



# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 25 January 2022

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

*Members observed two minutes' silence.*

## Assembly Business

**24 January 2022**

**Mr Speaker:** The first item of business is the consideration of business not concluded on Monday 24 January. All the business on yesterday's Order Paper was considered so we will move on.

### Public Petition: Flooding in Boho

**Mr Speaker:** Ms Jemma Dolan has sought leave to present a public petition in accordance with Standing Order 22. The Member has up to three minutes in which to speak.

**Ms Dolan:** Go raibh maith agat for the opportunity to present this public petition about addressing the reoccurring flooding in Boho. Due to the current health restrictions, I did not go from door to door with the petition, so I thank local businessperson Dessie McKenzie for allowing a paper copy in his premises, enabling local residents to sign it. I thank the 384 people who signed the petition in person or online. Considering the population of Boho, which is a dispersed rural community in west Fermanagh, that is an astonishingly high number of respondents.

The community of Boho is flooded every time that there is heavy rain. It stops carers getting to their patients, residents getting to work and even children getting to school. The only way that residents can get through is if local farmers take them on their tractors. If any urban area in the North consistently suffered similar floods, large amounts of capital expenditure would be used to alleviate the problem.

DFI Roads, DFI Rivers and Fermanagh and Omagh District Council work well to help the Boho community during times of flooding, but we need to prevent the floods happening in the first place. Unfortunately, the Department for Infrastructure has said, time and again, that spending large amounts of money to lessen the

impact of this regular flooding would not be value for money. That is wrong and is just because it affects a small population. That is unfair in the extreme. I call on all statutory bodies to work together to find solutions to the flooding in Boho and I call on the Minister for Infrastructure to find the financial resources to pay for the works to be done. I also request that, to better understand the difficulties that they face, the Minister for Infrastructure come to Boho to meet the residents and listen to their concerns.

**Mr Speaker:** Normally, I would invite the Member to present her petition at the Table. However, in light of social distancing, I ask the Member to remain in her place and to make arrangements later to submit the petition to my office electronically. I thank the Member for bringing the petition to the attention of the Assembly. Once it is received, I will forward it to the Minister for Infrastructure and send a copy to the Committee.

Members should take their ease for a moment before we move on to the next item in the Order Paper.

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

## Executive Committee Business

### Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 20) Regulations (Northern Ireland) 2021

**Mr Principal Deputy Speaker:** The next items of business are motions to approve three statutory rules (SRs), all of which relate to the health protection regulations. There will be a single debate on all three motions. I will ask the Clerk to read the first motion, then call the Minister to move it. The Minister will then commence the debate on the motions as listed

in the Order Paper. When all Members who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion, and that process will be repeated for the remaining statutory rule. If that is clear to everyone, we will proceed.

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

*That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 20) Regulations (Northern Ireland) 2021 be approved.*

*The following motions stood in the Order Paper:*

*That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]*

*That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations (Northern Ireland) 2021 be approved. — [Mr Swann (The Minister of Health).]*

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

**Mr Swann:** Today, Members are considering three statutory rules that implemented the decisions of the Executive that were taken on 22 December 2021 to limit the spread of the COVID-19 omicron variant. SR 2021/334, the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 20) Regulations (Northern Ireland) 2021, was made on 9 December; SR 2021/349, the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021, was made on 23 December; and SR 2021/348, the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations (Northern Ireland) 2021, was made on 23 December.

As Members will be aware, the Executive met again last week and agreed that, following a significantly improved outlook, we were, thankfully, in a position to relax many of the restrictions. However, on 22 December, there were considerable uncertainties about the impact of the new variant, not least on hospital

pressures. We knew from the evidence available that the infection rate here was going to rise sharply in the days and weeks that lay ahead. The Executive agreed that, in light of the potentially serious scenarios that were developing at that time, intervention was required, alongside the vital booster vaccine programme.

Amendment No. 20 made a number of changes to the regulations regarding COVID status certification, largely as a result of engagement with stakeholders that took place during the two-week grace period prior to the formal introduction of the certification. Those changes involved removing the definition of "active period"; changes in the required time frame for a negative rapid antigen test from 48 hours to the same calendar day as, or calendar day before, the relevant time; removing the requirement to provide photographic ID if the evidence provided included a photo; and rewording regulation 16E to ensure greater clarity on the original intention.

The original intention in drafting included a long sentence that had been interpreted in a number of different ways by some stakeholders so further minor changes have been made to the wording to clarify who is responsible for a relevant premises or event when the premises owner may not be involved in the event that is being held there, and the requirement to have a system to verify certification is in place for all those who enter the premises or event.

The second amendment is No. 21, which was made on 23 December. Regulations 7(a), 9, 14 and 18 came into operation on 26 December, and the remainder came into operation on 27 December. That amendment made the following changes. It introduced a requirement to be seated in hospitality premises unless entering or exiting the premises; accessing a table; making a payment; placing an order for food or drink, in the case of unlicensed hospitality only; accessing a buffet or carvery; accessing or using toilet, baby-changing or breastfeeding facilities, or a smoking area; or dancing at an event to celebrate a wedding or civil partnership. There could be no more than six persons at a table in a licensed or unlicensed hospitality premises when they were from more than one household, or 10 when they were from one household. It placed legal responsibility on retail premises to ensure that all reasonable measures were in place to reduce transmission and included the requirement for office premises to put reasonable measures in place to comply with social distancing, as well as prohibiting dancing

indoors in hospitality venues and prohibiting nightclubs from opening.

The third amendment is amendment No. 8, which made changes to the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations by amending the list of reasonable excuses for not wearing a face covering by removing "severe distress", placing the onus on an individual to prove their exemption, and placing a statutory duty on businesses to promote compliance with face covering regulations by ensuring that all reasonable measures were in place. They also removed the requirement to wear a face covering when in a transport service premises where the area is outdoors, and made a minor amendment to the requirement to wear a face covering on a ferry.

Members will be aware that, on 20 January, the Executive decided that the requirement to provide proof of exemption from wearing a face covering would be removed, and that the reasonable excuse of "severe distress" was to be reintroduced to regulations. Therefore, while that provision of the statutory duty may no longer be required, the remaining provisions remain necessary and require passage through the House.

As has been the case throughout the pandemic, the Executive were clear that any restrictions would be the subject of regular review by the Executive, and would remain in place only for as long as they were considered to be both necessary and proportionate to risks. Therefore, when the Chief Medical Officer and Chief Scientific Adviser confirmed last week that we were likely to be past the peak in case numbers, although it remained possible that case numbers may rebound somewhat due to the return of schools, it meant that we could look immediately to see which restrictions could be lifted. I believe that the decisions that were taken by the Executive were significant, measured and sent a strong public signal that we were on a clear trajectory out of the omicron wave.

Whilst there is now much to be positive about, we should remain mindful, however, that the health service and staff who work in it are still under intense strain. I urge continued caution. Each of us must continue to keep our guard up against the transmission of the virus that causes COVID-19. We must all follow the public health advice and the Executive's remaining regulations and advice to help to reduce the risk of transmitting the virus between us, and to allow people to gather more safely in settings that would otherwise be considered high risk.

As always, if we are to step out of and away from restrictions, it requires both personal and public responsibility. Again, I take the opportunity to urge everyone to continue to make safer choices and follow the public health advice. Doing that will not only help to keep you, your family and others safe, but, in doing that, you will, undoubtedly, help to play your part in keeping our society and economy open, and in reducing the pressures that the health system faces as we move into the time of year when pressures increase on the health service and its workers.

I commend these regulations to the Assembly.

**Mr Gildernew (The Chairperson of the Committee for Health):** I will make some brief remarks as Chair, and then some brief comments as my party's health spokesperson.

We are now into 2022. Since the start of the pandemic, over 3,000 deaths have been linked to COVID-19, each one of them an individual and personal tragedy. Our thoughts are very much with the families of those who have passed away as they continue to grieve for their loved ones.

#### 10.45 am

I pay tribute to our health and social care staff, who have had to deal with the brunt of the pandemic over the past two years. They had to work extra shifts and were not able to take leave, yet they still provided the care and support that patients needed in such difficult circumstances.

In the current situation, it is welcome that the Executive are considering what restrictions can be lifted at this time. We welcome the initial data that seems to indicate that, while the omicron variant is more transmissible, it is less virulent, especially for those who have been vaccinated and boosted. I hope to see a reduction in the number of people in hospital and in intensive care with COVID over the coming weeks. While restrictions are being eased, we still outline the importance of following guidance on the wearing of masks, social distancing and good hand hygiene. It is important that we all play our part on the road out of restrictions. I encourage people to continue to get vaccinated when they are called and to get their booster jabs in order to keep protection at the highest possible level.

There is a slight difficulty with the rules before us today because some of them impose restrictions when new rules have already been

laid to ease the same restrictions. The Committee was generally content with amendment No. 20 and amendment No. 21, and it approved those. The Committee agreed, however, that it was unable to take a position on amendment No. 8 on the wearing of face coverings. At a briefing on 13 January by officials from the Department of Health, the Executive Office and the Department of Finance on these regulations, the Committee raised concerns around the commentary from the Executive on amendment No. 8 and specifically on placing the onus on a person to provide proof of exemption for not wearing a mask. Ministers outlined in the media that this was unworkable, and the Committee heard from officials that, following discussions with GPs, they would be unable to provide letters of exemption. Therefore, it would be difficult for people to prove their exemption.

At its meeting on 13 January, the Committee also highlighted concerns around putting the onus on a disabled person to provide proof of exemption and that this could be considered as disability discrimination. Officials advised that the issue was still under consideration. At the same meeting, officials advised that the rule would be amended but could not provide any information on how it would be amended. The Committee requested that officials attend its meeting on 20 January to brief it on the issue. However, officials were still unable to provide any clarity on the next steps and advised the Committee that the issue was to be considered at the Executive meeting later that afternoon, as the Minister outlined. It left the Committee in the difficult situation that it could not come to a position on the rule due to lack of information and clarity on whether the rule would be amended or revoked and that it did not have sight of the new policy direction. The Committee is disappointed that it could not come to a position on the rule, but that highlights the need for decisions to be clearly thought out and backed by evidence and that the information is clearly set out, not just for the Committee but for the public.

At its meeting last Thursday, the Committee agreed that, if it received further information on the rule, it would meet urgently to consider that information to see whether it could come to a position on it. However, no further information was received. Issues like this and the lack of clarity around rules can have an effect on public confidence, cause considerable confusion for people and has caused people to be put into difficult positions. We have heard stories of people having to divulge very private and personal information to explain why they are unable to wear a mask. While the Committee

understands the importance of wearing masks and encourages everyone who can wear one to do so, it has difficulty with putting vulnerable people in positions in which they have to explain what may be difficult circumstances for them.

I am aware that a new regulation has now been laid on the issue, and the Committee will scrutinise it in the coming weeks to ensure that it is fit for purpose. The Committee approves amendment No. 20 and amendment No. 21 and has not taken a position on amendment No. 8 on the wearing of face coverings.

I will now comment briefly as party health spokesperson. I recognise that COVID-19 has created a series of challenges, not least in providing public health measures and regulations to protect the public, often when time is not in great supply. I recognise that it is important that measures are taken and taken quickly when needed. As the Minister stated, it is important that measures are dynamic and continue to be reviewed.

I urge everyone to continue to abide by the guidance as a minimum and to do everything else that they can to protect themselves in the time ahead as we continue to navigate our way through COVID-19.

We all hope that there will come a day when we are beyond the pandemic. It is, however, still being dealt with and is still creating difficulties out there, so we will support the health regulations.

**Mrs Cameron:** I will speak on the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 20) Regulations and the amendment (No. 21) regulations. I will say less about amendment No. 20. We have already heard from the Minister and the Committee Chair on that, and the Department has advised that none of the technical changes in that amendment offer any substantive policy changes.

Amendment No. 21 introduced the requirement to be seated in hospitality premises and lists exemptions to that. No more than six persons from more than one household or no more than 10 persons from one household were to be seated at a table in licensed or unlicensed hospitality premises. It also included things like prohibiting dancing indoors in hospitality venues and prohibiting nightclubs from opening.

On many occasions, when discussing the regulations, we have talked about our

hospitality industry and the sacrifice that it has been forced to make. A huge strain was placed on management and staff, and there was a disconnection of the public link to venues that we love to visit and share quality time in with friends and loved ones.

