced that boil over special advisers, and everyone moved on, and it is now relatively uncontroversial. We need to lance the same boil for policing, and this is the opportunity to do so. Those who lament lack of confidence in the police have the opportunity today to do something about it. Remove that grievance if you want to help there to be confidence in the police.

The fundamental question for each MLA today is this: is it right that convicted criminals, be they terrorist convicts or other convicts, can be rewarded by political friends? Some will tell us, "It is all about the Good Friday Agreement. We drew a line in the sand". That was the argument that was churned out in the House when, in 2012-13, we debated the situation that had arisen as we were passing Ann's law following the spade appointment of the murderer of Mary Travers. The best riposte that I heard in that debate came from SDLP Member Dominic Bradley, who, if I recall correctly, represented Newry and Armagh. He threw back the challenge. He told the House that the McArdle appointment was against the spirit of the Good Friday Agreement, because it was a calculated, deliberate measure. He said that it was a statement by Sinn Féin that it was going to elevate a particular individual because of her past; that it was going to do so because it could and to demonstrate that it had no remorse or regret for the actions of that individual or anyone else whom it called "a volunteer in the IRA"; and that it was elevating and promoting her precisely to make that point.

That is it. Paul Kavanagh, I venture to say, was not appointed to the Education Authority because of his academic and educational

brilliance or experience. He was appointed, as Dominic Bradley pointed out in the other case, to demonstrate that there is no remorse or regret for the actions of those who were volunteers in the IRA, and they are elevated precisely to make that point. It seems to me, sadly, that that is absolutely true.

### 3.45 pm

Mr Stalford drew attention to other public appointments. Let us consider that for a moment. If anyone in this country applies to be appointed to a public body, the appointment is overseen by guidelines issued by the Commissioner for Public Appointments. They are to be applied to public appointments. They espouse seven principles: merit; diversity; equality; openness, transparency and independence; integrity; proportionality; and respect. In all cases, there must be a selection panel. That is how we do public appointments — for good reason. However, when it comes to these appointments, those of the political elite are exempt from all that. In the policing legislation and the Education Order, we have created a special category with special status, and political parties, with no regard to any of those principles, with no regard to such basics as a selection panel, with no regard to openness, transparency or independence, hand-pick whom they wish and appoint them, whereas everyone else who sits on those boards has to pass through a process. They are the special ones, appointed with no regard to process by the nominating officers of political parties. That is the root of the problem, as far as the appointments with which we are dealing today are concerned, because it provides open season for opportunities to make those appointments, as Dominic Bradley spoke about. Even at that level, it should be distasteful and uncomfortable for the House to think that we have such a process. We cannot change that today, but we can fetter it towards a moral compass to ensure that we apply some restraint that will give the process some respectability. That is what the Bill would do.

Clause 1 defines the meaning of a "political member" and identifies the two bodies at issue. It also includes any other public body where that might be brought about to apply.

Clause 2 identifies that a person is not eligible for such a nomination if they have a serious criminal conviction, but clause 3 provides for how that can be challenged through showing contrition etc and sets out a role for the Commissioner for Public Appointments. That seemed to me to be the most appropriate place

for that role to rest. It could rest with the respective permanent secretaries of the parent Departments, but, since it is within the ambit of public appointments, I thought that it was right for it to rest with the Commissioner for Public Appointments. Clause 4 gives an appeal process to the High Court so that it is copper-fastened with due process.

Clause 5 defines "criminal conviction". As I said, it is defined as someone obtaining a sentence of 5 years or more. Clause 6 amends the Commissioner for Public Appointments (Northern Ireland) Order 1995 to give the commissioner the power to perform the functions in the Bill. Clauses 7, 8 and 9 cover interpretation, transitional relations and the commencement of the legislation. The schedule sets out a provision for termination payments, if that were to arise in any case.

Members will have noted that the Bill is very much modelled on and reflects the language of the legislation that the House approved in 2013, when it decided that special advisers should be excluded for the same reasons that we are talking about today. The House, with support from most political parties, agreed that that was the right thing to do. It was right then, and it is right now in respect of these positions. Alban Maginness made an important point at the start of that debate. He said that, as legislators, we must judge the Bill:

*"on its merits, not its parentage." — [Official Report (Hansard), Bound Volume 77, p288, col 2].*

The fact the Bill has been introduced by someone from this corner of the House who takes a view that is at variance with many people on so many issues in the House is not the material consideration.

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

**Mr Allister:** Yes.

**Mr Stalford:** I recall seeing evidence of what the Member is alluding to when he was in front of the Executive Office Committee; the parentage, rather than the content, of the Bill was attacked on various occasions.

The Member was instrumental in the introduction of the earlier legislation that he referred to, and he will recall that a big part of that legislation's passing was the public campaign by an innocent victim that moved parties and almost shamed them into moving their position on that legislation. Does the

Member agree that, if someone voted for the legislation in 2013, there is absolutely no logical reason why they would not vote for this?

**Mr Allister:** Absolutely. It is the same principle. The House embraced those principles back then, and it is invited to re-embrace those same principles today. It will be for others to explain if what they did through their parties in 2013, they cannot do in 2021. It is an obvious and compelling point.

My final point to the House is this: the Bill is set by a moral compass and respects victims, and any law that is set by a moral compass and respects victims is good law. I recommend it to the House.

**Dr Archibald:** The Bill that Mr Allister has proposed is yet another attempt by the Member to undermine the Good Friday Agreement and its institutions, and it does so explicitly. It runs contrary to the provisions of the Good Friday Agreement, which recognise the importance of ensuring that prisoners could play a positive role in their communities. It is explicitly set out in the agreement that that role would include employment opportunities.

It is absolutely no surprise to anyone here that Mr Allister seeks to undermine the Good Friday Agreement. He vocally and enthusiastically opposes the agreement, the enormous progress that we have made as a result of it and of the wider peace process, and the specific progress that we have made in building a new and inclusive policing dispensation. Opposition to political progress is Mr Allister's political *raison d'être*. This is a wrecker's Bill, designed to turn the clock back and to exclude. It limits the participation of one section of our society that, election after election, puts Gerry Kelly and other members of my party into office. Fundamentally, it is anti-democratic legislation.

Whether anyone in the Chamber agrees with Gerry Kelly's politics or not, no one here can credibly dispute the enormously positive role that he and other former prisoners have played in delivering a new and more accountable policing service and in trying to build confidence in policing across our communities. Without that contribution, the progress that we have made as a society would undoubtedly have been much slower and more difficult. Rather than looking back to the failed politics of the past and of exclusion, all of us, collectively, should look to the future and to how we can build a more inclusive society where everyone has an opportunity to contribute to creating a better future. I oppose the Bill.

**Mr Stalford:** In response to the previous Member to speak, I say that no Member, of any political party, deserves praise for coming up to the same basic democratic standards that the rest of us have had to apply and play by all our political lives. People should not be praised for stopping doing what they should not have been doing in the first instance. We should accept that as a reasonable principle not just for life in general but for politics in particular in this place.

I welcome the debate and the Bill's content. I will make some observations about the context in which the discussion is taking place. People throughout the community have had to endure so much in the name of moving forward and the peace process. In many respects, natural justice in this country was turned on its head in 1998. I accept that, for many in the House, daring to say that there was ever anything wrong with the Belfast Agreement is now a form of anathema. For thousands of people around this country, however, it has been very hard to bear the spectacle of those who murdered their loved ones being released from prison after serving only a fraction of the sentences that they were lawfully given. A lot of people throughout the community would have been prepared to endure such pain and lack of justice if there had been even a perfunctory expression of remorse. The Bill addresses that point. There has not; never once has there been a perfunctory expression of sympathy, regret or apology.

Speaking as a parent of four young children who are at primary school and as a citizen of this country, I am absolutely against someone who engaged in the criminal acts that have been described in the debate having any role in formulating the policy that governs the education of my children. I say that because of two friends in my primary-school class. One was my best friend. His father was a policeman who was gunned down in front of him when my friend was six.

I remember playing with my friend in the school playground. Every time the sky got cloudy, he would start crying and run into the school because he was terrified of what he had seen done to his father on the steps of his house. He will carry that with him forever, and the people who did that are not to be lauded as heroes or given a role in the education of any of our children. The father of another of my primary school friends was a policeman. A gunman walked up to him and shot him in the back of the head on Royal Avenue. No one has been brought to justice for either of those crimes, so I suppose there is a possibility that those

responsible may well be sitting on a board somewhere.

#### 4.00 pm

Such appointments are made with the deliberate intent of hurting people's feelings, of rubbing salt into wounds and of causing offence. It is shamelessness, barefaced shamelessness; the sort of shamelessness that says to the population of Northern Ireland, "You'll have 15 at the funeral of your mother but we'll have thousands at a rally for one of ours". That is the sort of shamelessness that people in this country have endured for years, and never is it apologised for. It is brazened out time and time and time again because nothing matters more than the movement; not confidence in these institutions, not confidence in the police. The movement is all that matters.

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

**Mr Stalford:** I am happy to give way to Mr O'Dowd.

**Mr O'Dowd:** I refute your claim that Sinn Féin has appointed anyone to any body or public authority to hurt or further hurt victims. That claim has to be refuted. I think that, if the Member is being honest with himself, even he does not believe that claim. We are going through a political process that challenges us all. Victims have led on that, ex-prisoners have led on that, and those who were not involved in the conflict have led on that. If you are honest with yourself, you know that no appointment is made to further the hurt of any victim.

**Mr Stalford:** I believe that almost everything that Sinn Féin has been engaged in for the last 20 years has been about seeking retrospective approval for the campaign of the IRA, and seeking to politically legitimise it. I state that very openly and clearly. That is what has been going on over the last 20 years. There has been a flagrant attempt to sanitise the history of what went on in this country in order to create a situation where those who, like my friends' fathers, who joined the RUC to earn a crust and keep a roof over their kids' heads, are the bad guys and, meanwhile, the people who planted nail bombs with hundreds of pounds worth of nails attached to them are the good guys. I am sorry, but I will never be persuaded that that is the case, nor do I believe that the huge majority of people in this country will.

When people look on and see appointments being made, I do think that they feel — and I believe — that it is blatant and about rubbing

people's nose in it. It is almost a mentality of, "We are the masters now. We are in charge now, and I don't care how much you object. We'll do what we want, no matter how hurtful you find it. So, we'll appoint people as spads and to roles in the Education Authority because we are Sinn Féin and we don't care what you think". That is certainly the impression that I have got down through the years.

I want to turn to the clauses of the Bill. Mr Allister is right about clause 2 and the powers that it lays out. Clause 3 is important because it allows for a review panel to determine eligibility, so the idea that it runs contrary to the principles of natural justice is not true. The panel has specific responsibilities to take account of:

*"whether the person has shown contrition"*

and assisted in the investigation of the offence, and also — and this is where we have been so lacking in this country — the views of victims or family members.

I referenced earlier that I believe very strongly that the reason why Ann's law was passed was because of Ann, because she had the courage to get up into the face of politicians and challenge them about things that we simply take for granted and as run-of-the-mill. She pointed out that the emperor had no clothes, and other people who might have been prepared to just let such a situation slide or let it continue were challenged to do the right thing.

It is clear to me that there are at least 38 votes for the Bill, and there are probably a similar number against it, but there is a group of people sitting in the middle who I have not yet heard declare where they are going on this issue. They have to make up their minds, and I hope that they decide that the principles that were right in 2013 in relation to spads are right again in 2021 in relation to public appointments.

Clause 4 provides a right of appeal to the High Court on the grounds that the decisions made by the panel were not reasonable.

Clause 5 defines "serious criminal conviction" as one for which a sentence of more than five years' imprisonment or more, or another specified sentence, was imposed. I raised this issue earlier. I serve on the board of governors of the primary school that my children attend, Braniel Primary School. I had never served on a board of governors in my own constituency; it is simply because that school is near where I live and my children go there. I was asked if I would consider going on the board, and I said that I would. Before I was appointed to the board of

governors, an Access NI check had to be carried out. We have people being appointed to really powerful organisations around this country, but an Access NI check would not tell you what they have done. Their public record tells you what they have done. In some cases, they openly gloat and boast about what they have done.

We also have the bizarre situation now, as Mr Allister said, with PCSPs. I am sure that any of us who served on local government knows that PCSPs have extremely limited powers and responsibilities and an extremely limited and very minor role in the delivery of policing in the community. You cannot be appointed to a PCSP if you have criminal convictions, but that does not matter when it comes to the people who can appoint you via the Policing Board. Before I was elected here, I worked for four Policing Board members, and I went through the process of PCSP appointments. Those appointments are made by the Policing Board. We have people on the Policing Board who would not be allowed access to a school board of governors or to a PCSP, but they are making appointments. Clearly, there is something wrong with a situation like that.

There is a wider issue at stake. There was one commitment that I was very determined to put into 'New Decade, New Approach', and, in different drafts, it kept changing and coming back. One of the commitments in 'New Decade, New Approach' is:

*"a review of Arm's Length Bodies with a view to their rationalisation."*

It kept coming back as:

*"a review of Arm's Length Bodies"*

and I kept having to add the words

*"with a view to their rationalisation."*

There is a wider situation here in Northern Ireland in that enormous powers are exercised in this country by bodies that have very little democratic accountability or scrutiny, and those powers are exercised, as far as I can see, by a group of about 150 people who move from quango to quango to quango to quango. The general public appointments process, including to other public bodies, does fall within the scope of this Bill and is something that we need to take a closer look at, because power over millions upon millions of pounds and enormous power over people's everyday lives is being exercised by bodies that are not democratically

accountable, and that is going on because we are content to allow it to go on. I know that there has been talk of this before, but I hope that this actually does come to something.

I want to finish by saying that the arguments will no doubt be thrashed out in the remainder of this debate. Some of them were well rehearsed in 2013. I go back to my introductory remark: there are thousands of people who have been prepared to tolerate an awful lot since 1998. They have been prepared to see those who murdered their loved ones get out of prison. They have been prepared to see them elected.

They have been prepared to see all sorts of appointments made. They have therefore had to endure repeated slaps in the face. The Bill gives us an opportunity to do something right and say, "Do you know what? We actually have some standards".

**Mr Speaker:** I ask that the next Member to speak, Colin McGrath, be brought on-screen, please.

**Mr McGrath:** I welcome the opportunity to speak on the Bill. As I do so, I am cognisant that today is the United Nations International Day of Peace, when we are called to remember the need for and pursuit of peaceful objectives, even when doing so is painful and feels counter-intuitive. The Good Friday Agreement is one of the single greatest peacebuilding feats of the 20th century. Without that agreement, without the compassion that was shown by the parties that signed up to it and without the willingness to compromise, these institutions would not be in place, and we would not have had the past 20 or so years of peace.

With that firmly in mind, I come to the matter in hand, which is Mr Allister's Political Appointments Bill. I do not believe that it is in the same spirit as the Good Friday Agreement, and that is why we will be unable to support it. The Good Friday Agreement promotes inclusivity and diversity and is underpinned by a spirit of reconciliation, but this Bill goes against that. The SDLP has always been a party of non-violence and of reconciliation, and nobody has to bring us to that conclusion. It has, and always will be, amongst our core tenets. We abhor violence.

Our justice system exists so that those who commit crimes against humanity and against the state have the opportunity to rehabilitate, to learn from them and to become full and contributing members of society again. Imposing a blanket ban on any person who has

served a sentence of five years or more from being appointed by political parties to a public board, subject to that review panel, is just a step too far. We would be ignoring the purpose of our justice system, the principles of the Good Friday Agreement and the examples of many other peace processes around the world.

Let us continue to be humbled and guided by those first principles of the agreement, in which we declared:

*"We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all."*

Injustice and sectarianism, not each other, are our enemies. We will therefore not be able to support the Bill.

**Mr Stewart:** On behalf of the Ulster Unionist Party, I support in principle the Second Stage of the Bill. I thank Mr Allister for bringing it forward, for its succinctness and for his emotional and powerful opening contribution, which was useful. I agree with what Alban Maginness said — his point was well made — about the previous spad Bill, which was that there were many who felt the need to attack the parentage of the Bill rather than its content. For many, it was probably damned from the outset, and that was regrettable.

We heard from the previous contributor about the spirit of the Good Friday Agreement. I would probably have intervened if I could have done. As with any document, words such as "spirit" and "interpretation" are broad terms and can be up for debate. As Mr Allister pointed out, Dominic Bradley had referred to contributions opposing the 2013 spad Bill as being against the spirit of the Good Friday Agreement, but this one sneaks just inside it. I always find it interesting the fine line that people walk when they analyse these things. I do not want to go into too much detail at this point, given that we are at Second Stage. As a member of the Executive Office Committee, I hope that the Bill will pass this stage so that we can scrutinise it clause by clause and line by line at Committee Stage.

The overwhelming majority of political appointments to non-elected public bodies such as the Policing Board, the Education Authority and others take place without any noticeable difficulties. People come and go, and most members of the public never notice their

appointments. The overwhelming majority of people who are appointed to those positions will meet all the Nolan principles and will probably be there on merit.

Unfortunately, however, in the recent past, as will inevitably happen in the future, some political parties, most notably Sinn Féin, appointed people with criminal convictions to those roles. Their convictions were often for heinous crimes for which they are completely unapologetic and unremorseful. I find that regrettable.

#### 4.15 pm

Although others referred to a number of individuals, I do not wish to focus on individuals today. Suffice to say that certain appointments to the Policing Board, policing partnerships and the Education Authority were deeply insensitive to many in society and were met with horror and disgust by the majority of people, especially those affected by their actions.

Mr Stalford, who is now out of the Chamber, referred to the difficult decisions that many people had to take and the many bitter pills that had to be swallowed in the Good Friday Agreement to achieve peace in Northern Ireland. Debates could rage on about how those decisions were taken and whether they were right or wrong. I am proud of the difficult steps and decisions that my party took. In 1998, David Trimble said:

*"Just because you have a past doesn't mean you can't have a future."*

I have always agreed with that principle on the assumption that, as he said, the person had shown contrition and remorse, was apologetic for the actions that led to their convictions, was able to try to reach out and do more and to recognise that what had gone on in the past was not always right.

Many living and working in our community, from all sections and backgrounds, have a past. That has opened up many of the failings, but they have also made a positive contribution to our society. That is why I am encouraged by clauses 2 and 3, which offer the chance for the Commissioner for Public Appointments to have a panel to look at those individual cases. Anybody who has shown contrition and a willingness to apologise should have nothing to fear from the Bill. Anybody who had problems in the past should apologise, reach out and show some contrition. I do not believe that that is too much to ask.

While we are on this discussion, I will say that I had the privilege of meeting David Ervine a number of times when I was studying politics at school. I was always struck by his apologetic nature, his diplomacy and his statesmanlike attitude. I really enjoyed watching him in interviews and seeing the powerful way in which he put himself across. It is regrettable that he is not still around today. He did a massive amount for politics in Northern Ireland. He was not from my party, and we probably disagreed on many things, but he had a lot to offer. If David were alive today, he, given what he had done, would make a wonderful advocate of tackling working-class loyalist educational underachievement. Unfortunately, he was sentenced to 11 years for possessing explosives. He did not serve the entire time; he came out of prison and went on to make a positive contribution. I am willing to take an intervention on this from the Bill's proposer. What I would like to know is whether, under clause 3, people like David Ervine — others who have made a positive contribution and shown remorse but who may not tick all the boxes — could avail themselves of the commissioner's appeal panel to assist with ticking those boxes. There are many people like that. It is worth asking that.

I do not have much to add at this stage. I would like to hear from the proposer about how the financial compensation referenced in point 13 of the explanatory and financial memorandum would work. I am willing to take an intervention on that, if he wants to come in. I am trying to get my head around how any compensation would be assessed and paid. Is there a specific amount? I am happy for the Member to come in on that point.

**Mr Allister:** It is my understanding that no compensation would be paid to the Policing Board appointees, because those are political appointments and are not paid posts. However, appointments to the Education Authority are paid posts, and the payment would therefore be determined in accordance with the schedule, which says:

*"A political member whose office is terminated by virtue of section 2(4) is entitled to a termination payment ... The termination payment is an amount equivalent to the greater of—*  
*(a) 3 months' remuneration, or*  
*(b) where the political member is entitled to a contractual severance payment under the terms ... of the office, that payment"*

and that:

*"No termination payment ... shall exceed an amount equivalent to 6 months' remuneration."*

If a contractual clause specified what the termination would be, that would apply. Failing that, it is likely that there would be three months' remuneration from a paid post, which would keep it compatible with all industrial law requirements.

**Mr Stewart:** I thank the Member for coming in on that point. I do not know whether he wants to comment on the clause that deals with the determination of eligibility and the panel review. I use the example of our late Mr Ervine, and I am sure that there are others who may not be able to hit those criteria. Do you want to come back in on that?

**Mr Allister:** The criteria in clause 3(5) are not individual-specific. They are universal and pretty self-explanatory. Has there been any contrition? Have they assisted, in all reasonable steps, to clear up the crime? In consequence, do their victims have a view? All those have to be taken into account. The panel will then reach a view on whether it thinks that the person should be decreed eligible, and that decision may be appealed to the High Court.

The criteria lay down very clear markers on contrition, assisting and the views of victims. That was in the legislation on special advisers. Interestingly, nobody sought to avail himself of those, but they are there should people wish to avail themselves of them.

**Mr Stewart:** OK. I thank the Member for coming back on that point as well.

I do not have a great deal more to add. I know that one of my party colleagues will speak a bit more about the Bill later. Given the clauses and the answers that the Bill sponsor has given, the Ulster Unionist Party will support the Bill at this stage. We encourage others to do likewise.

**Mr Muir:** I will respond to the Second Stage of the Bill on behalf of the Alliance Party. When considering a Bill at Second Stage, we debate and vote on its general principles as presented. As an MLA, I have done that on many occasions, whether on Executive or private Members' Bills. I always find the debates to be informative and revealing. They tell us much more about why a Bill was tabled, and its supporters give the key reasons that we ought to back it. The Alliance Party is willing to engage in the debate on the Political Appointments Bill, but, to be open and frank, it

is quickly becoming clear that we have a different opinion from the Bill sponsor on whether the general principles that underpin the Bill should be enshrined in law. The Bill may be short, but its general principles seem to be very clear. The disbarment of political appointees to public bodies, especially the Northern Ireland Policing Board and the Education Authority, if they have previously been subject to a sentence of five or more years stands out, alongside the general exclusion of independent appointments. There may be caveats, but those are, I feel, the core elements of the Bill.