Amendment No. 21 was incredibly harmful to our hospitality sector when it ought to have been enjoying its boom time and the Christmas trade that sustains it through the early months of the following year. Having spoken to bar owners and restaurateurs when the rules were introduced, I know that they were conflicted. They had an understanding of the reasons for the rules but simply could not fathom why support was not introduced at the same time as they were left to turn the key in the door for the Christmas period or watch as bookings were cancelled. We now have that support in place, but I regret that the Finance Minister did not bring forward such a scheme sooner. We left business owners in the hospitality industry in a desperate situation in the month of Christmas, and that was wrong.

I am pleased that we are now in a different place and that such restrictions can be lifted. Thankfully, the dire warnings issued before Christmas have not come to pass, and we are all incredibly thankful for that. I make a plea for us all to use responsible and proportionate language, particularly those who take to the air waves. We know the public fear that was out there, particularly before Christmas, as people listened to reports about COVID being broadcast on the air waves. The reality is that that fear harmed not just hospitality but retail, family relationships and mental health. We have a duty to be mindful of what we say and the impact of every word that we speak. There are lessons to be learnt in that regard and a balance to be struck in ensuring that public health is protected.

Moving on, I wish to comment on amendment No. 8, which relates to face coverings. We understand the purpose of the regulations. There are three parts to them: amending the list of reasonable excuses not to wear a face covering by removing severe distress; placing the onus on an individual to prove their exemption; and placing a statutory duty on businesses to promote compliance with face covering regulations by ensuring that all reasonable measures are in place. The regulations also remove the requirement to wear a face covering when on a transport service premises where the area is outdoors and make a minor amendment to the requirement to wear a covering when on a ferry. We completely understand that last part. It is really a tidying-up exercise. People not having

to wear a mask while outdoors on a ferry makes complete sense.

Amendment No. 8 seems to lack information and clarity, hence the Committee was unable to take a position on it. At this stage, I am not much clearer or confident that I or my party can support the amendment (No. 8) regulations, which deal with the removal of severe distress as an exemption. That part of the regulations is incredibly controversial. Also, additional pressure will be put on GPs at what is already a difficult time for them, and we know how difficult it is to access our GPs.

I was moved to tears when I listened to the lady on the 'The Stephen Nolan Show' talk about how she was apprehended on entering a Belfast store for not wearing a face mask. She cannot do that because she was a victim of rape. I can cite other examples where people with sensory issues were similarly apprehended and humiliated because of the belief of some, based on the legislation, that they have to prove that they cannot wear a face mask. I have spoken about a constituent who was attacked by a masked man in her youth and suffered horrific domestic violence, and she simply cannot wear a mask and struggles when approached by men who are wearing a mask. Those are real examples of genuine severe distress and trauma that will be experienced by many. The removal of the exemption is brutal, and even the discussion around the issue is causing severe distress.

We ought never to put people in such a position. The wearing of a face mask is something that I fully support. I recognise the benefits of protecting me and those around me, but we must always use facts and evidenced arguments to persuade people to wear masks, and we must accept the validity of those who are unable to do wear them. Forcing people to be traumatised or humiliated for their inability to wear a face mask is wrong. We now have the opportunity to press ahead with the job of lifting restrictions over the next number of weeks, and we ought to do so with the backing of science. The people of Northern Ireland are responsible and caring. They are ready to live with COVID and to embrace the freedoms that should never be taken from them again.

Mr Principal Deputy Speaker, I thank you for the opportunity to speak. I leave my final thoughts with those who have lost loved ones over the incredibly difficult period of the pandemic. When we speak on the regulations, we are ever mindful that we do not want to encroach on that grief and the distress of the friends and families who lost loved ones to



COVID during the pandemic. We have to be ever mindful of them throughout this period and ensure that we support them through their grief.

**Mr McGrath:** I am grateful for the opportunity to speak on the regulations. I preface that by saying that some of the regulations that we are debating have already fallen, but that is the nature of the ever-changing environment in which we have found ourselves over the last two years.

The amendment (No. 20) regulations are mostly technical, are not controversial and will provide greater clarity on some of the other regulations. The amendment (No. 21) regulations make provisions for hospitality settings, many of which have since changed, as I mentioned. The amendment on face coverings that we are being asked to ratify today addresses some of the reasons for exemption, and, as has been mentioned, there is some controversy about that from those on both sides of the debate. We look to the Executive to provide clarity and guidance, but I am not sure if that has been forthcoming at this stage.

The latest wave of the virus that we are living through is one that, many believe, is past its peak. I welcome the fact that our hospitals are not overrun, as they were in the previous waves. However, there are still high rates of infection in our community. Yesterday we saw the highest number of children and staff absent from school due to COVID since term began. We had nearly 4,000 new cases reported yesterday, and, tragically, another person lost their life to the virus.

The virus has left an indelible mark on health, the economy and community life. Much has been damaged or destroyed, and there is much for us to rebuild. The virus has not gone away. While the restrictions that we are debating today place an onus on individuals, businesses and communities, there remains a responsibility on all of us to ensure that we maintain the basic principles that we learned two years ago to try to stay COVID-free.

That is washing hands, wearing face coverings and maintaining social distancing. Continuing to adhere to those principles and making those small sacrifices reflects the high value that we place on our healthcare system. The staff of our healthcare system are the heroes of the pandemic. They have worked the long hours in merciless working conditions and have held the hands of the sick and the dying. We need to remind ourselves of that and remind our healthcare heroes that we value them.

Disgracefully, the British Prime Minister clearly does not.

#### 11.00 am

Throughout the pandemic, we have seen many businesses pushed to the brink of collapse, and some have had to fold. We saw that over Christmas, when many local bed and breakfasts and close-contact services such as barbers and hair salons lost income. They need our support. That has happened not because of the regulations that we enacted but because of the virus. The virus has gripped our community, but our collective work as a community has mitigated the worst of that grip. Let it be known that our local and family-run businesses have borne the economic brunt of the pandemic. They must be thanked. As we take tentative steps out of the pandemic, they must also be supported.

I have spoken about those who have died in hospital. We must remember their families and loved ones. There are families who did not have the chance to say goodbye to their loved ones, bar maybe a video call. There are families who missed weddings, celebrations and birthdays, although not those who live in 10 Downing Street. The sacrifices that our community made and how it adhered to the rules continue to make all the difference in our fight against the invisible foe. However, we are not out of the woods yet. The virus is still among us. It is changing and is fighting to survive. We cannot afford to take our eye off the end goal. We are nearly there. Yes, we have achieved a great deal together, but we have also suffered a great deal together.

Now is the time for the last push. This is a critical time in our fight against COVID. It is a time when we must make a conscious effort to work together, not against each other. These institutions teach us that we work better when we work together, not when we work in silos. Let the lessons of the pandemic be learned by all of us, whether we are MLAs or Ministers. If we do that and endure this together, we will be better placed to rebuild our families and communities, our businesses and, most importantly right now, our broken healthcare system so that it is ready to face the challenges that tomorrow will present.

**Mr Chambers:** We have to acknowledge that what we have been dealing with over the past two years is the biggest pandemic in living memory. It has been a worldwide pandemic, and it is easy to lose sight of that fact. Our officials who were charged with dealing with the

pandemic could not just walk down to the local library and pick off the shelf a textbook that would tell them how to address it. In the early days, they had to formulate guiding principles. The major one was to find ways to restrict the transmission of the virus. Obviously, the game plan was to save lives. We also had to be mindful of protecting the physical and mental health of our NHS staff.

We then had the good fortune of the development of an effective vaccine. That was a game changer. Administering that vaccine has been a huge success not only in Northern Ireland but throughout the United Kingdom. As we see some light at the end of the tunnel, the guiding principles that we set out to fight the pandemic with are just as important now as they were at the start of the pandemic. We must never forget that 3,000 families have lost a loved one and hundreds of people still suffer the debilitating effects of long COVID. We must never forget or underestimate the long-term impact that dealing with the pandemic will have on our NHS staff.

As we move forward with a degree of optimism and hopefully head towards some degree of normality, I must acknowledge, as other contributors have done, the sacrifices that people in Northern Ireland have made in missing family events and holidays and the effect on our children's education. The people of Northern Ireland made huge sacrifices, despite the tsunami of negativity that we saw and continue to see on social media. Disappointingly, that negativity has come from a number of what I would describe as irresponsible elected representatives.

It is an opportune time to say this to the Northern Ireland public: thank you for your adherence to the regulations and for the sacrifices that you have made. The message is still that you should hang in there, continue to do the right thing when it comes to social distancing, mask wearing and hand hygiene and, most importantly, continue to show respect to the people with whom you come into contact daily.

Throughout the pandemic, the Ulster Unionist Party has consistently followed and supported the medical and scientific advice. We will continue to use that as our guiding light. In concluding, it would be remiss of me not to place on record once again the eternal gratitude that everyone in Northern Ireland owes to all those who work in the NHS.

**Mr Principal Deputy Speaker:** Before I call the next Member to speak, I will make a point.

Members will know that I am not at all one to stand on formality or procedure, but I urge Members to direct their comments to the content of the amendment regulations. I will not be too hard on enforcing that, but I do ask Members to direct their comments to the content of the regulations. To see a wonderful example of how that is done, I call Ms Paula Bradshaw.

**Ms Bradshaw:** Thank you, Mr Principal Deputy Speaker. I was going to ask for your indulgence at the start of my speech. *[Laughter.]* I want to pick up on points that have been made by the two previous contributors, but I will be quick.

I will pick up the point about young people getting the virus. The figures from the past seven days indicate that 44% of new positive cases are in the nought-to-19 age group. While we have, fortunately, seen only two deaths in that age group, we are finding that a lot of young people are missing school. I have said before in the Chamber that I coach hockey, and I spend the whole morning on Sundays replying to parents who tell me that their daughters cannot come because there has been another outbreak in their class. I would like an update from the Minister on the paediatric part of the vaccine programme.

I will move on to the amendment regulations. We are debating them today just as most of them are about to be disappplied or already no longer apply. In general, I continue to be concerned that regulations are proposed by the Executive without consideration being given to the communications that are required.

The changes in the amendment (No. 20) regulations are to tidy up the implementation of the COVID pass, and it is worth re-emphasising that it is not and never was a vaccine passport. That is made clear in the amendment regulations, given that they focus on the requirement for negative tests to be used as a means of accessing venues that require them.

The requirement here is for people to show responsibility by being fully vaccinated or by taking a test, which is available for free, before entering high-risk premises. We should also be clear that exactly this requirement remains in place even after Wednesday. We are now in a position, however, to reduce the number of venues that we consider to be high-risk. It is worth noting that the fact that hospitalisation was kept below the worst-case scenario is an argument that COVID passes worked in line with their principal objective.

On the amendment (No. 21) regulations, I will be frank and say that I never thought that this change was going to be enforceable, and I am sorry to see it reversed in the latest Executive announcement. The evidence shows that this is an aerosol-driven virus, and as soon as people are gathered in an indoor venue, particularly at close quarters, it does not matter whether they are standing or sitting.

On face coverings, frankly, the public debate has moved, unhelpfully, to be much more about enforcement and too little about encouragement. The goal is not to fine the maximum number of people possible but rather to get more people wearing face coverings in indoor venues or when close to others. I have put on record my personal view that the way that this amendment was presented caused genuine and legitimate stress, and that should not have happened. The Department of Health needs to give considerably more thought to the broad implications of the proposals that it brings forward as well as the way in which they are communicated. Messaging should not just be about what the public should do but why they should do it.

Ultimately, in too many instances, the debate around masks has become about obeying or flouting authority for the sake of it rather than about a recognition that face coverings help to prevent spread. Indeed, the faster we prevent spread, the faster we can get rid of other restrictions. Face coverings are primarily about protecting others. Therefore, they constitute an act of social responsibility and solidarity in the common interest. Those who can wear them, absolutely should; those who legitimately cannot, however, should not feel victimised. The messaging around them should carefully reflect that, and, as we move forward, quite possibly to the stage when face coverings become optional, we should ensure that personal choice will be respected either way.

As we move forward, I would like to see a lot more consideration given to advising the public and demonstrating the evidence behind that advice on how to continue to act responsibly. That is the key now.

**Mrs Erskine:** I support amendment No. 20 and amendment No. 21 to the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021. However, I am baffled as to why the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations has been moved, given the difficult position that the Health Committee was put in. This regulation is retrospective, and therefore has been changed. It is now

universally recognised how unworkable this amendment would have been.