I will come to the Bill's principles shortly, but it is notable that, while it is acceptable under arrangements for private Members' Bills, no public consultation process was undertaken on the Bill, aside from engagement with the Commissioner for Public Appointments for Northern Ireland. Again, while I stress that that is permissible, it is concerning. By not doing so, the Bill sponsor did not enable an informed public discussion or garnering of feedback. That does not aid the passage of good law. Key Departments, such as the Department of Education, the Department of Justice and any others that would be impacted by the Bill, were also not engaged with. The Department of Justice is, for example, reviewing rehabilitation periods for offences. It is clear that that was not considered in the Bill. Indeed, I sincerely argue that the Bill disregards the very idea of rehabilitation. Given the Bill's very specific nature, it is also disappointing that the Northern Ireland Human Rights Commission was not consulted on its different aspects. Consultation, engagement, refinement and finalisation of a Bill after full and thorough structured and formalised public consultation helps to make good Bills and good law.

We are, however, where we are, and I now turn to a key argument concerning the general principles of the Bill as presented. In addressing that argument, I want to be crystal clear. Some of the holders of political appointments made by political parties, both those cited in the debate and those made prior to today, are not the same people whom the Alliance Party would appoint, if it were afforded the opportunity to make an appointment, but they are just that: political appointees, appointed by a political party. The debate as to whether it is right or wrong for public bodies to be made up of political appointees is for another day. However, the policy and process of appointing political appointees to public bodies has been legislated for, whether by the Assembly, in relation to establishing, for example, the Education Authority, or as a result of the Good Friday Agreement or the Patten report on

policing. Political appointments to public bodies are an established reality, reflecting arrangements agreed as to how public bodies should be made up.

How the Bill would affect those political appointments is, however, the debate to be had today. We are all aware that any person convicted of a previous criminal offence can be elected to the House. What the Bill proposes is that someone convicted of a criminal offence could get elected and, therefore, serve as a Minister of Education or Justice or, indeed, First Minister or deputy First Minister, yet they could not appoint someone, who had committed exactly the same offence, to serve on a public body. That is a clear and massive inconsistency, from my perspective.

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

**Mr Muir:** I will.

**Mr Allister:** Does the Member not understand that what he has just alluded to is beyond the competence of the House? Those are reserved matters; they are not transferred. The Bill deals with a matter that is transferred and, therefore, the ambit is within the competence of the House. The other matters, such as who can be Ministers, is not within the competence of the House.

**Mr Muir:** I thank the Member for his intervention. I accept that they are reserved matters, but there was a principle when these institutions were established that MLAs are elected and Ministers are nominated by the House.

MLAs, who are eligible for appointment to the Policing Board, already have to take a Pledge of Office. It is important to outline that that Pledge of Office is:

*"— to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;*

*— to work collectively with the other members of the Assembly to achieve a society free of paramilitarism;*

*— to challenge all paramilitary activity and associated criminality;*

*— to call for, and to work together with the other members of the Assembly to achieve, the disbandment of all paramilitary organisations and their structures;*

*— to challenge paramilitary attempts to control communities;*

*— to support those who are determined to make the transition away from paramilitarism;"*

and, lastly, the pledge contains an undertaking:

*"— to accept no authority, direction or control on my political activities other than my democratic mandate alongside my own personal and party judgment."*

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

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

**Mr Muir:** I will give way to you once, Mr Wells.

**Mr Wells:** I hope that you will give way to Mr Stalford as well, because I am sure that it will be a very valuable intervention.

**Mr Muir:** I will.

**Mr Wells:** It is useful that the Member for North Down has read out the Pledge of Office. One Gerry Kelly, of this particular institution, has indeed signed that. However, it has not stopped him going around the country having celebrations of the Maze escape, where although they have celebrated the escape of many republican prisoners, they have done absolutely nothing for the family of the prison officer who died as a result of that escape. He has never apologised — not for one second — for his previous actions as a terrorist and has never apologised for his actions that night at the Maze. Whilst that piece of paper may have been signed, there is not a shred of evidence that he believes or is implementing it.

**Mr Muir:** I thank the Member for his intervention. I did not hear a question, in it, but I —.

**Mr Wells:** On a point of order, Mr Speaker. Will the Speaker confirm that an intervention does not have to include a question? It is not Question Time, and the honourable Member is not a Minister.

**Mr Speaker:** That is not a point of order, either, so please resume your seat.

**Mr Stalford:** Perhaps I will be less elegant than Mr Wells. Having read into the record the Pledge of Office, what part of organising events celebrating the Maze escape or hanging onto

the front of a PSNI Land Rover does the Member believe conforms to that statement, that Pledge of Office, in the particular case of Mr Kelly?

**4.30 pm**

**Mr Muir:** I thank the Member for his intervention. I am not here to defend the actions of any MLA from any party, but I am here to defend the Good Friday Agreement and the principles that underpin it. That is why I am here today to speak on the Bill.

**Mrs D Kelly:** I thank the Member for giving way and for the clarity that he is not here to speak on behalf of any particular MLA, but is the Member not somewhat bemused by some of the Members who, at times, have a pick-and-mix attitude to who they get their photographs taken with, who they share stages with, what parades and protests they attend and who is involved in them? It gives mixed messages to the broader community.

**Mr Muir:** I thank the Member for her intervention. The Alliance Party stands clearly in support for the rule of law and will take no lessons from anyone on how that is upheld.

The Bill also creates a disparity within public bodies as the legislation is generally focused on political appointees to any public body. No similar disbarment for independent members is proposed generally in the Bill. I know that the argument in reply is that that can be addressed by amendments at Consideration Stage and Further Consideration Stage, resulting in a drastically different Bill at Final Stage, which is similar to what happened with Mr Allister's previous Bill. However, the general principles remain the same, no matter what stage you are at.

Ultimately, we have concerns about the Bill running contrary to the fundamentals and spirit of the Good Friday Agreement and the Patten policing report entitled, 'A New Beginning: Policing in Northern Ireland'. The recommendations in the Patten report were seen over many years in the context of the report, and I will quote from it:

*"We believe they reflect not just what people want for policing in Northern Ireland, but also what they want for Northern Ireland society – a new beginning based on reconciliation and tolerance, respect for human rights and human dignity, partnership, peace"*

and, most importantly, "democracy". Patten also included a recommendation:

*"We recommend that the Policing Board should have 19 members, 10 of whom should be Assembly members drawn from the parties that comprise the new Northern Ireland Executive, selected on the d'Hondt system, who should not at the same time hold ministerial office in the Executive."*

No disbarment is mentioned or recommended.

The Bill sponsor has never supported the Good Friday Agreement, but, in 1998, the people of Northern Ireland voted by a large majority in favour of it and to move forward to a new Northern Ireland built on equality and mutual respect. Some politicians and parties, 23 years later, still have to live up to the vision and principles set out in the agreement, especially in relation to the declaration of support, which stated:

*"We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements."*

That does not mean that, because others have not lived up to those principles, we abandon them; on the contrary, it makes it clear that, now more than ever, we must honour the commitments and principles that underpin the agreement.

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

I ask myself whether the general, core principles in the Bill presented to us today at Second Stage are likely to be drastically different at Final Stage. The answer that I reach is perhaps no. Hence, I and the Alliance Party are unlikely to be able to support the Bill at this stage for the reasons that I have clearly, cogently and, I believe, respectfully outlined.

**Ms Dillon:** In response to some of the comments that were made by Members earlier, including the proposer of the Bill, I say, to be clear, that I am an ordinary person. I am an ordinary girl from south Armagh who was elected by the people of Mid Ulster and am honoured to have been, just like Gerry Kelly is an ordinary man from Belfast who was elected by the people of North Belfast. In response to what Mr Stalford said, I say that I am Sinn Féin. I care about what people think. That is why I am

in the role that I am in. I assure you — I am sure that every Member in the House will agree with me — that none of us does it for the fun of it. This not an easy job, but we do it because we care. I assure you that, in everything that Gerry Kelly and I do on the Policing Board, we do it to deliver for the people. We make sure that we do a good job. We work hard to do that. We work with all of the members on the Policing Board to do that. I guarantee you, from my perspective, my party's perspective and Gerry Kelly's perspective, that he does that to the very best of his ability.

We all know, regardless of our political opinion, that inclusion is the key to making politics work. It is the key to making this place work and to delivering for all of the people whom we serve. Exclusion does not work. It is the reason that we have an Assembly. It is the reason that we have the type of devolved institutions that we have, that we work in and to which we are elected by all of the people. We know that the Bill is here because the sponsor does not believe in the institutions. He does not believe in how they have come about, how they work or how they deliver. That is really the premise of the Bill.

I have served on the Policing Board with my party colleague Gerry Kelly. Regardless of whether you agree with the background that some of us have or the baggage that some of us carry, I can certainly attest to the contribution that Gerry has made and continues to make to creating circumstances where we have an effective and accountable policing service. He works to support policing even when it puts him and his family, as it does all members of the Policing Board, at risk from threats from dissident republicans, but he has not allowed that to deter him from giving leadership and working with others from all backgrounds to deliver effective policing for all of our community. I am sure that there are many who will say that of course I would say that as Gerry Kelly is not only my party colleague but somebody whom I consider a friend and comrade. However, many members of the Policing Board — not all but many — have said to me over the past number of years since I went on it — I am now back on it — that they agree that Gerry has made a positive and valuable contribution to the committees and the board.

I am conscious that this is an emotive topic for some victims of the conflict. I want to ensure that we deliver for all victims who suffered as a result of the conflict. We certainly do not want to use or abuse them in the Chamber in the way in which some seem to want to do. I will say for

my part that, in anything that we do, we try to be as sensitive as we can. We never go out to intentionally cause hurt, although I have no doubt that hurt is caused to victims of the conflict across the board by many things that all of us do every day. However, if that is not your intention and if you try to do everything not to cause hurt, you know that you are doing the right thing and are doing your best, which is all that any of us can ask.

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

**Ms Dillon:** Absolutely not.

We are well aware that the sponsor of the Bill is on a wrecker's charter, but I and all of my party colleagues are on a charter to unite our people and build a better future that must be based on inclusion. I sincerely hope that all of the other parties will unite with us in rejecting this regressive Bill.

**Mrs Dodds:** I offer my support and that of the Democratic Unionist Party to the Bill. I thank the Member for bringing it forward. I do so with the innocent victims of Northern Ireland firmly to the fore of my mind. Those innocent victims have been repeatedly retraumatised by Sinn Féin through its celebration and promotion of unrepentant terrorists. We have seen it in speeches, at rallies and on social media, and we find it continuing today. I listened carefully to the Member who spoke previously. It is incredibly strange to hear a Sinn Féin Member saying that they seek not to give offence and that they want to deliver for victims while that party celebrates those who committed murder and terror over the past number of years in Northern Ireland. Members should reflect on the words that they use today.

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

**Mrs Dodds:** Yes, of course.

**Mr Beggs:** Will the Member agree that, whilst some say that they are trying to deliver for victims, when they place a perpetrator in a high-profile position they are being offensive to victims and reminding them of their hurt and the crimes that they have suffered? Those who appoint such people are not delivering for victims; they are, in fact, offending victims.

**Mrs Dodds:** I entirely agree with the point that the Member has made. Many innocent victims will see the appointment of people like Mary McArdle and Paul Kavanagh to special adviser roles and through the public appointments process as a premeditated and almost

calculated act; indeed, I would go a little further and say that Sinn Féin and others will view it as a sort of landing zone for IRA comrades. However, many innocent victims will view it as a slap in the face for them and the memory of their loved ones.

I will address another point that I have heard mentioned by the SDLP and in the contribution by Alliance today: that the Belfast Agreement is about inclusivity and reconciliation. I suggest to the House that true reconciliation cannot happen without expressions of remorse, and I find that word strangely and depressingly absent from the contributions that I have heard from the opposite Benches today. I ask people again to reflect on that element of their contribution. Many innocent victims have gone the extra mile to promote inclusivity and reconciliation by their actions towards their neighbours and the community in general. It is not too far to suggest that remorse should be shown by those who celebrate and uphold the perpetrators of some of those terrible actions. Today, we should remember the innocent victims, but we should also remember the type of society that we want to see promoted in Northern Ireland.

**Mr Stalford:** I am grateful to my colleague for giving way. I will perhaps quote to her — I will not name the person, obviously — a very senior police officer who, on one occasion, said to me that, in order to get republicans on board, the pendulum had swung too far in one direction. Does she agree that, since 1998, that has been the pervading culture that has existed in London, Dublin and the Northern Ireland Office? Basically, no matter how outrageous the behaviour of the party opposite, ultimately it has to be kept on board, and that is why we end up in situations like this.

**Mrs Dodds:** Again, I agree with the Member; indeed, I will add that it gives succour to the party opposite to make more outrageous demands. We will see that as we progress through the autumn and talk about the legacy issues.

I will go back to the point I was making, and it is an incredibly important point for the House to reflect on. Does the society that we want to see in Northern Ireland offer inclusion and true reconciliation? Does it offer remorse and a place for those who suffered during the terrorist campaign that was inflicted on us, or does it venerate, eulogise and place in positions of authority those who were the victim-makers?

I spent much of my early career as a teacher —

**4.45 pm**

**Ms Dillon:** I thank the Member for giving way. Will she acknowledge that there were victims of the conflict right across our communities, because it seems to me that she is speaking about only one of them?

**Mrs Dodds:** I do not agree with the Member at all. I am talking about all victims. I am clear that there were victims on all sides in that arena. We must ensure that their voices are heard. I therefore do not accept the Member's point.

I spent much of my early career as a teacher in a school in Lisburn. One thing that you learn as a teacher is the tremendous influence that you have over the young lives that are in front of you. Today, we have a situation in which someone who is responsible for the terrible crimes that Mr Allister described will make policy on education and have direction over those young lives. As a society, we would do well to reflect on that. We should care that those who have influence and authority over us should have the right to do so and that they have not been involved in such terrible crimes without any sign or show of remorse.

It appears as though there is a general coming together of the parties opposite to stymie the Bill's passage to Committee Stage. It seems that it is OK not to appoint people who have a history of and conviction for violence as special advisers but that it is OK to appoint them to political roles in areas overseeing law and authority and in areas in which they have special responsibility for children. I suggest that the Members opposite would do well to reflect on that and allow the debate on the principles of the Bill to continue at Committee Stage.

If the Bill progresses, the Committee and the House will need to consider a number of issues in it. The Bill stipulates only the Policing Board and the Education Authority. Other public bodies are in the scope of the serious criminal conviction exclusion under clause 1 but are not defined therein. Other nominating officers include local councils. Should the principles of integrity and accountability that are at the core of the Bill not dictate a level playing field for all appointments? Would the requirement for the panel to have regard to factors such as someone's remorse be a sufficient barrier to reversing disqualification? Would guidance need to be provided to independent panels on the interpretation of the listed factors? For non-political appointments, the onus is on the panel or body making the appointment to demonstrate that someone's conviction is incompatible with a specific role. Should the reverse be stipulated in

clause 3 to ensure that the presumption is that a person's conviction is incompatible unless substantive evidence is presented? Any review panel would be able to regulate its own procedure. Does that need to be fleshed out to ensure that effective mechanisms are in place for allowing victims to input their views? All those matters could be explored at Committee Stage.

If the Bill gets to Committee Stage, we as a party will engage constructively with its sponsor and with colleagues on all sides of the Chamber to deliver on its core aims.

The Bill provides us with an opportunity to right the wrongs of the past, to show that we have listened to the voices of victims and their families, and to call out clearly the reprehensible behaviour that celebrates and promotes victim makers.

**Mr Wells:** About six years ago, I attended a church service in Moira, where I heard a remarkable tale that encapsulates some of what Mrs Dodds, Mr Allister and others have said. It was the story of a gentleman who had been a loyalist terrorist. He had wreaked havoc in the Woodstock area of east Belfast. Later in life, he became convinced of his sin. He became extremely anxious about the pain that he had inflicted on his community, and he became a Christian. What did he do? He sat down at his word processor, and he wrote out every crime that he had committed from the age of 18 until his mid-50s.

He outlined what he had done, whom he had done it to, why he had done it and when he had done it. He typed it up and had it bound in a folder. He walked into Strandtown police station. He asked to see the duty sergeant, and, when he came along, said, "This is a full and accurate record of everything that I have done to my community over the last 30 or 40 years." The duty sergeant read it and said, "We did not have a clue who committed half of those crimes. We had no idea what happened".

What did that gentleman do by doing that? He told his victims the reason why it had happened and who had done it, and he apologised for the impact that it had had on their lives. He did his two years under the Good Friday Agreement, and he made some form of restitution for the horrible acts that he had committed on his own community; not on the nationalist community, not on the Short Strand, but on his own community.

That is true contrition. That is a true admission of fault. That is a true admission of wrong, and I

admire him for it. He is a very rare example of that happening. That, to me, is an example of someone who is genuinely apologetic and contrite for what he has done. Mr Allister's Bill is extremely generous in that it allows for that situation. There are republican terrorists out there, I have to say, who most reasonable people believe have turned over a new leaf and are genuinely pursuing peaceful paths. Some of them, of course, now write articles in a newspaper.

Compare them with Mr Gerry Kelly. I am one of the few people who has been in the House and served with Mr Kelly since 1998. Very few of us are here this afternoon, though Mr Beggs is one, of course. I think that only seven of us are left. I will call us the "Magnificent Seven". Sorry, Mr Kelly is there; the "Magnificent Six". I have sat in the Chamber and watched Mr Kelly for the past 23 years. I have never heard him express the slightest degree of apology, annoyance or concern about what he has caused in the community — not once.

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

**Mr Wells:** Certainly.

**Mr Stalford:** The Member referred to this earlier in the debate: far from contrition, far from apology, there is glorying in past deeds committed for the "freedom struggle". We have seen that in Maze victory tours, anniversary celebrations and all that sort of stuff. It is not a question of remaining silent on the past or arguing, "We drew a line under this in 1998". He glories in it.

**Mr Wells:** I could not agree more with the honourable Member. Indeed, in my constituency of South Down, in various community and GAA halls, he had a roadshow called, "The Great Escape". Each time an anniversary of the Maze escape comes up, there he is as the great hero — the Steve McQueen-like figure. All he needed was a motorcycle to fly over the barbed wire, and he had the full set. That is what he is doing with others who escaped from the Maze. Never once in that roadshow did he mention the grieving family of the member of the Northern Ireland Prison Service who died as a direct result of that incident. Never mentioned. Yet what does Sinn Féin do? When Sinn Féin is appointing people for those important positions, it can either poke the unionist people in the eye and cause the largest amount of offence or appoint someone equally capable who does not do that.

When Carál Ní Chuilín was the Culture, Arts and Leisure Minister, I am sure that there were scores of able Sinn Féin supporters who could have easily been appointed as her spad. I am sure that there were plenty out there. I do not know them, but I am sure that, given the education system in west Belfast, there is bound to have been someone who was suitable. What did it do, however? It appointed Mary McArdle, knowing full well that that would rake up the embers of that dreadful attack on Judge Travers and cause the maximum offence to Ann, Mary's sister, and to the entire Travers family. It must have known. Please ask me to give way. You must have known when you did that that you were going to cause the maximum amount of offence to that ordinary, decent family, whose father was only trying to serve the community by being a judge, but no, even when it was pointed out to you, you still persisted in appointing Mary McArdle. Indeed, I was hauled before the Standards and Privileges Committee because I dared to criticise Carál Ní Chuilín for that appointment. I am glad to say that the House had the sense to relieve me from my sentence. On many other occasions, the same thing has happened and will no doubt happen in the future. I make absolutely no apology for criticising Carál Ní Chuilín for that decision. It was only as a result of Mr Allister's private Member's Bill that we were able to stop that happening. I have to be honest and congratulate Mr Allister for his perseverance and diligence in that field. When others have been horrified, he has gone out there and worked away to get legislation through to stop this. I am 110% behind what he is doing this evening, and I really hope that the Bill goes through.

Then we have Mr Kavanagh. I do not know Mr Kavanagh, and I do not want to know him. What I do know, however, is that he has a very grisly prison record of terrorism to his name. A vacancy arises in the Education Authority, so Sinn Féin sits down in some bunker in Connolly House and in its wisdom says, "Who is the most suitable person whom we can appoint to represent Sinn Féin on the Education Authority?". I have no doubt that there are retired teachers and academics who are Sinn Féin supporters. I have no doubt that there are people with university degrees etc who would have been more than capable of filling that position, but Sinn Féin thought, "Oh no, no. We couldn't do that. Let's cause the maximum offence to his victims by appointing him to that position". What is going on here? What is going on is that you are poking in the eye the ordinary, decent Protestant community and causing the maximum offence.

What would happen if a unionist party decided to nominate Michael Stone to the Community Relations Council? That is an absolutely preposterous suggestion. Why? Because that would cause the maximum offence to the innocent members of the nationalist community who were murdered in Castlederg and Milltown. There would be uproar. It would never happen. However, it would never be considered or contemplated by unionism for one second, because we would be sensitive to the ordinary, decent Roman Catholics caught up in that situation. Again, Mr O'Dowd and his colleagues are very quick to intervene, but they are not quick to intervene here, because they have no answer to that point. You are causing the maximum offence. Again, just because you can do something does not mean that you have to do it.

I am pleading with the Assembly. Members have suggested various amendments to the Bill, and no doubt those can be considered at Committee Stage. However, I think that there is a fundamental principle that a private Member's Bill deserves at least to get to Committee Stage, where those nuances can be teased out. Maybe some people feel that setting a prison sentence at five years is too extreme. Some people think that that is too lenient. Some people think that Mr Allister's redundancy clause is not generous enough, although I have to say that he has really stretched himself on that aspect of the Bill. Let us discuss this and tease it out. The one thing that we do know is that Bills that go through Committee Stage come back as very different Bills at Consideration Stage. There will be opportunities to amend and tease out changes.