Before I go any further, I do want to echo —

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

**Mrs Erskine:** Yes.

**Mr Swann:** I just want to clarify at this point rather than wait until my final comments. Although I agree with the Member, and I think that it was her party colleague Pam Cameron who explained how this amendment was broken down into parts, while the part of the amendment (No. 8) regulations that amends the list of reasonable excuses has been superseded and replaced, the other parts of the amendment (No. 8) regulations cover:

*"a statutory duty on businesses to promote compliance with face covering regulations by ensuring all reasonable measures are in place. They also remove the requirement to wear a face covering when on a transport service premises where [an] area is outdoors"*

— so, an area such as a train station or a bus station where there is nobody else present —

*"and make a minor amendment to the requirement to wear [a face covering] on a ferry."*

While I understand the concern, and I have heard it about the first part of the amendment (No. 8) regulations, if the amendment (No. 8) regulations are not made today, those other parts of the amendment (No. 8) regulations will also fall, and that will require further amendments to be brought into legislation to reinstate those. It will create a grey area about what happens from the point at which they are moved until those amendments are remade. I just wanted to clarify that for the Member, although I accept fully her concerns about the first part and the undue stress.

**Mrs Erskine:** I thank the Minister for his intervention, but this is a problem. We did not have all the evidence to be able to fully scrutinise, and the Health Committee was put in a difficult position and could not take a position in relation to this.

Before I go any further and expand on my difficulties with the face covering element, I want to echo the sentiments of my colleague Pam Cameron and others in the Chamber about the families that have lost loved ones. I

recognise that COVID-19 has been extremely difficult for everybody, and my thoughts are, in particular, with those who have lost loved ones as a result of COVID-19.

### 11.15 am

I will focus on the face covering element. Constituents have contacted me and my colleagues to state how the amendment (No. 8) regulations have severely affected their daily lives, and we have heard the very brave testament of rape and sexual and domestic abuse victims and, indeed, innocent victims of the Troubles, who all mentioned the distressing element of face coverings. Those were not excuses but were real-life traumatic events, and it would have made going to the shop, a restaurant or the cinema — things that we take for granted — all the more difficult. Removing "severe distress" and placing the onus on the individual to prove their exemption created embarrassing conversations, never mind the fear of re-traumatisation, by them having to explain their reasons for not being able to wear a face covering. It is shameful that we created that upset, and upset was caused to those constituents.

I find it frustrating that, as a representative, I had no luxury to properly scrutinise the legislation, and that, by the time we are debating it, it has already changed. It created not only a problem for constituents but an unworkable situation in having to access reasonable proof. Perhaps conversations with GPs before this legislation was announced would have been of benefit. Asking an already burdened workforce, at the coalface of a mass vaccination roll-out, to carry out an extra administrative workload in providing proof perhaps lacked an understanding of the situation on the ground. Furthermore, it placed businesses in the uncomfortable position of refusing entry to customers, and that had an effect on their livelihoods. Have businesses not suffered enough? It was clear that this amendment to the restrictions was going to fall at the first hurdle, and, for the reasons outlined, I unfortunately cannot support this particular amendment and will therefore vote against it.

**Mr Allister:** Today's debate, particularly in respect of the amendment (No. 8) regulations, illustrates, if there was ever any doubt about it, the farce of the process in which we engage and the farce of the Executive's approach to this issue. Here we are, in the amendment (No. 8) regulations, debating something weeks after it was foolishly and in a knee-jerk fashion brought in. At this point, a large part of it has

already been revoked, yet we come to the House and the Executive say to the House, "Nonetheless, approve the very thing that we have since revoked". What a farce, both in the sense that we only get to debate it weeks after the event and in the sense that the very thing that we are asked to approve is not something that the Executive themselves, in significant part, even still support. Why would any self-respecting MLA in the House vote to prop up such a farcical situation? I certainly will not.

Of course, the farce comes in a context that itself was farcical.

In the days before Christmas, we had the deputy First Minister — a lady who will go down in history as leading, on a mass basis, the greatest defiance of COVID regulations ever seen in Northern Ireland when it came to burying the terrorist Storey — telling us, as part of that brazen attempt to scaremonger and whip up fear, that we would see 30,000 cases a day by Christmas and that we were going to be hit by omicron "like a ton of bricks". Why did the Executive think it necessary and appropriate to engage in fearmongering? Why did they think it right to take us into the territory of it being a pandemic of biblical proportions, only to tell us now that we are on our way through? I have to say that that approach, above all, loses the Executive public credibility on these issues.

I have said this before: it seems to me that the Executive, when faced with an issue such as this, adopt the mentality, "We must do something" — the do-something mentality. Then, to back up the do-something mentality, they scaremonger like fury about there being 30,000 cases a day by Christmas. Then we discover that one of the things that they brought in that was particularly capable of affecting disabled people — all of that — was not even equality impact assessed. This morning, I got an answer to a question that stated that that equality impact assessment is now under way. It is now under way in respect of something that has, in part, been abandoned. What way is that to do business? What way is that to govern? I must say that, on these regulations, the manner in which the Executive have treated the public is appalling: scaremongering and putting in regulations that cannot bear scrutiny, and then pulling them out and saying to the House, "Approve them nonetheless".

I say this to the Executive and the House: why are we being so tardy? Look at the House: 21 MLAs are allowed in at any one time. Look at the House of Commons. Why are we dragging our feet in the restoration of normality?

**Mr Principal Deputy Speaker:** Sorry to interrupt the Member. Those matters veer more into the realm of the Business Committee's work than that of the Department of Health. The Member has put his comments on the record, and I am sure that those who serve on the Business Committee will have noted them.

**Mr Allister:** I trust that they will not just note them; I trust that they will act on them. What would be wrong with somebody sitting here between me and Mr Carroll?

**A Member:** They would have to sit beside you.

**Mr Allister:** Apart from having to sit beside me.

**A Member:** *[Inaudible.]*

**Mr Allister:** Well, get used to it. There will be a lot of people sitting beside me. *[Laughter.]*

**Mr Principal Deputy Speaker:** On that flourish, I call Mr Gerry Carroll.

**Mr Carroll:** Amendment No. 21 deals with hospitality. I have said repeatedly that the amendments connected to that have been all over the place. There have been a lot of changes — three, I think, in a matter of weeks — to the regulations connected to it. I said, from day 1, that there was no rhyme or reason for making the initial regulation, which lifted the requirement to be seated in hospitality settings.

According to the answers to my questions, there were no detailed conversations with hospitality workers on how they would be impacted when the change was initially made. There was confusion after that initial change, and, in a matter of weeks, as I said, the change was dropped. I am concerned about how that change was made initially, how it was made again and how confusion reigns among people around how it was implemented.

There are massive problems with amendment No. 8 that I have raised in the Health Committee several times. The regulations amend the list of reasonable excuses and put the onus on individuals to prove why they are exempt. Therein lies the problem with the regulations. The practice and regulations are laden with problems and effectively ask people to prove their disabilities; to seek a GP, which is not always easy; or to seek somebody else. It is a practice that is connected to that idea of welfare reform that does not recognise the real barriers and obstacles that are in place for people with disabilities. It is a fundamental and

huge problem, and the Assembly should not support it.

Disability Action has been in touch with me and, I believe, others about people with autism, people who are deaf and people with all sorts of disabilities who are fundamentally impacted by this. There were conversations between that organisation and others and the Minister's Department and TEO after the regulations were made, but there are still massive problems with them. I am very concerned and remain unconvinced that it is a fair or equitable strategy. Of course people should be encouraged to wear masks — I wear mine every time I am in the Chamber unless I am speaking — but those barriers are being put in place for people who already have barriers before them, so I am not happy to support amendment No. 8.

**Mr Principal Deputy Speaker:** As no other Members have indicated that they wish to speak in the debate, I call the Minister of Health to make his winding-up speech on the debate on the three amendments.

**Mr Swann:** Thank you very much, Mr Principal Deputy Speaker. Again, I welcome today's debate on the amendments to the Health Protection (Coronavirus, Restrictions) Regulations and the amendment to the face coverings regulations. I thank Members for their contributions. I will address a number of points that Members raised.

In his opening comments, the Chair talked about whether some members of the Health Committee could support amendment No. 8, as did others, and referred to how officials from my Department, the Department of Finance and the Executive Office had engaged with the Committee. The conversation on the removal of "severe distress" as a reasonable excuse carried on through the Executive for some time. Unfortunately, as I have said in this place before, while we have those conversations in the Executive, they are already being transmitted, transposed and being had in the public sphere, so, before the Executive can take a final decision or process, the debate has started and, as Members indicated, caused further distress to those who think that they could or will be impacted, because they do not have the full information, as Ms Bradshaw often talks about, on what is being talked about.

I have to correct Ms Bradshaw and the Committee: it was not a Department of Health recommendation to bring in amendment No. 8; it was brought in following a recommendation on a paper from the Executive Office over

engagement from the Executive's COVID task force on what more could be done to enhance the wearing of face coverings. It was about moving from encouragement, which had got us so far, to implementation and enforcement. Options were discussed by the Executive, and, as has been pointed out, removing "severe distress" did not bring about a satisfactory result for what the Executive were trying to achieve. That is why that part of the amendment (No. 8) regulations has been removed and superseded by a unanimous Executive decision to remove it.

The amendment (No. 8) regulations still contain other requirements. They remove a requirement to wear a face covering when outdoors in public transport premises and make a minor amendment to the requirement to wear a face covering when outdoors on a ferry, where, previously, social distancing of 2 metres was required. To align with other regulations in not requiring social distancing, however, the provision removes that requirement. While I fully appreciate and the Executive acknowledge the concern about the first part of the amendment (No. 8) regulations, which is being revoked and replaced, the other parts of the amendment (No. 8) regulations are still required and are still part of the conversation.

Those were the main concerns raised by a number of Members and parties in the Chamber. While we have on record their opposition to that part of the amendment (No. 8) regulations, I ask that they acknowledge that the other parts are still important to the technical amendments that needed to be drafted under the face covering regulations.

### 11.30 am

Again, I have had the conversation with the Chair of the Committee about the challenging position where, while officials are trying to explain to Committee members the conversations that are being had, those conversations have already been had among the public. I think that the Committee met on the morning of 20 January, and the Executive did not meet until the afternoon to discuss that point.

Mrs Cameron spoke about the amendment (No. 20) regulations and the amendment (No. 21) regulations, and she raised concerns about the amendment (No. 8) regulations. She acknowledged that the amendment (No. 8) regulations are multi-part regulations. I thank the Member for her contribution and for the tone and tenor in which it was made. She said that what is being said by members of the public is

important to how we enter the next stages of our fight against COVID. Sometimes, we now talk about "omicron" rather than "COVID". Delta is still present in society, and we keep a constant watch for another variant that may come round the corner. Thankfully, we also have scientists and UK health advisory services constantly keeping an eye on that for us. On the support for various sectors, any Minister who comes to the Executive looking to support a certain section of our community that has been financially or socially challenged by the pandemic will receive my support. That should not be in question.

Colin McGrath summed up well the fact that we are not out of the woods yet. The virus is still with us. As we start to ease restrictions and move to a better place, complacency starts to become the greater challenge. There is a collective responsibility, and we still need to pull together as we go through these next days, weeks and months.

That leads into Mr Chambers's helpful commentary, which was a reminder to us all that we are dealing with a global pandemic. Northern Ireland is not dealing with it on its own, and we should not revert to the mindset that what we do here is done in isolation and does not affect others. Mr Chambers gave a message of thanks to the people of Northern Ireland and to the health service that has supported us so admirably through the past two years.

I have covered Ms Bradshaw's point about where the proposal in the amendment (No. 8) regulations originated, especially the part regarding the enforcement of the wearing of face coverings. I will deviate from that for a moment. We had indications that the paediatric COVID vaccine should be with us by the end of this month. It is part of a UK order, and I was told this morning that that is still on track. The original Joint Committee on Vaccination and Immunisation (JCVI) advice stands: five-to-12-year-olds with underlying health conditions or who live with someone who is immunosuppressed will be able to access that vaccine. JCVI is looking at being able to expand the availability of the paediatric vaccine to a wider cohort, but we await that feedback from JCVI.

Mr Allister rightly referred to how the process in this place sometimes challenges what we want to do, whether as an Executive, as Ministers or as legislators, and how we manage our business. That is not a challenge to you, Mr Principal Deputy Speaker, or to the Business Office; it is about how we schedule our

business two weeks in advance. When we look to other legislatures, we see that they can move in a matter of hours to bring forward regulations, changes or amendments that need to be brought in quickly or expediently, and — I have said this from the Dispatch Box before — this place needs collectively to look at how we can be more agile in debating such issues and passing regulations. We rightly have Committees to scrutinise them, and our Examiner of Statutory Rules has a role in what is brought forward, but what happens in this place is often towards the end of that process. I am fully supportive of it, and the Member knows well that I do not shirk my responsibility in coming to the Chamber to stand in front of Executive decisions and take questions.

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

**Mr Swann:** I will.

**Mr Allister:** Yet the Minister will bring to the House next week a proposal to extend this very arrangement: is that not right?

**Mr Swann:** I would not want to say that the Member is wrong, but the Business Committee has not met yet or considered any correspondence that it may have received from me about what may or may not be debated next week. I will not pre-empt a discussion of the Business Committee or a decision that it might make later this afternoon.

One thing that I will say to Mr Allister is this: he talked today about the Executive's need to be seen to be doing something, and I take exception to that. We could never have tackled COVID by doing nothing, and that would be a failure on the part of this place. I know — the Member is correct — that that is not what he is saying, but I want to be clear that that impression is not the case. What we have done throughout the past two years has not been simply for the sake of it; it has been to protect the people of Northern Ireland and to support our health service.

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

**Mr Swann:** Yes.

**Mr McGrath:** I seek some clarification from the Minister. If there are parts of the amendment (No. 8) regulations that people do not like and it is clear that the Executive have addressed them and that those issues are sorted out but there other elements that we continue to need to ensure that we have the protections, is voting

against them not the biggest example of cutting off your nose to spite your face?

**Mr Swann:** Voting down the amendment (No. 8) regulations will remove all parts of them, not simply the bit that has already been replaced, so it has that correspondence. I was getting —

**Mrs Cameron:** I thank the Minister for giving way on that point. He helpfully clarified, in an intervention on my colleague's speech, that, should the amendment (No. 8) regulations be voted down, another amendment would be needed to deal with the other issues. Is it not possible to deal with the other issues separately so that we do not enforce the removal of the "severe distress" element of the exemption from wearing face coverings?

**Mr Swann:** I thank the Member for her intervention. I was about to go there. I was getting a briefing from officials — I apologise: I do not want to land them in it — on that very issue this morning when the Chair came to seek clarification on the point that the Member has raised. It is important. It was described in a helpful way. Imagine that the amendment (No. 8) regulations are a train that has already left the station with all those different parts on it. The Executive have agreed to remove "cause severe distress", but including the other parts of the amendment (No. 8) regulations will start a redrafting process, so we will be left with a period when people travelling on a ferry will have to wear a face covering when they are outside and at a 2-metre distance from others, and the need for face coverings will be reintroduced at train and bus stations. There will be a time lag during which the provisions that the amendment (No. 8) regulations remove will come back and be enforceable.

I say to Members that opposition has been noted. I ask them not to vote against the regulations — they do not have to vote for them — if Members can thole that, so that we can retain the parts of amendment (No. 8) that are in place and are still necessary, while acknowledging that —

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

**Mr Swann:** Yes.

**Mr Allister:** The Minister is asking the House to vote for the amendment (No. 8) regulations in their entirety and in their original form. That is what the House is being asked to vote for. Now, if the Minister recognises that point and given that a number of the regulations have been drafted to begin on the very day on which they

were drafted, why did the Executive not revise the amendment (No. 8) regulations and bring a different proposition to the House that does not encompass that which is now being jettisoned? There can be no doubt that we will vote on the original when we vote on the matter.

**Mr Swann:** I do not disagree. When I responded to the Member's contribution about how this place does its work, I said that the amendment to remove the element about causing "severe distress" has already been laid and will be moved and debated. We have already removed that part. In the process of the House, I have no way of segregating the amendment (No. 8) regulations into different parts that can or cannot be moved. When the regulations are laid, they go through the Committee process, they are considered by the Examiner of Statutory Rules, they are put in the Order Paper and they come here. It is nearly a two-week process just to get through that. Having served as a Chief Whip in this place for a number of years, I know the frustrations from the other side. I know the pain, I was going to say, of standing here trying to explain things. Ms Bunting is looking at me, because she and the other Whips in this place know the challenges that we are often up against.

Having noted the opposition of some Members to the "severe distress" element on face coverings, which has already been removed, I ask them not to divide the House and vote the amendment (No.8) regulations down, while supporting the other amendment regulations that have already been taken forward.

**Mr Carroll:** I thank the Minister for giving way. It seems absurd to me, as an MLA who is not on the Executive, that MLAs should support a regulation that will soon be revoked. A new regulation, which I have not seen, has already been drafted. With respect, the Minister is asking us to trust him and support that regulation, but we have not seen it. Does he not agree that that is bizarre and that he or his officials could have laid a regulation at any time? The initial regulation was laid in late December, so why could a new regulation not have been laid in early or mid January, last week or this week?

**Mr Swann:** That is because the Executive were still having a discussion about the first part of the amendment (No. 8) regulations, which is to do with "severe distress" caused by face coverings. The conversation was still being had about what the final replacement for the amendment (No. 8) regulations would look like. The Member says that I am asking him to trust

me: it is up to the Member where he stands on the amendment (No. 8) regulations.

I have answered as many of Members' questions and queries as possible. This is not ideal. I remind Members that the choices that we make now will be crucial in ensuring that the virus does not begin to spread once more. As we continue to remove the remaining restrictions that are in place — I want to emphasise that point — our society moves closer to a return to normal life. As we move through one of the most difficult times that we have faced throughout the pandemic, we again ask everyone to look after themselves and each other by following these simple precautions: get your first and second vaccine doses and your booster; limit your social contacts; meet outdoors where possible; if meeting indoors, make sure that the room is well ventilated; wear a face covering in crowded indoor spaces; take a lateral flow test before meeting others; and practise good hand and respiratory hygiene. By making safer choices, following public health advice and complying with the regulations, we can all do our part to help lower the spread of COVID-19.

I commend the regulations to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 20) Regulations (Northern Ireland) 2021 be approved.*

**11.45 am**

### **Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021**

**Mr Principal Deputy Speaker:** The second motion on the health protection regulations has already been debated.

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

*That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021 be approved.*

*Question put and agreed to.*



*Resolved:*

*That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021 (Amendment No. 21) Regulations (Northern Ireland) 2021 be approved.*

### **Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations (Northern Ireland) 2021**

**Mr Principal Deputy Speaker:** The third motion on the health protection regulations has already been debated.

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

*That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations (Northern Ireland) 2021 be approved.*

*Question put.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** Clear the Lobbies. The Question will be put again in three minutes. I remind Members to uphold social distancing and that those who have proxy voting arrangements in place should not come to the Chamber.

Before I put the Question a second time, I remind Members present that, if possible — good luck with this — it would be preferable if we could avoid a Division of the House.

*Question put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently 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 therefore should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they retain at least a 2-metre gap between

themselves 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 57; Noes 24.*

### **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Beggs, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Catney, Mr Chambers, 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 Lyttle, Mr McAleer, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Bradshaw and Mr McGrath*

### **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Carroll, Mrs Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Newton, Mr Robinson, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Allister and Mrs Cameron*

*Question accordingly agreed to.*

*Resolved:*

*That the Health Protection (Coronavirus, Wearing of Face Coverings) (Amendment) (No. 8) Regulations (Northern Ireland) 2021 be approved.*

**Mr Principal Deputy Speaker:** I ask Members to take their ease for a moment, before we move to the next item of business, to allow for a change at the top Table.

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

## **Protection from Stalking Bill: Consideration Stage**

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

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

**Mr Deputy Speaker (Mr Beggs):** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There is a single group of amendments: amendment Nos 1 to 8, dealing with guidance, training and reporting. Once the debate on the group is completed, the other amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

No amendments have been tabled to clauses 1 to 16. I propose, therefore, by leave of the Assembly, to group those clauses for the Question on stand part.

*Clauses 1 to 16 ordered to stand part of the Bill.*

### **Clause 17 (Guidance)**

**Mr Deputy Speaker (Mr Beggs):** We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 8. In the group, amendment Nos 2 and 3 are consequential to amendment No 1, and amendment No 8 is consequential to amendment No 4. I call the Minister of Justice to move amendment No 1 and to address the other amendments in the group.

**Mrs Long (The Minister of Justice):** I beg to move amendment No 1: In page 12, line 2, leave out subsection (1) and insert—

*"(1) The Department must issue guidance about—*

*(a) the effect of this Act,*

*(b) such other matters as the Department considers appropriate as to criminal law or*

*procedure relating to stalking in Northern Ireland, and*

*(c) the exercise of the Chief Constable's functions under the provisions of this Act relating to stalking protection orders or interim stalking protection orders.*

*(1A) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions."*

*The following amendments stood on the Marshalled List:*

No 2: In page 12, line 6, at end insert—

*"(2A) The Department must—*

*(a) keep any guidance issued under this section under review, and*

*(b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review."— [Mrs Long (The Minister of Justice).]*

No 3: In page 12, line 8, at end insert—

*"(4) The Department must lay before the Assembly any guidance issued or revised under this section.*

*(5) Nothing in this section permits the Department to issue guidance to a court or tribunal."— [Mrs Long (The Minister of Justice).]*

No 4: After clause 17 insert—

*"Operational matters*

### **Guidance on data collection**

**17A.—(1) The Department—**

*(a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and*

*(b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could*

be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.

(2) The listed bodies are—

(a) the Police Service of Northern Ireland, and

(b) the Public Prosecution Service for Northern Ireland.”— [Mrs Long (The Minister of Justice).]

No 5: After clause 17 insert—

### **"Training**

**17B.**—(1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act—

(a) such initial training, and

(b) such annual or other top-up training,

as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.

(2) The Chief Constable is a listed authority, and the Chief Constable's 'relevant personnel' are the personnel of the Police Service of Northern Ireland.

(3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the Director's 'relevant personnel' are the personnel of the Public Prosecution Service for Northern Ireland.

(4) The Department is a listed authority, and the Department's 'relevant personnel' are—

(a) staff within the Northern Ireland Courts and Tribunal Service, and

(b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.

(5) The Department must publish a statement detailing the level of participation by relevant personnel in training provided under subsection (1)—

(a) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent, and

(b) thereafter within each period of 12 months beginning with the day on which the last statement was published.

(6) A 'specified authority' is a person that—

(a) has functions in relation to cases under this Act, and

(b) is specified in connection with this section in regulations made by the Department;

and a specified authority's 'relevant personnel' are persons of a description specified in regulations made by the Department.

(7) Regulations under subsection (6) are subject to negative resolution.”— [Mrs Long (The Minister of Justice).]

No 6: After clause 17 insert—

### **"Report on the operation of this Act**

**17C.**—(1) The Department must prepare a report for each reporting period giving the information in subsections (2) to (5) (so far as available to the Department).

(2) In relation to sections 1, 2 and 13 (offences), the information referred to in subsection (1) is—

(a) the number of stalking incidents reported to the police (broken down by reference to each of sections 1, 2 and 13); and 'stalking incident' here means an incident (including a course of conduct) which, as reported to the police, indicates that an offence may have been committed under section 1, 2 or 13,

(b) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1, 2 or 13 broken down by reference to each section,

(c) the numbers mentioned in paragraphs (a) and (b) broken down by reference to police districts,

(d) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under one or more of sections 1, 2 and 13,

(e) the number of cases prosecuted by the Public Prosecution Service for offences under one or more of sections 1, 2 and 13, and—

(i) the number of convictions in those cases,

(ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (disregarding appeal processes), and

(iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet—

(A) in a key way, or

(B) in some lesser but non-minimal way, or

(C) either minimally or not at all.

(3) In relation to stalking protection orders the information referred to in subsection (1) is—

(a) the number of stalking protection order incidents reported to the police; and 'stalking protection order incident' here means an incident (including a course of conduct) which, as reported to the police, indicates that the Chief Constable may have grounds for applying for a stalking protection order against a person,

(b) the number of applications for stalking protection orders under section 7 and the number of orders made under section 8,

(c) the number of stalking protection orders—

(i) discharged before the end of the period of 2 years beginning with the day on which the order was made,

(ii) discharged at the end of the period of 2 years beginning with the day on which the order was made,

(iii) discharged after a period of more than 2 years beginning with the day on which the order was made,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of a stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with stalking protection orders and the requirements of sections 14 and 15 in relation to stalking protection orders.

(4) In relation to interim stalking protection orders, the information referred to in subsection (1) is—

(a) the number of applications for interim stalking protection orders under section 11 and the number of orders made,

(b) the average duration of interim stalking protection orders,

(c) the number of interim stalking protection orders which cease to have effect as a result of a stalking protection order being made on the main application,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of an interim stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with interim stalking protection orders and the requirements of sections 14 and 15 in relation to interim stalking protection orders.