#### 5.00 pm

I noticed that, in the first two private Member's Bills that Mr Allister successfully pursued through this House, he was reasonable. He did meet genuine concerns, and he did indeed agree to amendments. I think of the example of his proposal to reduce the number of spads from eight to four. A compromise was reached, and we agreed that it would move from eight to six. He did not get much credit for it.

I notice that Mrs Dillon, in her reaction to him, makes it absolutely clear that she is not so much opposed to this Bill but to its creator because the look that she gave Mr Allister indicated that it was him that she objected to, more than the content of the Bill. The Bill should be judged on its content and its merit, not on the person who is proposing it, so do not shoot the messenger; look at the content.

**Ms Dillon:** On a point of order, Mr Deputy Speaker. I am not sure that I even looked at Mr Allister, but I certainly did not give anybody any kind of look. I clarify that for everybody in the Chamber.

**Mr Deputy Speaker (Mr McGlone):** I think that that is well clarified. Thank you for that.

**Mr Wells:** Mrs Dillon, you made it very clear that Mr Allister is not on your Christmas card list. You made it very clear by the look that you gave him. You were betraying, as others were betraying, that you are against this Bill because it is a Jim Allister Bill. Rather, it is a Bill with considerable merit that will do so much to undo the hurt and pain that has been caused by these appointments.

I am saying, particularly to the middle-ground, moderate parties, as they are so termed, that you may have your differences, but surely it is essential that you give this Bill the opportunity to get through to Committee Stage, where any difficulties that you may have can be teased out and there can be further deliberation upon it. I give this Bill my full and absolute support.

**Mr O'Toole:** I welcome the opportunity to speak on this private Member's Bill. First, I will address a point that a number of Members have made. I think that the Bill's sponsor quoted past representatives of my party on the question of the parentage of the Bill. Given that I spent some considerable amount of time working with the Bill's sponsor on his previous Bill, the Functioning of Government Bill, it should be clear that I and my party do not have an in-principle objection to cooperating with the Bill's sponsor. However, the question before us today is a complicated question around morality — the morality of what happened in this conflict — and whether this draft legislation in front of us is the best way to legislate for moral judgement of what happened.

I and my party have always been clear about the immorality of violence in this place and about not just its complete inappropriateness, but about the squalor that it visited upon victims and our society at large. A commitment to non-violence and a commitment to rejecting violence and moving our politics to a better place —

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

**Mr O'Toole:** I will give way in one second, once I have finished this sentence.

— aimed at reconciliation and through resolving our challenges through politics, is fundamental to my party. That is the principle that we bring to considering this draft legislation.

**Mr Stalford:** I thank the Member for giving way, and I absolutely accept his bona fides. The party that he is a member of has always believed in non-violence and peaceful and democratic means, and I accept that. He and I are both privileged to represent the constituency of South Belfast in this place. Does he appreciate that, if he is walking through the Lobbies today with Sinn Féin, he is walking through the Lobbies with a party that has yet to condemn the murder of a former Member of Parliament for the constituency that he and I are both privileged to represent and the murder of a former Member here?

**Mr O'Toole:** I will come on to the question of how certain parties reckon with the past. It is not good enough, but that is not straightforwardly the question that we face today. This Bill is not about legislating for political parties to make moral judgements; I wish it was. I wish that we had not been through the 30 years of conflict, violence and squalor in this society, but we have.

The Bill is not going to legislate to make people repent for what they should repent for, nor is it going to legislate to address the real challenges faced by victims who have still not had justice and the victims who, it seems, because of the UK Government, are going to be denied justice. It is important to put that up front.

My colleague Colin McGrath talked about the principles of the Good Friday Agreement. The Good Friday Agreement is, in a sense, the constitution of this complicated jurisdiction in which we have divergent views of the past and differing aspirations for the future. That document, complicated and compromised though it is — as is, as we have heard today, the Chamber — is a constitution that is about making this place work and reflects those complications. It does not, and did not when it was signed in 1998, ask people to pretend that everything is fine. In fact, it is clear that an earlier and more decisive approach to dealing with the legacy of our past, post-1998, would have been preferable to the situation that we have today, but we did not get it and we did not do it.

My colleague Colin McGrath talked about the principles of the Good Friday Agreement. I will not read out the same preamble from the declaration of support that he did, but I will read

some of it, because it is critical and fundamental. It states that:

*"The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust".*

I read quite a lot of it. I did not mean to read that much of it, but it is compelling. It is a moral call to all of us in this complicated place to continue to strive towards reconciliation and tolerance. I do not think that the Bill is consistent with the core principles of the Good Friday Agreement. However, that is not the same as saying that I think that every appointment that has been made by certain political parties, or others, is advisable, or even defensible, because I do not — it is not for me to make that claim — but that is different from legislating in the Bill to say that no person who has a criminal conviction of more than five years can have a political appointment to one of the public bodies specified in the legislation. That is a different thing.

Points have been made about political parties and members of those parties glorifying in past acts. I reject that. I do not think that it is conducive to reconciliation. I say that to my Sinn Féin colleagues who sit next to me. It is not good for reconciliation, and, in parenthesis, I say that it is not good for us, when we are trying to talk about a new Ireland, to be consistently talking about the past and glorifying things that give grave hurt to victims. If this legislation is successful, we cannot legislate away differing views of the past; we cannot legislate for political parties and the representatives and people who have been combatants in the conflict, to use one phrase. This legislation will not change the fundamental culture. It is for us to do that through shifting our politics and all of us doing better.

I want to come to a couple of specific points. I will not go through the Bill, clause by clause. It is a short Bill. Frankly, it is important to recognise that the Bill is being introduced in a context of a political crisis around legacy in this place. Our political class has failed, consistently, to deal with the legacy of our conflict, but that failure is of nothing when compared with what the UK Government are planning to do by introducing a blanket amnesty.

Frequently, I have mentioned here the discussions around morality. Morality is important; fundamentally, this is a moral as well as a political and legal debate. I am unafraid to talk about the moral context of violence and our violent past. Let us be clear: the Bill, as well as not legislating to change the hearts and minds of political representatives or the people whom they appoint to boards, does not legislate to help the people who are going to be most affected by the UK Government's legacy proposals, namely the people who have had no sort of justice. In fact, it would remove the possibility of having people who have, at least, been through the justice system and, at least, had a conviction.

We can abhor what they did in the past, and we can wish that they and their organisations were more fulsome in offering a greater moral reckoning with what those organisations did. We can certainly wish that, but they have been through the criminal justice system. That is fundamentally different to the situation in which people, particularly families, have not had a conviction at all or even a charge in relation to the loss of their loved one, whether at the hands of republicans, loyalists or, indeed, the state. It is important to make that clear, because I do not want the message to go out that it is about not dealing with legacy somehow or that it is about legacy more broadly, because it is not. I wish that there was a more consistent approach to dealing with the legacy of our past, not just through the criminal justice system but in a political and moral sense, because it gives grave hurt and offence to victims to continue not —

**Mrs D Kelly:** I thank the Member for giving way. Does he agree that we find it difficult to take lectures from some of the Members opposite, whose party stood in the Ulster Hall with Ulster Resistance, threatening violence, at the time of the Anglo-Irish Agreement and whose own moral judgement has been compromised?

**Mr O'Toole:** I am grateful to my colleague for raising that, because I was coming on to some of those points. I find that ironic. There are two long-standing members of my party here, one to my right and the other in the Chair, who spent decades of their careers holding the line during the most difficult times against not only those who committed violence but those who threatened and flirted with threats of violence and the utility of violence in this society. If we want to have serious conversations about the use of violence and of the threat of violence, we need to be fulsome in how we talk about it.

People have talked about events commemorating the Maze escape. I obviously disagree with and reject those events. However, to the Bill sponsor, I say this: he appeared on stage in June at an anti-protocol rally in Newtownards. There was a huge banner with the face of Leo Varadkar, the Tánaiste, beneath the platform that he stood on. The banner also had the SS Clyde Valley on it, the ship from which UVF guns were landed in 1914. The banner said, "Dublin's choice: peace or protocol?", and had a picture of the SS Clyde Valley on it. I am sure that the Member will point out that he later said that it should not have been there, but he said that when a journalist contacted him. He did not disclaim it when he was on that stage. When we talk about violence in this society —

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

**Mr O'Toole:** I will give way in one second, once I finish — we need to be consistent. My party has been consistent. We have been consistent throughout our history and the conflict here. It was always wrong and inappropriate, but that is not the same thing as introducing one specific piece of legislation to affect one specific sector of political appointments and that flies in the face of broad principles of not only the Good Friday Agreement but rehabilitative justice.

**Mr Allister:** I assure the Member that I am not a banner-maker. The banner in question, as I understand it, was not visible to me on the platform.

It is an attempted slur to say that, in some way, my motives in introducing the Bill, which, in one case, is to deal with a multiple murderer's position in public office, or my credentials, when I have no relevant criminal convictions, are to be blurred or equated with such a person. I really think that the Member can do better than that.

**Mr O'Toole:** It was not a slur on him in relation to a conviction; clearly, I do not think that, nor am I impugning him in that way. Multiple Members, including him, have talked about flirting with political violence in the context of rhetoric in this society. That is why it is really important that we are very clear about those things. My party has been clear —

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

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

**Mr Allister:** Can the Member cite one example when I have flirted with or exhorted violence?

**Mr O'Toole:** As I have said to the Member, he was in front of a banner the context of which was very clear. I am not accusing him of apologising for violence.

I am saying that we all, in the Chamber, need to do better in how we approach political discourse. There are too many who are willing to throw language around in an intemperate way: that is my point.

5.15 pm

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

**Mr O'Toole:** I will give way in a second, once I have made more progress.

It is important that we in the Chamber are clear about the morality of such questions. There are other examples, which my colleague has pointed out, of when the party opposite has not always been as fulsome as it could have been in distancing itself from not just heated but fairly inflamed rhetoric. I will leave that to one side.

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

**Mr O'Toole:** OK, I will give way briefly to Mr Wells.

**Mr Wells:** Does the Member accept that there is a vast chasm and a world of difference between appearing at a rally attended by many thousands of people, where there may have been a banner that could not be seen from the platform and that may have expressed a political opinion, and being directly involved in the murder of a High Court judge, concealing the weapon and then being appointed as a spad to the Department of Culture, Arts and Leisure? Does he not realise that there is no equivalence? There is a vast difference between the two. It is unfortunate that the Member has tried to give that equivalence to Mr Allister's case.

**Mr O'Toole:** The Member is right. There is no equivalence, and I do not claim that there is. I was making a broad point about the way in which we use discourse in this society. I have made the point now.

I come on to a separate question, which is about the broad principles of rehabilitation. In this society, we are clearly talking about the post-conflict context and the context around political violence, terrorism and paramilitarism. Although the Bill specifically relates to political appointments, it affects anyone with a criminal

charge against them. The reference to anybody with a five-year sentence could include someone who was in possession of a quantity of recreational drugs in certain parts of the United States. That is clearly breaking the law in those jurisdictions.

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

**Mr O'Toole:** I will give way, yes.

**Mr Stalford:** With the greatest respect, we are not talking about the United States of America.

**Mr O'Toole:** *[Interruption.]*

**Mr Stalford:** You can come back to that. In this country, the offence has to be pretty serious for a person to be handed a sentence and go to prison for five years or more. I am sure that the Member accepts that.

**Mr O'Toole:** I accept that, but this Bill relates to any conviction anywhere in the world, including someone who was convicted in Arkansas, where they could have a 10-year prison sentence without parole for possession of recreational drugs. I am just citing an example of the issues that the Bill might create. It is also the case that —.

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

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

**Mr Wells:** That is a valid point. It is the sort of point that could and will be teased out at Committee Stage. I am sure that Mr Allister did not intend that somebody who had committed an offence in Arkansas could not be appointed as a spád to the Northern Ireland Assembly. I get the drift that the Member will not even allow the Bill to get the opportunity for that type of nuanced amendment.

**Mr O'Toole:** I have already made my party's position clear, as has my party colleague Colin McGrath. I will move on to conclude, Mr Deputy Speaker, which is to say that —.

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

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

**Mr Muir:** Does the debate not highlight again, after the debate on Mr Allister's previous Bill, the need for proper consultation in relation to this? Moreover, with the previous Bill, the version that was brought to the House was

entirely different at Second Stage from that at Final Stage because of numerous amendments that had to be tabled. Even at Final Stage, that Bill had significant issues.

**Mr O'Toole:** Indeed. The Member makes a fair point. When a Bill is proposed, even a relatively short one, it is important to ensure full consideration of its potential consequences.

I will go back to some of the Bill sponsor's points. I reiterate that, in the past, my party has shown a willingness to work with the Bill sponsor on legislation, including, earlier this year, on the Functioning of Government (Miscellaneous Provisions) Bill. I recognise that some of the issues that are talked about create concern not just about the unresolved nature of our past but about the willingness of some people not to properly reckon with that. The Bill is not an appropriate way to deal with that, however.

It would fundamentally undermine the principles of reconciliation in the Good Friday Agreement. It would create a sweeping prohibition for people with any criminal sentence longer than five years, which, as we have discussed, could mean a vast range of people, not just those involved in the Troubles, being precluded from contributing to society, having offended against it.

**Mrs D Kelly:** My remarks will be quite short. In making political appointments, there is a responsibility on parties not to display cronyism. That is a view that the Sinn Féin president shared in the Dáil recently when she criticised Simon Coveney. It is therefore something that Sinn Féin in the North needs to reflect on when making political appointments.

I listened carefully to the Member opposite, Mrs Dodds, who unfortunately is not in the Chamber at the moment. She failed to express any remorse at all to any of the family connections affected by the role that her husband, Nigel Dodds, a young press officer way back in the good old days when Ulster Resistance was formed, played in helping establish such an organisation: an organisation that, I believe, benefited from arms importation to the UDA and the UVF, which were responsible for the murder of many people right across the community but particularly so in my constituency.

I reiterate the point that Mr Muir made when some Members erroneously commented on and made comparisons between PCSP appointments and the Policing Board appointments. PCSP appointments of

councillors are made by parties, and some of them may well fall foul of this legislation were it to be enacted. Let us not try to confuse the issue.

**Mr Stalford:** On a point of order, Mr Deputy Speaker. I am pretty certain that Mrs Kelly has made claims about Mr Nigel Dodds that are untrue. When Hansard is published, and if it is shown that those claims are untrue, will it be a requirement for her to return to the Chamber and apologise for them?

**Mr Deputy Speaker (Mr McGlone):** Whenever we reflect on Hansard, that will be a matter for the Speaker to determine. Thank you. Please continue, Mrs Kelly.

**Mrs D Kelly:** I am happy to answer that. I looked up Wikipedia and "Ulster Resistance" while I was sitting here, and it states that a young press officer by the name of Nigel Dodds handed out leaflets outside the Ulster Hall.

**Mr Deputy Speaker (Mr McGlone):** It may be more productive if we move back to the principles of the Bill.

**Mrs D Kelly:** It is right that we talk about and remember victims here. They have been neglected for far too long. They have certainly been neglected when it comes to legacy, and not only have they been most adversely affected by what the British Government are seeking to do through the horrendous proposals in their Command Paper but they have been neglected by this House. Not so long ago, the DUP's former party leader, Arlene Foster, was brought to court over the provision of financial support for legacy inquests and coroners' inquests.

The point that I am trying to make is that Mrs Dodds referred to innocent victims. How many people have now been declared innocent as a consequence of former Lord Chief Justice Sir Declan Morgan setting money aside for inquests that were held over the past couple of years? Those inquests found that the people shot dead in Ballymurphy were completely innocent, as were many others thought to have had guns in their possession.

**Mr Deputy Speaker (Mr McGlone):** I am listening. There is a fair bit of latitude being shown, but I ask that we move back to the main principles of the Bill, please.

**Mrs D Kelly:** Thank you, Mr Deputy Speaker, but I am only —.

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

**Mrs D Kelly:** I will.

**Mr Muir:** You cited the relationship between independent members of PCSPs and the Policing Board and political appointees. Will the Member agree that a fundamental part of the new beginning to policing was to secure all-party agreement and support for the new policing structures and that a key part of that was to ensure that all parties would buy into it?

To retrospectively change the legislation on political appointees and disbar people from that new beginning of policing would send a very negative message to an awful lot of communities.

**Mrs D Kelly:** I thank the Member for his intervention — and his redirection.

**Mr Stalford:** On a point of order, Mr Deputy Speaker. Earlier in the debate, reference was made to a Wikipedia article. I have now viewed the article in question, and the name of Mr Nigel Dodds appears nowhere in it. Will the lady withdraw the claim that she made?

**Mr Deputy Speaker (Mr McGlone):** Sorry, I have already adjudicated on that. That is for the Office of the Speaker to look into and determine.

**Mrs D Kelly:** Thank you, Mr Deputy Speaker, but I did read an article. I will send it to you.

Anyway, I want to return to Mr Muir's point. We want to build an inclusive and reconciled future. I acknowledge the work that many have done on policing, none more so than former party colleagues, some of whom, sadly, are no longer with us. I think particularly of Seamus Mallon and Alex Attwood and what they did for the transformation of policing.

Challenges lie ahead. The police hope to recruit over 300 new officers from across the community later this year. Woe betide any elected representative who uses police officers as political scapegoats when political circumstances get tight. As a party, we put victims at the centre of our thinking, but we also want to build reconciliation and build a new society that is inclusive. We want that type of new society to emerge.

**Mr Deputy Speaker (Mr McGlone):** I call John O'Dowd.

**Mr O'Dowd:** Mr Deputy Speaker, I did not even know that my name was down. I had no intention of speaking in the debate.

**Mr Deputy Speaker (Mr McGlone):** I had been told that it was, but thank you.

**Mr Carroll:** My party and I will not support the Bill today. In our view, it represents a move to discriminate against former prisoners in a way that is mired in contradictions and, dare I say, hypocrisy. Blocking or restricting those who have come through prison from entering public office is, by definition, a form of discrimination against those people, and I have serious concerns about the human rights and equality implications of doing so. We can defend the right of ex-prisoners to take specific jobs or hold office while also being absolutely opposed to actions that constitute serious crime or, indeed, that led to prison sentences. There is no contradiction in holding such a position.

Of course, this is not just about former political prisoners, as such discrimination would presumably, on reading the Bill, impact on all former prisoners who have been found guilty of serious offences. However, the Bill sponsor and others who support the legislation have specifically raised the issue of former paramilitaries taking up positions, so I will briefly speak to that.

In my opinion, anyone who is relying on the outworkings of the criminal justice system that existed here during and after the Troubles to dictate who can and cannot enter political office today is relying on a system built on hypocrisy and disproportionality. We need only look at recent moves from the highest office of the Tory Party to absolve and protect state forces who killed innocent people to see that there has existed a situation of one law for state forces, and one law for everyone else. The Bill would exacerbate that problem, because it would base itself on a belief or view about a criminal justice system that has not done enough to challenge the role of state violence or state repression.

I resolutely oppose violence and its many political manifestations here in recent decades. Therefore, I disagree on much with many people in political life here, including many ex-prisoners from "different" or "both" sides of the conflict, but, at the same time, I defend people's right to participate in political office. Any legislative system that blocks former paramilitaries from doing so while doing nothing or not enough about state actors who partook in or, indeed, gave the go-ahead for some of the most awful crimes during the recent Troubles, including the murder of innocent people, is a

legislative system that is based on rank hypocrisy.

I challenge the presumption in the Bill that the outworkings of the criminal justice system are infallible, especially historically. To suggest a blanket ban on criminal convictions of a certain degree is steeped in problems, not least the obvious problems that arise when we think about some of the huge miscarriages of justice against people in our society — too many to mention — that took place here not so long ago.

### 5.30 pm

There is some ambiguity or a lack of clarity around who the serious criminal conviction title refers to. We have heard the Bill sponsor mention individuals in relation to serious criminal convictions and the position of people who received a sentence of five years or more. However, in clause 5(2)(a), the Bill also states that the meaning of "serious criminal conviction" applies whether the person:

*"was convicted in Northern Ireland or elsewhere".*

Mr O'Toole mentioned Arkansas in his contribution. In Alabama, the law states that carrying out an abortion at any stage of a pregnancy is punishable by 10 to 99 years in jail for doctors who assist in or perform an abortion. My understanding of this Bill is that, if someone here moved to Alabama or someone from Alabama moved here and they carried out an abortion or helped someone to do so, they could serve 10 to 99 years in jail and, therefore, would not be eligible for the positions that are mentioned in the Bill and could not take them up. In Andorra, for example — I do not claim to be an expert on Andorran politics — performing an abortion results in a six-year prison sentence. Again, that applies not just to the prisoners and ex-paramilitaries to whom Mr Allister referred but to people who have carried out healthcare. For that reason as well, my party will oppose the Bill.

**Mr Easton:** I support the Bill and commend its sponsor, Mr Allister. The Bill is long overdue and is something that I have enquired about on numerous occasions. It follows the success of the Member's previous Bill regarding the appointment of special advisers and is similar in nature. For me, this issue is fundamental; in fact, I would go as far as to say that it is common sense.

If one had a serious criminal conviction, one would find it incredibly difficult to find a job as a teacher, a police officer or even as a carer in the community, and rightly so. However, here we have a situation in which people with such convictions can be members of the Education Authority or the Policing Board. We must ask ourselves whether that is the society that we want to see. Are those the role models that we want for our children? Do we want to send out the message that you can commit extremely serious crimes and live the rest of your life as if nothing has happened? That is not normal, in my opinion.

It is often said that the public in Northern Ireland are further ahead than the political class in moving on from what has happened in the past. It is hard to argue with that, when society is outraged that such appointments can still be possible and with the message that that sends out to our younger generations, while some in the Chamber are opposed to the Bill. I also wonder what signal it broadcasts to the rest of the world that some think that it is acceptable that we have such people in prominent positions in public life.