(5) The information referred to in subsection (1) also includes—

(a) information about the level of participation, by persons for whom section 17B requires training to be provided, in the required training provided for them,

(b) information about how court business is arranged so as to ensure the efficient disposal of—

(i) cases under sections 1, 2 and 13, and

(ii) applications for stalking protection orders and applications for interim stalking protection orders,

(c) information about the experience at court of witnesses (including witnesses who are children)—

(i) in cases under sections 1, 2 and 13, and

(ii) in applications for stalking protection orders and applications for interim stalking protection orders,

but for the purposes of this paragraph a witness does not include the accused or a person against whom an order is sought.

(d) information about any issuing, review or revision of guidance under section 17 or 17A,

(e) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,

(f) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),

(g) information about any activities undertaken by the Department in supporting the operation of this Act, and

(h) any further information the Department considers appropriate.

(6) For the purposes of subsection (1)—

(a) the first reporting period—

(i) begins on the day on which this Act receives Royal Assent, and

(ii) is of such length, at least 2 years and not more than 3 years, as the Department determines, and

(b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.

(7) The Department must publish each report under this section as soon as practicable after completion of the report.

(8) The Department must lay before the Assembly each report under this section.

(9) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the day on which this Act receives Royal Assent.

(10) Regulations under subsection (9) are subject to negative resolution.”— [Mrs Long (The Minister of Justice).]

No 7: As an amendment to amendment No 6, in subsection (5)(d), at end insert—

“(dd) information on A and B as described in Section 75(1) of the Northern Ireland Act 1998.”.— [Miss Woods.]

No 8: In clause 19, page 12, line 22, leave out first “section” and insert “sections 17A to”.— [Mrs Long (The Minister of Justice).]

**Mrs Long:** Since becoming Justice Minister, I have made stalking legislation a key priority. The moving of the Bill to Consideration Stage marks a further significant milestone in its progression. It is a significant piece of draft legislation that, I am confident, will make a real difference to the lives of vulnerable people in our community. It will help us to protect many people across Northern Ireland who live in the fear that this kind of insidious crime creates. Indeed, my goal has been to promote legislation in this mandate that, taken together, represents a coherent approach to protecting vulnerable people in our community. That intention has been given substance by three pieces of legislation that I have taken forward in this somewhat truncated mandate: the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021; the Protection from Stalking Bill; and the Justice (Sexual Offences and Trafficking Victims) Bill, which will proceed to its Consideration Stage shortly. Further measures to protect vulnerable victims and witnesses were also included in the Criminal Justice (Committal Reform) Bill. Collectively, the Act and the three Bills address important gaps in current legislation and break new ground in several critical areas. Importantly, they also contribute to the Executive's wider approach to protecting women and girls, recognising that, unfortunately, most victims of such crimes tend to be female.

None of us in the Chamber can be in any doubt as to the depths of sexism and misogyny in our community following the events of recent days. We all have a responsibility to challenge the culture in which sexism and misogyny flourish.

While it is not only women and girls who will be affected by the legislation, it is undoubtedly the case that they will disproportionately be its beneficiaries due to their vulnerability in our community. We have a responsibility in the Chamber to show leadership, to challenge what is acceptable and to change what is acceptable. It is important that we all do that, not only in the process of legislating but in our general leadership.

All of the amendments tabled in my name were developed at the request of the Justice Committee. Taken together, they place a number of administrative duties on my Department, covering guidance, training, data collection and reporting requirements on the operation of the legislation.

The Committee completed its formal clause-by-clause scrutiny on 30 November and voted in support of all the other clauses. I remain firmly of the view that the additional provisions are more properly catered for by means of an order or regulation-making power in the Bill, leaving the level of detail sought for inclusion in secondary legislation instruments. I appreciate, however, the Committee's strong desire to include the provisions and, exceptionally, agreed to their inclusion as amendments. The seven amendments that I wish to make were expertly drafted by the Office of the Legislative Counsel (OLC) and guided by my officials. I thank them both for their assistance in delivering them in a timely fashion.

First, amendment Nos 1 to 3 relate to existing clause 17, which deals with guidance on the stalking protection order (SPO) provisions of the Bill. Amendment No 1 increases the scope of the guidance to give effect to a Committee requirement that guidance covering the operation of stalking protection orders should be extended to include guidance on the offence of stalking and:

*"such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking".*

Amendment No 2 requires the Department to keep such guidance under review and to revise any guidance in light of any such review. Amendment No 3 will implement a recommendation made to the Committee by the Examiner of Statutory Rules that a requirement to lay any guidance issued or revised under the section should be included in the Act. The amendments will help to strengthen the Committee's confidence in the Department's reporting.

Amendment No 4 introduces a new clause, 17A, "Guidance on data collection", which places a requirement on the Department to collect data from the PSNI and the Public Prosecution Service (PPS) on offences contained in the Act.

Amendment No 5 introduces a further new clause, 17B, which relates specifically to training. The new clause will place a requirement on specified authorities to provide mandatory training for relevant personnel who have responsibility for dealing with cases under the Act.

Amendment No 6 introduces —

**Mr Allister:** I thank the Minister for giving way. On amendment No 5, I have been puzzling over why there is a distinction between what is called a "listed authority" and a "specified authority". The thrust seems to be similar in respect of each. What is the thinking in making that distinction?

**Mrs Long:** My understanding of the specified authority is that it will be specified by the further regulations that will be made. I think that that is the reference in question. Certainly, I can return to that later in the debate, if it will be helpful, and try to get an answer specifically on that. That is my understanding of the difference between the two.

Amendment No 6 introduces a new clause, 17C, which places a requirement on the Department to report on the operation of the Act, and commencement is covered in amendment No 8. The last of the amendments in my name is a technical amendment to make arrangements for the commencement of new clauses 17A, 17B and 17C.

I now move to amendment No 7, which was tabled by Miss Rachel Woods. It would further amend my amendment No 6 to require my Department to report on section 75 information in relation to stalking. While I am not absolutely clear on the Member's thinking, I am, of course, sympathetic to the idea that we must ensure that the right support is made available to those most impacted by the offence of stalking, which may, I believe, be the intent behind the amendment. I am concerned, however, that the amendment is likely to be unworkable and could have significant unintended consequences. Technical difficulties with the drafting of the amendment mean that it is not clear to whom the references to A and B relate. There is also nothing in section 75(1) of the 1998 Act or in schedule 9, which relates to, that describes information that relates to

individuals. It is also unclear who is required to gather the information and, in the absence of a duty to gather it, how the Department can report it.

### 12.15 pm

While those technical aspects of the provision can potentially be corrected, I am more concerned with the practicalities of seeking to collect that information and the potential impacts of such information gathering, particularly on victims. Experience across the justice system indicates that victims often consider unnecessarily intrusive any request to provide information on their sexual orientation in particular but also on some other section 75 categories, and that may well change why it is necessary to provide it. I fear that the risk is that some victims will perceive being asked for that very personal information as indicative of the justice system making a judgement that their personal characteristics are somehow connected to the offences committed. That could, in turn, discourage victims of stalking from coming forward to report their experiences.

I have genuine concerns that the amendment could adversely impact precisely on those whom it is intended to benefit, imposing a further barrier on engagement with the justice system. For that reason, I oppose amendment No 7. However, I agree with the Member that it is important to provide support and to be aware of who is affected by stalking, and I would be happy to meet her to discuss other ways of ensuring that the particular needs of certain section 75 groups are understood and effectively addressed by the Department and its justice partners.

That concludes my comments on the amendments. It only remains for me to pay tribute not only to the Committee for its diligence in scrutinising the Bill but, crucially, to the victims of stalking who came forward and shared their experiences with me personally and with the Committee. They have shaped the Bill and helped us to find a constructive way forward.

I hope that the Consideration Stage will pass today. I hope that the Bill will be amended as I have asked and that it will be a significant step forward in providing the support that the more vulnerable in our society ought to have access to.

**Mr Storey (The Chairperson of the Committee for Justice):** Before addressing the

amendments, with your indulgence, Mr Deputy Speaker, I wish to make some general remarks about the Bill in my capacity as Chair of the Justice Committee.

The Committee supports the Bill, including the creation of a specific stalking offence that recognises the experience of victims; an offence of threatening and abusive behaviour; and the provision of stalking protection orders and interim stalking protection orders to provide protection to a person at risk of stalking and to enable early police intervention to address stalking behaviours before they become entrenched or escalate in severity and to protect victims from more serious harm. The Committee also supports the amendments tabled by the Minister. As she has just outlined, she tabled them at the request of the Committee, and we appreciate the collaborative approach that she has adopted, even though she may not have been in complete agreement with them. I will address each of those amendments in detail shortly.

During the debate at Second Stage on the principles of the Bill, the previous Chair of the Justice Committee, my colleague and now First Minister, Paul Givan, outlined that the need to address stalking with robust legislation had been waiting in the wings of the Assembly since 2016. Debate was first initiated by a shared approach by the Justice Committee and the then Justice Minister, Claire Sugden.

The pressing need for stalking legislation was also an issue that came very much to the fore of deliberations during the Committee Stage of the Domestic Abuse and Civil Proceedings Act last year, and many organisations indicated that there was a clear legislative gap that needed to be addressed.

While there was widespread support for the Bill in the evidence received by the Committee, issues were raised regarding whether the offence was broad enough to cover all forms of stalking behaviour, whether cyberstalking was adequately covered and the need to ensure effective implementation of the legislation. That is an issue that we will comment on shortly.

The Committee received 36 written submissions, along with submissions from individuals, and held 11 oral evidence sessions with organisations. Several of those organisations shared their experiences of how stalking legislation operates in Scotland, England and Wales and the lessons that were learned from that. A number of organisations, including the Women's Policy Group Northern Ireland and the Women's Aid Federation,

undertook research and surveyed the experiences of individuals and the support provided to them. Personal testimonies and examples were submitted as part of their evidence.

The Committee also met privately with individuals to discuss their proposals, their experiences of stalking and their views on the legislation. I concur with the Minister's comments about those individuals. Sadly, we heard about the harrowing experiences of people who had been the victims of such crimes. The opportunity to hear their personal stories and the bravery that they displayed in speaking to the Committee have left an indelible mark on many of us.

The issues raised and the evidence received were explored in detail with the Department of Justice and the PSNI in writing and in oral evidence sessions. The PSNI will be responsible for applying for stalking protection orders and interim orders, and it raised a number of operational issues in its written evidence. A research paper covering online trolling and abuse was commissioned to inform the Committee's scrutiny. The Examiner of Statutory Rules provided advice on the range of powers in the Bill to make subordinate legislation. The Examiner drew attention to an issue that we will cover when discussing the amendments.

The work undertaken by the Committee enabled the Bill to be scrutinised in depth and provided an opportunity for the statutory and voluntary organisations and, most importantly, those who have suffered stalking to have a voice in shaping the Bill. The message was clear: we need legislation to provide the criminal justice agencies with robust tools to tackle stalking behaviour that takes into account the patterns of behaviour over time and its insidious nature. In the words of one victim:

*"The Protection from Stalking Bill would have made a world of difference in my situation".*

The Committee considered the Bill and the potential amendments at 24 meetings before agreeing its report on the Committee Stage of the Bill at its meeting on 9 December 2021. I thank Committee members for their contributions to the detailed, robust and careful scrutiny of the Bill and the issues raised in evidence during the Committee Stage. There is no doubt that the Committee considered in a full and thorough manner all aspects of the Bill and the range of proposed amendments and other issues that were brought to our attention. I

thank all the organisations that provided helpful written and oral evidence and the departmental officials who provided additional information and clarification throughout the process. That work is appreciated by me and the Committee members.

Most importantly, I record the Committee's thanks and appreciation to the individuals who responded in writing or met Committee members privately and shared their personal experiences of stalking. We know and appreciate how difficult it was to relive those experiences, but the conversations and details provided improved members' understanding of the myriad ways that stalking manifests itself and the devastating impact that it has on individuals who are subject to it. That reinforced the need to have effective legislation to deal with the issues. In some respects, that is an example of how the Assembly can make a difference in people's lives. Surely, given all the negativity that there can be about the Assembly and the arrangements that govern the House, we should take great heart from having that impact on the lives of our citizens.