I fully agree with the overarching principles and the close detail of the Bill — in particular, the definition of "serious criminal conviction", given that it is severe enough to warrant removal from those public offices. I am pleased that the Bill also covers convictions received outside Northern Ireland. Furthermore, I support the inclusion of immediate terminations of office for those who hold serious criminal convictions from the date that the Act would come into force. However, it is my belief that the Bill strikes an appropriate balance. Anyone who is impacted by the Bill can appeal and have a decision referred to an independent panel. The areas explored by the independent panel, such as remorse and assistance in investigations, can be affected by the individual involved. If they are unhappy with the final decision, they also have grounds to appeal to the High Court. The way in which the Bill is designed means that current and prospective members of those public bodies will have grounds to challenge decisions that go negatively against them.

*(Mr Speaker in the Chair)*

I also wish to highlight the minimal financial cost associated with the Bill. To me, this is simply a case of doing the right thing. There are no excuses for Members of the Assembly who fail to do so. I often wonder whether the Assembly is capable of doing the right thing.

In preparing for this debate, I received the code of practice for ministerial public appointments in Northern Ireland. The code applies only to ministerial appointments and not to political appointments.

That, in itself, is problematic as there are people sitting on the same public body who were appointed as a result of meeting different criteria. I deem that to be unfair.

I am sure that Members are aware of the seven key principles of the code, but I feel that some parts of it warrant repeating. Under the principle of "Integrity", the code states:

*"Public appointees must be people who understand, apply and are committed to the principle of integrity, and who will perform their duties with moral rigor and honesty".*

Given that the Member in charge of the Bill has included a requirement for the remorse displayed by the offender and the efforts in assisting with the investigation of this case to be examined when an appointment is reviewed, —

**Mr Stalford:** I thank the Member for giving way. Does he agree that we are through the looking glass when it comes to appointments and what have you, given that we live in a country where you are excluded from being a member of local council if you are bankrupt, but you can sit on the Policing Board if you have committed serious terrorist criminal offences?

**Mr Easton:** Yes. I thank the Member for his comments. Indeed, there are an awful lot of double standards and hypocrisy right across these issues, and this is an attempt by the Member to start to rectify some of that.

I find that requirement to be entirely in keeping with the code of practice that non-political appointments must adhere to. Willingness to show remorse and assist in investigations are surely a basic test of somebody's moral rigor and honesty.

Another section of the code that I found to be of interest was "Proportionality", which states:

*"the procedures applied at each stage of an appointment should be proportionate to the size and purpose of the public body and to the posts to be filled."*

As I said earlier, checks are already undertaken for ministerial appointments to those bodies. It is therefore clear that those checks are deemed

to be proportionate for the size and purpose of those public bodies. In that context, it is hard to argue against the logic of screening all members of the Policing Board or Education Authority rather than just some of their members, as is the case at present. It is fundamentally unfair to have different standards for prospective appointees to public bodies.

Another inclusion that I am pleased to see in the Bill is the recognition of the views of victims and their families. I am sure that everyone here is aware of recent cases in which victims have spoken out against certain appointments to the public bodies mentioned in the Bill. Their anger and upset over those appointments should be at the forefront of our minds when we think about this legislation. In speaking out against those appointments, those individuals articulated what most people in our society think. For example, how can we morally justify taxpayers funding people with serious criminal convictions serving on public bodies? We currently have a system by which attempted murderers can be funded in public roles by those they tried to kill and their families. That is just not right.

Before I conclude my remarks, I will say that I find the position of the likes of the SDLP and Sinn Féin disappointing, but I am not surprised by it. I note that they have attempted to justify their stance by claiming to be against discrimination of any kind. Not only is that an illogical defence in the context of this specific Bill, but it is, frankly, insulting, especially to the victims and their families who have been impacted by those appointments.

To conclude, MLAs must decide whether they value victim-makers above victims. Like Ann's Law, it is about protecting victims from the hurt of seeing victim-makers elevated as role models who are fit to oversee education and policing. I entirely support the Bill and its aims. I am pleased to see it come before the Assembly for Second Stage. I wish the Bill and the Member in charge of it well. Let us, therefore, send out the message that right still has a place in our society.

**Mr Lunn:** I have a few comments to make about the Bill, but I might as well declare that, despite having heard some heartfelt and passionate speeches on both sides of the argument, my instinct is to oppose it.

In Northern Ireland, we have rules that exclude some candidates from political office. There are very few. As somebody mentioned, bankruptcy is one, as well as a serious criminal conviction, in the case of a sitting Member. There are

relatively few obstacles to trying to achieve office in this Assembly. That is a good thing. We need wide representation. That is the way it should be, and that is actually the way that it is. I came here in 2007, and I made up my mind at that time to try to treat all Members the same and to recognise that they came here from their constituencies with the same mandate as I did. In the early years, it was difficult to treat everybody the same, because everybody was not the same. However, we mature. We are now 15 years on.

It follows from that that all Members should have equality in appointments outside and within the Assembly structures. The Bill seeks to differentiate between Members who have historical convictions, some of which are now 40 or 50 years old and which did not prevent them from being elected as MLAs, and those who do not. When those convictions occurred or the time served in prison, as long as it was at least five years, makes no difference.

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

**Mr Lunn:** Sure.

**Mr Wells:** The Member made the point that it is 40 or 45 years since some of those convictions happened. The victims who were left behind and their sons and daughters remember the death of their loved one as if it was yesterday. When Sinn Féin decided to poke the eye of the Travers family by appointing Mary McArdle, it raked up those awful memories and re-traumatised that family. Time does not count here. The pain is as raw as it was on the day of the awful event.

**Mr Lunn:** I thank Mr Wells for his intervention. I have attended many commemorations down the years and have spent over 10 years supporting the Ballymurphy families, so I am well aware of the hurt that still exists, even 50 or more years on. However, I wonder at what point we will be able to move on from some of this and accept some situations that we do not find particularly acceptable but, for the greater good, we perhaps need to accept.

Frankly, I contend that, if a person has done the time that is commensurate with the crime and successfully joined the Assembly under the electoral rules, we should not seek to punish them further by denying them opportunities to repay their debt to society through full participation in Assembly activities. That includes appointments to the Policing Board and other public bodies.

**Mrs Dodds:** I thank the Member for giving way. I thought that, in my speech, I explored reconciliation quite considerably. Reconciliation without remorse or contrition is a very difficult concept for victims to accept. Does the Member agree that it is not simply that we reconcile and get on with it? There has to be an element of contrition and remorse for the wrong that was done.

**Mr Lunn:** I know that the question of remorse and contrition is contained in the Bill. If I supported the Bill, I would certainly support that particular section. When did you last hear an expression of remorse or contrition about our Troubles, from either side? I would like the people who bombed my office in 2013 to come and talk to me and say, "We are sorry. We will tell you why we did that". They were loyalists. We all have a history.

I will move on. I sat on the Policing Board for some years — I think that it was about six or seven years. It is a pretty feisty forum. It is a bit like this Chamber: sometimes things can erupt, and things can go sweetly at other times. It is useful. It is composed of elected members and non-elected nominees, and it does good work in its role of holding the PSNI to account.

When the Sinn Féin members agreed to join the board, it was against the wishes of a large portion of their supporters, who did not think that it was worthwhile to support policing in this country. Where is policing now compared with then? We have made considerable progress. In my time, the Sinn Féin members were Caitríona Ruane, Pat Sheehan and the much-maligned Gerry Kelly. Like most other members, they provided input from their perspectives and earned a measure of respect from the other members and senior personnel in the PSNI. It must have been hard for the PSNI and the Sinn Féin members to cope with that situation, but they did, as did the unionist members. We all persevered and policing is better for it.

#### 5.45 pm

Partly as a result of Sinn Féin's participation on the board, confidence in policing improved, as did recruitment from the nationalist community. Those Sinn Féin members, and, to an extent, the SDLP members as well, are entitled to a measure of credit for that improvement. I do not see any point to the clause that seeks to prevent the participation of people like Gerry Kelly, Pat Sheehan and others, except for some kind of retribution or a vindictive attitude that they must continually pay for their wrongdoings after 40 years.

The clause that deals with the appointment of non-elected persons to public bodies by political parties is also a move that I do not wish to support. Mr Allister's Bill of 2013, relating to the appointment of highly-paid special advisers, was timely and necessary. Before he asks, I supported it at the time, but I thought that it was enough at the time and it remains so. We must move on. The introduction of a measure to prohibit the nomination to public bodies of certain individuals who have historical convictions is not, in my opinion, worthwhile or constructive.

That is all I have to say. Everyone in our process has had to give ground, develop and mature. We must continue to do that. I do not see any advantage to passing the Bill, frankly, and I hope that it will fall.

**Ms Sugden:** I begin by coming back to some of the thoughtful comments that Mr O'Toole made in relation to moral judgements around the Good Friday Agreement. It was suggested to me recently that, perhaps, one of the gaps in the Good Friday Agreement was that a transition period for what had to happen to ensure peace in Northern Ireland was not specified. I was 11 years old when the Good Friday Agreement was signed, but I would have supported it because it secured a better future for Northern Ireland. It did so by stopping the violence. However, let us not underestimate the significant leap that the Good Friday Agreement was for many and some of the sacrifices that they had to accept for a better future for their children and grandchildren.

As we move forward, 23 years later, some of those people rightly ask, not least because of the instability of these institutions and the conversations that we are still having, sadly, in 2021, what those sacrifices were for and whether they were correct to make them. I am reflecting on the Good Friday Agreement and Mr O'Toole's comment about how it is not up to us, through small pieces of legislation, to try to rectify the moral judgements around it. Perhaps, 23 years later, it is up to us. Perhaps, we now have to start looking at the structures and whether they are conducive to the future that we, in the Chamber, all want.

I do not wish to personalise the Bill, as many Members have done. The Bill does not mention specific individuals or convictions. It talks to the nature of the people whom we put on very significant boards in Northern Ireland, and discusses the decisions that they make on behalf of me, the people I represent and everybody who is represented in the Chamber.

It is also important to say that I have good working relationships with every Member of the House, or at least I think that I do. For me, the individual who sits on these blue Benches does not represent themselves but the mandate that was given to them by people. If we disrespect that mandate, essentially, we disrespect the people of Northern Ireland. That is a key point.

As for the Bill, I can only make decisions on what is written on the pages. If it became law — and it looks unlikely that it will — Mr Allister, the individual victims, or even the people whom this is perhaps directed at, will not appear on the statute. It is about what is governed for, how we move forward and what we do in order to achieve that.

Some have alluded to this piece in small part, but it is the part that really sits uncomfortably with me. I ask other Members to consider it, and maybe the Bill sponsor will help me out. The words "serious criminal convictions", I assume, include the likes of rape, a conviction for which might carry more than five years' imprisonment. I would have a significant difficulty if a party within the institutions put forward someone who has a conviction of rape to sit on the Education Authority. I hope that others in the Chamber would have a similar difficulty but, currently, the arrangements would allow that. So, whilst there is a lot of focus on terrorist-related activities, there are other convictions that we should have difficulty with in this context. That is the element of the Bill that is making me lean towards supporting it, because it does not sit right with me that those individuals could potentially find their way onto boards making important decisions on behalf of the people of Northern Ireland.