The Committee also appreciates the support and assistance provided by Assembly staff including researchers, the Examiner of Statutory Rules, Communications, broadcasting, Hansard and, in particular, the Bill Clerk. They all play an important role in supporting the Committee to undertake its role in general and its legislative scrutiny at the Committee Stage of the Bill in particular. I thank those who have helped bring the Bill to this stage. I particularly thank the Committee staff.

I will now address the amendments. The context is the consistent theme that ran through the evidence that the Committee received of the importance of how the legislation is implemented. Many organisations and individuals expressed the view that the legislation will only be as good as its practical implementation, and the importance of a comprehensive, consistent and informed approach by the criminal justice agencies was emphasised in the evidence received. That position was supported by the views of and comments of the representatives of a number of organisations that the Committee had the opportunity to meet. The benefits of the approach adopted for the new domestic abuse offence in the provision of guidance, training, data collection, monitoring and reporting was cited as an example, and parallels were drawn between the requirements in those areas, given that the new stalking offence is also a course of behaviour offence that will require a new mindset and approach from the criminal justice



agencies. The Committee agreed that, for the legalisation to be effective, getting the implementation right through guidance, training, data collection, monitoring and reporting for the new offence, the new stalking protection orders and the interim orders is essential to ensure that better protection and justice outcomes are achieved for victims of stalking. The Committee therefore welcomes the amendments that the Minister has tabled.

Amendment Nos 1, 2 and 3 to clause 17 provide for the Department to issue and publish guidance to the Chief Constable on stalking protection orders and interim orders. When the Committee asked whether the Department also intended to cover the new offence in guidance and provide that to a wider audience, officials indicated that the Department would include a section on the stalking offence that would be published and made available to all the criminal justice agencies, non-government organisations and voluntary organisations. The Committee believes in the importance of guidance being available for the new offence, similar to that provided for the Domestic Abuse and Civil Proceedings Act. It agreed with the view expressed by the PSNI that such detailed guidance from the Department would be essential for the successful implementation of the legislation. We need to ensure that there are no loopholes that anyone can take advantage of. Under the Domestic Abuse and Civil Proceedings Act, the Department is required to issue guidance on the domestic abuse offence or on any other matters of criminal law and procedure that relate to domestic abuse. The Committee agreed that it wanted clause 17 to be widened to build on the obligation to issue guidance about the exercise of the Chief Constable's functions relating to stalking protection orders and interim orders to reflect the intention of the Department to cover the stalking offence as well.

The Committee considers the provision of guidance on the new stalking offence, the SPOs and the interim SPOs to be essential for the consistent and robust implementation of the legislation. There has been a lack of knowledge and understanding of stalking behaviour in the criminal justice agencies, and the new offence is a course of conduct offence that is similar to the domestic abuse offence, which is still a relatively new concept.

Given that the Department intends to cover the stalking offences in the guidance anyway, the Committee was of the view that it would be more appropriate to amend clause 17 to reflect that and to provide certainty, clarity and transparency. The Committee therefore agreed

to propose an amendment to build on the current provisions and to require the Department to cover in the guidance the effect of the Bill and such other matters that it considers appropriate to the criminal law and procedure relating to stalking in Northern Ireland. The Department was of the view that no further purpose would be served by amending clause 17 in the way suggested by the Committee but said that the Minister was happy to give a ministerial commitment. Following agreement by the Committee to propose an amendment, the Minister advised that she would table it as part of the Department's amendments to clause 17. The Committee welcomed that approach and is pleased to support amendment Nos 1 and 2.

### 12.30 pm

While the Minister and I may have differences on many things, there has been a good working relationship when it comes to the approach that she has taken. I welcome that, because it is not about us; it is about ensuring that we deliver good legislation. We thank the Minister for that help and support.

The Committee also supports amendment No 3, which implements the proposal by the Assembly's Examiner of Statutory Rules and her advice on the delegated powers contained in the Bill that a requirement to lay the guidance before the Assembly should be included in clause 17.

Amendment No 4 inserts a new clause, which is titled "Guidance on data collection". That amendment provides for the Department to issue guidance on the type of information and data required to be collected in order to fully and properly assess the operation of the new offence. A number of organisations highlighted the importance of the availability of detailed and robust data on stalking behaviour and the implementation of the legislation. Concerns were expressed that, currently, very little data on stalking exists in Northern Ireland. Recommendations included collecting and publishing data on stalking that is disaggregated by sex, gender, ethnicity, disability and age, and recording stalking investigations through the criminal justice system, including the number of initial reports, referrals to the PPS, cases that reach different stages of the court process, cases that result in prosecutions and repeat offences that occur, as well as what the resulting remedies are. It was also considered valuable for the data to differentiate between stalking by a stranger, an acquaintance and an ex-partner, so that the prevalence of the different types of stalking and

the effectiveness of the law with regard to each type can be assessed. Another suggestion was that all section 75 groups should be monitored, inclusive of sexual orientation and gender identity.

The Department advised the Committee that the PSNI, the PPS and the Northern Ireland Courts and Tribunals Service already record statistical data on offences and prosecutions etc. The new data sets would be created in relation to the new offence, stalking protection orders and interim stalking protection orders. There will be a database for monitoring purposes. The Department also indicated that it would carry out an evaluation of the new stalking legislation post implementation. When questioned on what consideration, if any, the Department had given to the collection of data reflecting the section 75 categories, officials advised that consideration is being given more generally to obtaining data and that they are sensitive to section 75 groupings. However, it will be some time before a body of data will be built up on the stalking legislation.

The Committee is of the view that the availability of robust data is essential in order to enable the effectiveness of the legislation to be assessed. The data needs to be detailed and consistent across the criminal justice system to enable analysis to take place at each stage of the process. The Committee therefore agreed that it wished to see an amendment to the Bill that would provide for the Department to issue guidance on the type of information required. As the Minister outlined, the Department does not consider the addition of a provision to cover data collection necessary, given that it can be done administratively, and officials have given a commitment to do so. However, the Minister appreciated the Committee's desire to legislate for that and tabled the relevant amendment. The Committee appreciates the Minister's cooperation and is happy to support amendment No 4.

Amendment No 5 relates to training. During the Second Stage debate, the Committee highlighted the need for training for the PSNI to ensure that officers understand and recognise the difference between harassment and stalking behaviours, given previous indications from victims that their complaints were not taken seriously. That view was reflected by a wide range of representatives from organisations that provided evidence to the Committee. They highlighted that the education and training of staff in criminal justice agencies and of judges will be essential to ensure that there is effective implementation of the legislation and the clear understanding of the difference between

harassment and stalking, as well as recognising the behaviours and dynamics of stalking and how it impacts on victims. That has been shown to be the case in other jurisdictions where stalking offences have been introduced. The need for the training to cover the SPOs and interim SPOs was also raised.

The Department advised the Committee that it did not underestimate the importance and necessity of training for all its criminal justice partners on the new offence and the stalking prevention orders. It envisaged that the training would include raising awareness of stalking typologies and the insidious nature of stalking. Work is ongoing in that area, and a commitment has been given, so its view was that there was no need for that to be in the Bill. Given the importance of training to the implementation of the legislation, particularly in light of the evidence heard about the current lack of understanding by criminal justice personnel of stalking behaviour and the devastating impact that it has on victims, the Committee agreed that it wished to see an amendment to the Bill to provide mandatory training. It is therefore supportive of amendment No 5, which the Minister brought forward at the request of the Committee. It includes a reporting requirement on the training, which the Committee also wished to see.

Amendment Nos 6 and 7 concern "Report on the operation of this Act". Amendment No 6 places a requirement on the Department to report on the new offence. Again, the Minister brought this amendment forward at the request of the Committee. The amendment will require the Department to report on the operation of the new stalking offence, the SPOs and the interim orders. It is similar to the requirement to report provided for in the Domestic Abuse and Civil Proceedings Act. The amendment aims to provide for the effectiveness of the legislation to be monitored and assessed in a transparent manner. This was another area that officials did not view as being necessary for inclusion in the Bill, stating that the implementation of the legislation would be reviewed periodically and they would report to the Committee on it regularly. The Committee believes, however, that placing a requirement on the Department to report on the operation of the legislation is appropriate and will provide transparency and accountability.

Given the ever-growing use of online platforms to carry out trolling and abuse, including stalking, the Committee agreed that the reporting requirement should cover specific information on whether the offence took place in person or online. The Committee wanted to

include detailed information on the use of stalking protection orders and interim orders, given that these are new tools for the PSNI to use. A number of operational issues were flagged up in the evidence. Anecdotal evidence highlighted by the Suzy Lamplugh Trust suggested that the financial cost to police forces of applying for an SPO was being used as a reason to defer the responsibility of prevention back to the victim in England and Wales. For those reasons, it will be important to monitor the implementation to identify any issues at an early stage.

Rachel Woods, a Committee member and Member of the Assembly, has tabled amendment No 7 to add an additional reporting requirement in relation to section 75 information. While the Committee discussed with officials the collection of data reflecting section 75, it did not ask the Minister to include this in amendment No 6 and has not discussed this proposed amendment. No doubt the individual Member, and Members, will outline their positions on this, as the Minister did earlier in the debate.

To conclude on the minor and technical amendments, the Committee is content to support amendment No 8, which will amend clause 19 to reflect the new provisions to be inserted in the Bill.

I conclude my remarks as Chair of the Committee by again acknowledging the profound and long-lasting effects that stalking behaviour has on victims, who very often have no chance or way to address how they have been treated. That is why we need to ensure that this legislation is implemented fully and effectively. That is why the amendments proposed by the Minister, at the request of the Committee, are important and will enhance the Bill.

I conclude my comments as the Chair, and will make a few comments as a Member of the House and as a member of the Justice Committee representing my party. I trust that the Bill will, as I said, have the import of changing lives for those who have been affected, and, as importantly, ensure that those who are intent on carrying out this hideous crime will see that there is no hiding place for them and their actions. I also pay tribute to those victims who, as I said previously, had the courage to come forward to us, whether in public or in private sessions that we facilitated, to ensure that their voice was heard.

In conclusion, I say that, as a party, we will support all the amendments that have been

tabled by the Minister, but we will not support amendment No 7, which has been tabled by Rachel Woods.

**Ms Ennis:** It is timely that we are debating this legislation today given the harsh realities that, as a society, we have had to face up to following the murder of yet another young woman in Ireland. The murder of Ashling Murphy has sparked a national conversation about the everyday experiences of women in Ireland and across the world. Violence against women and girls begins with everyday sexism, misogyny, catcalling and on-street harassment, and, over time, it embeds a deep, dangerous and toxic culture that so often manifests itself in serious physical and psychological violence.

Stalking is one of those manifestations, and that makes the Bill so important, not just on its own but in the context of the wider work of the Assembly and the Executive. As we know, stalking can be a precursor to other forms of violence, and that can often culminate in serious violence or, tragically, as we have seen, murder. As the Minister said, stalking is an insidious crime, and what differentiates it from harassment is the absolute fear that it instils in victims. Repeated and unwanted communication through phone calls, mail, emails or social media sites is not unrequited love. Following the victim to work, school, home or other places that they frequently visit or obtaining information about them through friends, neighbours or by going through their rubbish or contacting their co-workers is not harmless. Repeatedly sending the victim unwanted gifts is certainly not romantic. It is criminal stalking behaviour, it is dangerous, and it is very traumatic for the victim.

I will turn to the amendments. I want to touch on amendment Nos 4, 6 and 7, and my colleagues will pick up on some of the other amendments. On the guidance and reporting on the operation of the offence of stalking, amendment No 4 sets out that the Department should issue guidance about the sort of information that it seeks to obtain for the purposes of the assessment of the operation of the Act. The importance of strengthening data collection on stalking was highlighted by a number of the organisations that we heard from during Committee Stage. Organisations outlined a range of gaps, including the nature and the impact of stalking on specific section 75 groups and the lack of data by sex, gender, ethnicity, disability and age. We also need data on the progression of cases through the system, including the number of initial cases, the number of case files referred to the PPS, the various court stages reached, the number of prosecutions, the level of

punishment and how many of the cases involve repeat offenders. That data will be crucial as we monitor and evaluate the implementation of the offence moving ahead, so that we have an accurate assessment of how the legislation is working.

I will turn to reporting on the operation of the offence. Amendment No 6 places a responsibility on the Department to prepare reports on the operation of the offence, and that is to be welcomed. Whilst the new clause sets out a range of issues to be included in the report, it does not include a reporting requirement in relation to section 75 groups, and amendment No 7 proposes to include such reporting requirements. When the Justice Committee considered the Domestic Abuse and Civil Proceedings Bill, it supported an amendment to place reporting requirements on the Department. At that time, it considered whether to include section 75 groups but decided against it after listening to the advice of the Department, the PSNI and other operational partners. An amendment was brought forward at that time by the Member, but it was defeated. I heard what the Minister said in her opening remarks. Maybe she can, to help us come to a decision on our position, give us clarity on whether any work has been done on data collection or how that can be done in the context of section 75 groups. We know that resource follows data, so, if we do not have the data, that creates a problem. Likewise, perhaps the Member who tabled the amendment can give us examples of how that is done in other jurisdictions or where it has been done, so that we can perhaps look at best practice.

Again, while we appreciate the rationale behind that, we have not seen much evidence on how it would be workable and how the amendment would help us to produce good legislation.

#### 12.45 pm

While it is true that anyone can be the victim of stalking — men, of course, have suffered from that form of criminal and dangerous behaviour too — it is also true that the victims of stalking are overwhelmingly female. Violence against women and girls is endemic in our society. Many women are therefore fearful and angry and are demanding that action be taken to end it. We need laws that are victim-centred and can respond to the level of harassment, violence, misogyny and sexism in our society. It is long past time that we shifted the focus away from the actions of women and keep it firmly on the actions of violent men.

**Ms S Bradley:** At the outset, I acknowledge the comprehensive report delivered by the Committee Chair today, and I will endeavour not to be entirely repetitive in my remarks. I put on record my thanks to the Department for what was collaborative work with the Committee that has seen the inclusion of additional provisions relating to data collection and mandatory training and the requirement to report on the operation of the offence in the Bill.

Stalking is a serious and complex offence. It can be life-changing and can affect victims psychologically as well as physically, with serious ramifications for their social functioning. We heard from many stakeholders and repeatedly found that, unfortunately, the crime of stalking is often characterised by under-reporting and a lack of understanding about the behaviours from not just the police but the entire criminal justice system due to the often complex nature of stalking.

I believe that the amendments are essential for speaking to the legacy of that misunderstanding and under-reporting. Research has repeatedly demonstrated that victims of stalking often choose not to report their experiences due to the fear of not being believed, to such an extent that it is estimated that the average victim of stalking, shockingly, experiences over 100 incidents of the behaviour before they report it to the police. That figure shocked me, and it really shines a light on why the legislation needs to move forward.

When the crime is eventually reported, victims have identified consistent problems with the way in which the police respond to their allegations, including a dismissive manner, a general unwillingness to intervene and a failure to keep the victim informed of the progress in their investigation. Therefore, although there is a need for legislative change to make stalking a stand-alone offence, it is clear to me that there is also a need for stalking-specific training for criminal justice agencies and professionals. I therefore welcome the inclusion of amendment No 5 in particular, which makes it mandatory for each listed authority, including the PSNI and the PPS, to provide training to relevant personnel when it comes to dealing with that vulnerable group of victims.

Currently, stalking falls under the umbrella of harassment legislation, and, as a result, it is very difficult to assess how many of the offences committed under the 1997 Order relate specifically to the act of stalking. As mentioned, we know that there is a legacy of under-reporting. However, statistics show a concerning increase in the number of

harassment offences that have been reported in the North. In particular, we are mindful of the backdrop and the whole conversation piece around violence against women. Those statistics illustrate not only the need for a new legislative approach when it comes to sending a clear message to would-be perpetrators but the need to understand the scale of the crime.

Currently, incidents are concealed by the lack of specific legislation, allowing stalking to slip through the cracks of the criminal justice system. It is therefore welcome that amendment No 6 mandates that the number of stalking incidents be captured, as well as the number of prosecutions and convictions. It is only through the recording of that data that we can understand the extent of the problem of stalking in our society and measure the effectiveness of the legislation designed to tackle it. The departmental amendments, as presented by the Minister, present a strengthening of that legislation and will receive our support.

I turn now to amendment No 7. Having listened to victims of stalking, particularly those who had vulnerabilities associated with their disability used against them, I am eager to see how we can ensure that the legislation offers equal protection to everyone. I recognise that a data capture of section 75 would be a rich source of data for setting objectives and dispensing resources going forward, but I have to ask myself, "At what cost?" Setting aside the operational difficulties, a major concern that I hold, should the amendment proceed, is that a statutory obligation to record sensitive personal data may have the unintended consequence of suppressing victims coming forward. If so, the legislation's provision of equal protection could be questioned. Therefore, I will not support amendment No 7. That said, I listened intently to the Minister's opening remarks, and it is my reading of the situation that the Minister recognises, as do I, the good intention behind the amendment that has been presented by Rachel Woods and the need to find a solution to ensure that the adequate level of protection and resource is developed around victims who would be captured under section 75. Only then can we be absolutely certain that equal protection is afforded to all via the legislation. Whilst I accept that placing a duty in the Bill may not be the most effective way to proceed, I press the Minister on the need to work with those of us who wish to find a suitable way forward on the matter during the short time remaining in this mandate. I am eager to ensure that any reasonable solution that can be found will run in tandem with the roll-out of the legislation, where possible.

Finally, I place on record my sincere thanks to all those who made submissions to the Justice Committee. In particular, I single out for particular mention the victims who so selflessly shared their personal experience in the hope of helping to protect others.

**Mrs Barton:** Stalking covers a wide range of disturbing behaviours. It ranges from continued, unwanted physical attention to non-physical attention via various mediums. Whilst it is gender-neutral, most victims — 78% — are women, and 87% of perpetrators are men. Most victims will know their stalker, be that through a friendship or acquaintance, or because they are a co-worker or even a relative, and, in most cases, stalking occurs after the breakdown of a relationship. In approximately a quarter of cases, however, stalkers are complete strangers. Some of the after-effects of the persistent manipulation and harassment and the devastation caused to victims of stalking can continue for many years, and, when the stalking has stopped, victims are left nervous and questioning of their own behaviour. In many cases, victims have not reported the stalking to the police because it is such an insidious crime and so difficult to get to the prosecution stage, due to the various types of stalking.

The introduction of the Bill will enable the police to intervene and address stalking behaviours, including threatening and abusive behaviour, after one incident, before the behaviour can escalate, thereby effectively stopping it before it goes much further. Supporting the amendments tabled by the Minister will ensure that we have the robust legislation that is needed to protect everyone across Northern Ireland from living with the abject fear that stalking causes, and it will mean the adoption of a zero tolerance approach to the behaviours involved.

**Ms Bradshaw:** I support amendment Nos 1 to 6 and amendment No 8, and I will oppose amendment No 7. First, I re-emphasise how important the Bill is, given that over 10,000 incidents of harassment were reported in Northern Ireland in 2019-2020, which is the latest year for which final figures are available. That was double the previous year's total. Stalking can be both psychologically and physically damaging to victims, given the extreme lengths to which often delusional offenders go. Therefore, the Bill goes beyond harassment to create a specific offence around repeated and often fixated behaviour or a single incident of threatening or abusive behaviour.

A further important aspect of the Bill is that victims will have automatic eligibility for special

measures assistance. It also creates stalking protection orders, which are an essential tool for prevention in the first place. I am somewhat concerned even by some of the amendments that I am backing, for reasons that were noted by my colleague the Minister. I think that many of the additional provisions that are in those amendments would be better placed in regulations. Nevertheless, since those amendments have cross-party consent, there are no concerns about their drafting and they will make no material difference to the policy intent of the Bill, I am content to back them.

Amendment Nos 1 to 3, which are on guidance, offer increased scope, particularly around the operation of stalking protection orders. I know that the Committee deliberated on those for some time, so I hope that we have reached an accommodation that will enjoy universal support in the Chamber. Amendment No 4 concerns data collection, and amendment No 5 concerns training. I have to emphasise the term "specified authority's" here. Amendment No 6 concerns reporting arrangements, and amendment No 8, in effect, enables those three amendments.

Amendment No 7 seeks to amend further amendment No 6. It seeks to deliver support to victims, and I do not think that anyone would oppose that objective. The difficulty is that the wording makes it unworkable and potentially counterproductive. The amendment makes an amendment that is tied to section 75 of the Northern Ireland Act on information gathering; however, it leaves it unclear who is to gather the information, how it is to be gathered and why, in fact, it is thought that asking victims for potentially intrusive information will improve their experience. We need to be very aware of the sensitivities here. A very real risk is that that amendment will have the precise opposite effect of that which I assume is intended, thus making victims less likely to come forward and report for fear, essentially, of being judged by the system itself or of simply having to reveal what they perceive to be sensitive information that they do not see as relevant or do not wish to reveal to authorities. That is precisely what we are trying to move away from.

Given the concern that the unintended consequence of amendment No 7 could be that it has the precise reverse result of that which is intended, I urge Members to oppose it and to allow for the discussions between the Minister and the Member, which the Minister indicated today will take place, to be taken forward and, hopefully, be better accommodated. In closing, the Bill is an important piece of legislation, and I

urge that we move swiftly to get it on the statue book.

**Mr Deputy Speaker (Mr Beggs):** Members, the Business Committee has arranged to meet at 1.00 pm. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time to the Minister of Education. We will return to this debate after that.

*The debate stood suspended.*

*The sitting was suspended at 12.58 pm.*

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

2.00 pm

## Oral Answers to Questions

### Education

#### Relationships and Sexuality Education

1. **Miss Woods** asked the Minister of Education for her assessment of the current relationships and sexuality education (RSE) provision within the school curriculum. (AQO 3007/17-22)

**Miss McIlveen (The Minister of Education):** Our statutory curriculum for personal development and mutual understanding at primary level and the personal development strand of learning for life and work at post-primary level includes prescribed content in the area of relationships and sexuality education. That represents a coherent legal framework within which schools have autonomy to choose their own delivery approaches, and it allows our school leaders to provide a curriculum with appropriate coverage, content, structure and progression for their pupils.

We have a world-class curriculum with flexibility and pedagogical autonomy at its heart. Those are consistent features of high-performing school systems, where school-level flexibility and teacher collaborations are the drivers of constant improvement, because they lead to innovations in teaching and learning at a time when issues are important to young people. We also have a clear picture of best practice in our schools that is characterised by clear and informed leadership from the school principal and senior leadership team and by ensuring that RSE has a significant role in the school's curriculum provision. Additionally, it reflects wide-ranging consultation with stakeholders, including parents, pupils and governors.

The statutory curricular content is supplemented by teaching materials and resources developed and produced by the Council for the Curriculum, Examinations and Assessment (CCEA), which has developed a specific RSE hub that provides a range of up-to-date, relevant resources that support teachers to effectively address sensitive issues while they are contemporary and relevant to young people. I have instructed officials to work with our education partners to provide further

guidance to our schools on their approaches to the delivery of RSE, including the teaching of contemporary and sensitive issues.

**Miss Woods:** I thank the Minister for her answer. To summarise it, the prescribed content is there for schools to deliver on their own: that is a problem. We need to look around and take stock. Violence against women and girls is prolific. We do not feel safe on our streets, and there is a lack of knowledge of what a healthy relationship looks like. My question is this: does the Minister accept that, without legislating for mandatory, standardised and comprehensive RSE, the Executive are complicit in perpetuating an education system that is failing to tackle harmful beliefs and behaviours, failing our children and young people and failing to drive forward the changes that we need to build a society where women and girls are valued, protected and equal in every sense?

**Miss McIlveen:** I thank the Member for her question. I do not agree with the sentiment that she has expressed, because RSE is already mandatory. It is in our schools, and there is a minimum content order. Considerable work has been done over many years to ensure that resources are in place in schools. I accept that work needs to be done in order to give teachers the confidence and support that they need to teach this, but the Member is wrong in what she says. A considerable amount of work is being done by my Department, alongside its partners, to assist schools in the delivery of RSE.

**Mr Deputy Speaker (Mr McGlone):** I advise Members to keep their questions succinct.

**Ms Brogan:** The issue of misogyny and gender-based violence and abuse against women and girls has been to the fore in the news recently. It is a problem in wider society and one that we need to address. A key way of addressing it is to focus on relationships and sexuality education in schools and to educate our young people on a wide range of issues, particularly consent and respect for one another. Does the Minister therefore agree that RSE should be completely mandatory and consistent across schools and the curriculum and that it should be age-appropriate and inclusive?

**Miss McIlveen:** I thank the Member for her question. I need to reiterate that RSE is already mandatory. The statutory curriculum for personal development and mutual understanding at primary level and the personal development strand of learning for life and work

at post-primary level include high-level content for each Key Stage in the area of RSE. The specification can be found in the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007, and it is age-appropriate.