As others have said, if that was any other type of role or job, they would have to go through Access NI and Disclosure and Barring Service checks with other parts of the United Kingdom. I will give you an example. I worked on a case in my constituency office a number of years ago. It related to a young man who was convicted of a sexual assault. It was described in law as being minor. He himself described it as horseplay, but what was really important to me, and I put it back to the individual, was, "That may have been minor for you and is now having implications for your future, but let us think about the victim. Let us think about the impact this has had on her. She felt hurt, she felt violated, she felt harassed". It was enough. In comparison with some of the serious convictions that are being proposed in this Bill, that does not compare. It is not proportionate. Others have talked about that too.

I appreciate that everybody will be thinking of particular individuals when they talk about victims, but sometimes in this Chamber we forget who the victims are. I will not be specific in saying that it comes from one community, because I do not agree with that. I think that everybody is hurting in Northern Ireland. It comes back to my original point, which is that, ultimately, we have not got to a period of reconciliation that truly addresses our past. Maybe 23 years on, in a relative state of peace, we can address the parts of the Good Friday Agreement that perhaps were difficult for people and why people are not fully appreciative of those and where we are now. That is really important. The true piece of reconciliation is to see what we need to do next.

In response to some comments about certain parties being on the Policing Board, this is not about political parties. I acknowledge that some political parties in this Chamber have taken great strides over the years to move on from their past, and a lot of Members of various parties do not have a past and were not directly related to the conflict. That is truly when we begin to heal. We begin to heal when those who were directly related to the conflict are perhaps no longer on this stage, and the people after them — the stage that they provided for them — will start moving this country on. I am not necessarily looking at this as a limitation of reconciliation. I am looking at it as an opportunity. Some 23 years on, the piece of the puzzle that is missing in the Good Friday Agreement — reconciliation. Maybe we can start looking at our systems and structures and recognise that, yes, there was a transition period. I get that.

I also do not diminish the role that some individuals who are potentially being targeted here played in that transition and that move towards peace in Northern Ireland. I think that is really important, and I will stand here and recognise that. However, let us go back to the victims. They are the ones who are hurting. I do not like what the British Government are doing about convictions that relate to the Troubles because, again, that does not satisfy victims. By the same token, I go back to the humanity here. I go back and recognise that there is loss. It is super difficult if you are a victim or the family of a victim and you see certain people in public roles who have created your pain. If there is not enough self-awareness amongst the leaders in Northern Ireland to recognise that, maybe we will have to put structures in place.

I come back to what is in Mr Allister's Bill. It does not particularly bother me that it is Mr

Allister who tabled it, and it does not particularly bother me who it is aimed at because, at the end of the day, it will be how we move this forward and what it will mean practically when it becomes law. I ask Members to reflect on whether we are comfortable with individuals who have had serious criminal convictions that carry a sentence of a minimum of five years potentially finding their way onto some of the most significant public bodies in Northern Ireland because they could be politically appointed.

There is an important point around mandate and appointment. We are mandated. I have talked about that, and I respect that, but, with appointments, we have to be a bit more respectful about that particular power. Let us take responsibility for that power. If we cannot, maybe we need legislation like this Bill.

A lot of people have talked about rehabilitation. I am a great believer in rehabilitation on the basis that, if it works, it makes society much safer. True rehabilitation takes in an aspect of contrition and remorse — even restorative justice, if we can do that — where people recognise that they have hurt others and are prepared to help them move forward and heal. Maybe the Bill has an element of that. It is a really interesting part of Mr Allister's Bill. He is willing to say, "You can sit on these boards if you recognise that what you did caused hurt and created victims". If we are to move forward, perhaps that is the piece of the puzzle that we need to look at.

It always disappoints me in the Chamber when we hear debate back and forth about all of this. I really want to be fully thoughtful about and considerate of the Bill. It is about how this will play out for the people of Northern Ireland long after every one of us has vacated these Benches for whatever reason. What are we doing to help the people of Northern Ireland? Maybe this is the small piece of legislation that will get others thinking about our structures and what needs to happen. A piece of that has not happened up to now, and that may be why we find ourselves in this position.

**Mr Allister:** I am pleased to follow such a thoughtful speech from Ms Sugden. She made some telling points. The contributions of some others in the debate were in the classic style of trying to kick up some dust when you do not really want to deal with the issue.

All sorts of dust were kicked up in the debate. There was a matter that I could not even follow about a young Nigel Dodds: I have no idea what that was about. Mr O'Toole was clutching

at straws from Arkansas. The answer to Mr O'Toole's point about somebody who received a hefty sentence for drugs in Arkansas lies in what Ms Sugden said: by clutching at that straw, Mr O'Toole wants to give a bye ball to the rapist. The legislation, if it proceeds, is drafted so that it is all-encompassing; it covers all criminal offences. It is not just the terrorist offence that is included but any offence that attracts a sentence of more than five years, which, invariably, would include rape. When we come to vote tonight, we are saying to ourselves, "Take the politics out of it. Am I content that, in a country where I have the power to legislate, I am not changing a situation in which a rapist could be appointed to a public body because he's a political appointee?". Under the cover of being a political appointee, he can be appointed to any public body. Are Members content to embrace that concept? That is the sort of thing that this comes down to.

I will stay with the SDLP for a moment. Mr O'Toole and Mrs Kelly kept going back to the incompatibility — my word, not theirs — of the Bill with what they call the "Good Friday Agreement". I remind the House that the SDLP voted in favour of the first special advisers Bill, on which this Bill is modelled, at Second Reading. That Bill, at that stage, did not even contain the protection that, if you showed contrition and had regard to your victims etc, you could still hold a post.

It was, in its initial stage, a blanket ban. The SDLP voted for that at Second Stage. Now, suddenly, a Bill that uses precisely the same language as that of the ultimate outcome of that legislative process conflicts with the Belfast Agreement.

#### 6.00 pm

Dominic Bradley had it right when he refuted those issues, and I referred to them in my opening speech. The protestations from Sinn Féin were that refusing to allow McArdle to continue in position was in breach of the Belfast Agreement — it was anti-Good Friday Agreement. Mr Bradley of the SDLP had it right when he answered that it was that appointment that was against the spirit of the Good Friday Agreement, because it was a calculated, deliberate measure and a statement by Sinn Féin that it was to elevate a particular individual because of their past. It was going to do so because it could and to demonstrate that it had no remorse or regret for the actions of that individual or anyone else whom it called to volunteer in the IRA. It was elevating and promoting her precisely to make that point. That

is precisely why Paul Kavanagh today sits on the Education Authority. It is a declaration by Sinn Féin, "We do not accept your criminalisation of our IRA volunteers. They were not criminals. They were" — in their eyes — "the very opposite, and we will therefore elevate and promote them as a rejection of the very suggestion that they were criminals".

It is that mentality and ethos that appointed the lady McArdle and appointed Paul Kavanagh to the Education Authority. If that is in the spirit and compliant with the letter of the Belfast Agreement, those who are the big enthusiasts for that need to look at what they are saying. If the Bill is contrary to the Belfast Agreement, what are the principles of the Belfast Agreement? Must we never call out wrong? Must we never be on the side of right? Rather, we must promote and reward convicts, and, in doing so, have no regard for their victims. As I said in my first speech, that is the point: we must choose. Are we on the side of the victim-makers — now, for some, the political elite — or are we on the side of the victims?

It saddens me that although, in 2012 and 2013, the SDLP saw what the issue was, today, apparently, it will kill the Bill, and it will do so in blatant contradiction of the stand that it and some of its members articulated at that time. Either it was right then and wrong today or vice versa. Is the SDLP repudiating the stance that it took against Mary McArdle's being a special adviser? Is it saying that it made a mistake in voting at Second Stage for a Bill that would remove her — the same Bill as removed Paul Kavanagh from the office of special adviser? Was that, too, a mistake? The SDLP has now driven itself to that point.

I come to another part of the pan-nationalist front: the Alliance Party. It voted for the 2013 Bill at Final Stage. It embraced the very principles of the 2013 Act, which are replicated word for word in this Bill. What has changed? The legislative intent and the legislative language have not changed. Patently, the Alliance Party has changed if it now eschews that which it supported back then.

It will be clear to the watching public that, if Members vote as indicated, the Alliance Party and the SDLP have combined with Sinn Féin to protect in office a multiple murderer, a man who was told by the sentencing judge that he did not even show a shred of compassion for the innocent victims whom he murdered — innocent victims whom he knew were there and could see before the bomb was detonated. Is that really the sort of company that the Alliance Party now keeps and wants to protect —

individuals like that in public office, overseeing the education of children? How has the Alliance Party so lost its way? In 2013, it did the right thing, but tonight it will be Sinn Féin's little helpers to kill the Bill and, in doing so, will stamp and trample on innocent victims like Nora Field.

That is really what all this comes down to: which side are we on? Of course, it is all dressed up as reconciliation. Mrs Dodds made probably the most pertinent point in the debate when she drew our attention to what reconciliation is. Reconciliation without remorse is nothing. It is a sham and a front. It counts for nothing, yet the ideological stance of the Alliance Party, the SDLP and — no surprise — Sinn Féin is to forget remorse — one does not need remorse — and just let us embrace that nice-sounding word "reconciliation" and continue to elevate to high public office those who have no remorse. Is there a Member in the House who thinks that the two gentlemen whom we are talking about, Mr Kavanagh and Mr Kelly, have any remorse or contrition or any thoughts, in the case of Kavanagh, for Nora Field?

The invitation that the Alliance Party and the SDLP have accepted from Sinn Féin is to kill the Bill on the basis that those who perpetrated nigh on unspeakable evil are to be treated like anyone else who did not. Have we really so lost our moral compass in the House that we are prepared to sweep all that under the carpet? That is what those who go through the No Lobby tonight will be doing: sweeping away all thoughts of true reconciliation, which comes with remorse, and dispensing and discharging it by saying, "No, we do not need that. We do not want that. We want people who are unremorseful — people who are not contrite; people who care nothing about their victims — to be elevated to high public office". If that is really where politics has got to in this place, I despair of our future. That is an amoral, not a moral, compass.

*Question put.*

**Some Members:** Aye.

**Some Members:** No.

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

**Mr Deputy Speaker (Mr McGlone):** Before I put the Question again, I remind Members present that, if possible, it would be preferable to avoid a Division.

**Mr Wells:** No chance.

*Tellers for the Noes: Dr Archibald and Ms Dillon*

**Mr Deputy Speaker (Mr McGlone):** It has to be said, Jim.

*Question accordingly negatived.*

*Question put a second time.*

**Mr Deputy Speaker (Mr McGlone):** The Second Stage of the Political Appointments Bill is not agreed, and the Bill therefore falls.

**Some Members:** Aye.

*Adjourned at 6.29 pm.*

**Some Members:** No.

**Mr Deputy Speaker (Mr McGlone):** Before the Assembly divides, I remind Members 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. I ask you to ensure that you maintain a gap of at least 2 metres between you and other people 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 40; Noes 48.*

## **AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, 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, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Stalford and Mr Wells*

## **NOES**

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

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

✉ **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

✉ **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)