As the Member will understand, schools, alongside their governors, will work within their ethos and to guidance. I accept her point about challenges for females and so on. Those are difficult issues in society, and we are working closely with schools, particularly by providing online support to pupils. As part of the work that we are producing, the CCEA hub is constantly being updated and resourced in order to assist teachers in the delivery of RSE and to give support where appropriate.

**Mrs Dodds:** RSE is an important area of the curriculum, and recent events demonstrate just how important it is and how far we still have to go. As I understand it, RSE is not solely the preserve of teachers. Can the Minister outline the role that governors play in schools to ensure that the policy is implemented?

**Miss McIlveen:** I thank the Member for her question. As with all areas of learning, the board of governors of a school has a responsibility for ensuring that a comprehensive and age-appropriate RSE programme is taught and that the minimum content is covered. The central tenet of the Department's school improvement policy, Every School a Good School, is that schools, through honest self-evaluation and informed by data, are best placed to identify and address areas for improvement that can bring about better outcomes for their pupils. As with all other aspects of the curriculum, the governors are responsible for the quality of RSE provision, which is evaluated through the inspection process.

My Department requires each school to have in place its own written policy on how it will address the delivery of RSE. That will be done in consultation with parents, will be appropriate to the school's ethos and will be endorsed by the school's board of governors. Through inspection of child protection and safeguarding policies, the Education and Training Inspectorate (ETI) routinely assesses whether schools have an appropriate policy for the delivery of RSE in the curriculum.

Overall best practice in RSE should be reflected in the board of governors' policy. It is characterised by clear, informed and purposeful leadership from the senior leadership team; a whole-school planning process that involves wide-ranging consultation with all stakeholders,

including parents, pupils and governors; a comprehensive RSE policy, including a parent-friendly policy; clear linkages and explicit connections with the aims, values, ethos and moral and ethical framework of the school; and judicious and appropriate use of internal personnel, external agencies and guest speakers to handle sensitive topics. The role of the board of governors is incredibly important to the delivery of RSE in every school.

**Ms Hunter:** My question is on the topic of sexual consent. Does it concern the Minister that, for many young people in the North, the first time that they hear of or learn about sexual consent is at university? Does she see that as a failure by her Department?

**Miss McIlveen:** I am not sure from where Ms Hunter has garnered that information. I am of the view that the topic is very much taught in schools at various levels. If she refers to the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007, she will see that that is part of the minimum content in our schools. Boards of governors and school leadership have signed up to that. Therefore, consent is part of the curriculum and part of the post-primary curriculum.

**Ms Armstrong:** Minister, what action have you taken to implement the Gillen review recommendation for a school sexual offences awareness campaign?

**Miss McIlveen:** My Department is liaising with colleagues in the Department of Justice, which has lead responsibility for the recommendations of the Gillen report. My officials are part of DOJ's educational awareness working group. The cross-departmental, multi-agency group was established to raise awareness and education in Northern Ireland of the issues highlighted in the review. All publicly funded schools in Northern Ireland are required to deliver the minimum statutory curriculum, including RSE. CCEA's RSE hub provides a range of up-to-date and relevant resources and sources and, in line with the recommendations about the need to include more information in the school curriculum for disabled children and children with sensory disability, part of the funding provided to CCEA has enabled RSE guidance and resources to be developed for children with special educational needs. Therefore, my Department is working with DOJ and has regular meetings with it, in order to follow through on the recommendations made by Gillen.



## Post-primary Capital New Builds: North Antrim

2. **Mr Storey** asked the Minister of Education for an update on new capital builds for post-primary schools in North Antrim. (AQO 3008/17-22)

**Miss McIlveen:** There are three new capital builds for post-primary schools in North Antrim. For Cullybackey College, the feasibility report has identified a number of options to provide accommodation for the approved enrolment of 700 pupils. A business case is currently being finalised by the Education Authority (EA) to identify the preferred option, which will be issued to the Department of Finance for approval. An integrated consultant team has been appointed that will complete the design work on the preferred option.

With regard to Dunclug College, the EA entered into a contract with Graham Construction on 11 May 2021 to complete the design and delivery of the new school. Royal Institute of British Architects (RIBA) stage 4 design had commenced, with construction work expected to start in February 2022. Without warning, the contractor submitted a termination notice on 30 November 2021, and the EA is in discussion with the contractor in an attempt to have the termination notice withdrawn.

The Ballycastle Shared Education Campus project is a £50 million major capital project for the construction of a new shared campus to accommodate Ballycastle High School and Cross and Passion College. Planning permission for the project was granted in May 2021. The procurement of the integrated supply team has been delayed due to the current uncertainty. Unfortunately, several bidders were unable to stand over their tender prices and withdrew from the process. As a result, the procurement was terminated. A new competition is due to commence this month. The issues encountered during the procurement process have delayed the project by approximately 12 months.

**Mr Storey:** I thank the Minister for her answer and for the time that she took to visit some of the schools mentioned. She will be aware of the concerns in relation to the happenings around Ballycastle High School and Cross and Passion College and in relation to Dunclug. Will the Minister give an assurance that those projects will proceed, that the challenges that we face will be overcome and that those schools will see their new builds as soon as the process allows?

**Miss McIlveen:** My Department is committed to both of those projects. Conversations continue with regard to Dunclug, in the hope that we may be able to turn around the decision of the contractor, particularly in relation to the procurement advisory note (PAN) that was issued in August. We are working on that notification.

With regard to the Ballycastle Shared Education Campus, I was privileged to meet staff and pupils of both schools. They are incredibly excited at the prospect of the new campus. A commitment that I can give is that, despite all the setbacks that have taken place, all stakeholders are fully committed to the project and look forward to the delivery of the facilities in the, hopefully, not-too-distant future.

**Mr Allister:** I welcome the fact that, after a long wait, there is some progress on Cullybackey College, although, obviously, there is still quite a distance to go. Will the Minister give us some more information with respect to Dunclug?

When a contractor serves a termination, is there then an opportunity for that contractor to renegotiate the price, and is that really the tactic that is being followed here?

2.15 pm

**Miss McIlveen:** The Member may be aware that, in August last year, the Executive, through the Department of Finance, introduced a new procurement advice note, PAN 01/21, which seeks to give redress for contractors who have been subject to significant and unforeseen costs. Conversations on Dunclug College are ongoing between EA and the contractor in order to see whether the project can be kept on track. In the event of that not happening, we will have to go out to tender again.

**Mr Lyttle:** Will the Education Minister give an update on progress on the integrated and shared education Fresh Start capital expenditure.

**Miss McIlveen:** I thank the Member for his question. He will be aware that the Fresh Start Agreement committed £500 million of new capital funding over a 10-year period. A total of 28 projects, excluding Strule, have been introduced; 23 were announced in March 2016 and five further in November 2018. Initially, a carry-forward of unspent funding for 2016-17 and 2017-18 and up to the end of the current spending review period of 2020-21 was agreed by Her Majesty's Treasury under the confidence-and-supply agreement. That

allowed £91 million underspend related to that period to be re-profiled across the current spending review period. Subsequently, New Decade, New Approach next steps included the statement:

*"The UK Government agrees to financial flexibility to reprofile funding provided as part of the Fresh Start Agreement for shared and integrated education and housing."*

In December 2020, the Chief Secretary to the Treasury confirmed that the remaining £469 million Fresh Start funding can be re-profiled across the remaining years of the programme.

The total spend so far is just shy of £37.3 million. Although the spend is low relative to the overall £500 million available, that is expected in a programme of this size, given that a lot of early work included procuring design teams, identifying sites and so on. The projected spend profile will, however, ramp up significantly in the coming years. The overall projected spend on the announced education projects, including Strule, is currently £665 million, so there is a significant requirement for Executive capital to complete all the projects. The additional funding is required over the next five years of the programme.

**Mr Sheehan:** Will the Minister comment on the status of the capital works programme overall? Will she also advise what impact the pandemic and rising construction costs have had on the delivery of new and much-needed school infrastructure?

**Miss McIlveen:** I thank the Member for his question. He will be aware that, on 23 December, I issued a call for applications for major capital works. That has now concluded, and applications have been made. Assessments of the applications will be made over the next few weeks, and I hope to be in a position to make an announcement in mid-March.

The construction market has, of course, been affected by sustained increases in the cost of materials. That was quite noticeable in early to mid-2021. I understand that the rate of cost increases has slowed, but prices remain quite high. As the Member will have heard in my initial response, that has had an impact on schools, particularly in the North Antrim area. He will be aware, again from a previous answer, that the Department of Finance issued a PAN. My Department is working closely with contractors in relation to that in order to minimise future disruption. Specific projects that

have been affected directly include Islandmagee Primary School, Dunclug College, Lismore Comprehensive, Our Lady of Fatima, St Joseph's High School in Crossmaglen and Holy Trinity College in Cookstown.

## Youth Service: North Belfast

3. **Mr G Kelly** asked the Minister of Education for her assessment of the Youth Service provision available to children and young people with special educational needs in North Belfast. (AQO 3009/17-22)

**Miss McIlveen:** The youth services provided in North Belfast reflect the requirements identified through an extensive assessment of need involving young people, youth workers and other stakeholders that was carried out in 2020 and is regularly reviewed. Overall, the Education Authority is investing £2.6 million to support youth services in North Belfast in the current financial year. That includes substantial funding totalling £1 million going to four large voluntary youth organisations in the area: John Paul II Youth Club and the Ardoyne, Holy Family and New Lodge youth centres.

It is important that both generic and targeted youth services are open and accessible to all children and young people, including those with special educational needs, and every effort is made to ensure that that is the case. The EA's local area youth development plan for north and east Belfast includes actions to ensure that the needs of SEN young people are met by reducing barriers to participation in generic provision and providing bespoke support.

At a regional level, the EA has provided funding to the Royal Mencap Society to support children and young people with additional needs. That work will result in a series of pilot projects, the learning from which will be of benefit to all areas, as they design services for the future. The EA has also committed regional funding to increase the youth workforce's capacity to provide relevant services to those with special educational needs.

**Mr G Kelly:** Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answer so far and for giving that detail. I work with families and groups supporting young children with special educational needs, as well as youths. Their experience of SEN — mostly that of the families — is that there is a lack of youth services for the children. The Minister went through a list of services in North Belfast. Will the Minister review the provision — I think that she said that that is done on an ongoing

basis — with a view to ensuring that those children and young people access the services that they require? I will finish with this: I know that there are services there, but the families say that their children do not get that type of service.

**Miss McIlveen:** I thank the Member for his question. He will understand that my Department takes special educational needs very seriously. In recent years, considerable work has been undertaken in school provision in particular. I am concerned that parents feel that their children are not able to access adequate provision and am happy to meet the Member and any families who experience those challenges. I am happy to facilitate that meeting.

**Mr Humphrey:** I take the opportunity to commend Mark McBride and his team at youth services in North Belfast.

Special educational needs is a hugely important issue. The Minister knows that the Public Accounts Committee unanimously agreed to hold an inquiry into the issue. Can the Minister provide details of the statutory and voluntary sector funding provided to groups across the four Belfast constituencies?

**Miss McIlveen:** The statutory sector funding is fairly comparable across each of those areas, although there is a substantial difference in funding to the voluntary sector. In East Belfast, statutory sector funding is £839,385, and voluntary sector funding is £450,771. In North Belfast, statutory sector funding is £976,173 and voluntary sector funding is £1,614,029. In South Belfast, £732,334 goes to statutory sector funding, and voluntary sector funding is £675,437. In West Belfast, statutory sector funding is £1,095,038, and voluntary sector funding is £2,413,083. I do not have a breakdown showing how many groups that supports or which groups those are, but I am happy to write to the Member with that information.

**Mr McNulty:** Minister, I have mentioned this a number of times at the Education Committee, and it is something that I feel strongly about. I will give you the SAC: Stop Acronymising Children. Acronyms dehumanise children and young people. It is time that your Department committed to no longer using acronyms when referring to children and young people. It is not appropriate, and it dehumanises those children; it almost objectifies them. Can we commit to no longer using acronyms when referring to children and young people?

**Miss McIlveen:** I thank the Member for his question, although I would probably like him to be more specific. Every child is important and should be important. Each child is an individual and should be treated as such. I would like to think that that is how children are treated in their setting. I certainly do not wish to dehumanise anyone, particularly not our children and young people.

**Mr Deputy Speaker (Mr McGlone):** The Member is not in her place for question 4.

## Childminders: DE Support

5. **Ms Brogan** asked the Minister of Education for an update on the support her Department is providing to registered childminders (AQO 3011/17-22)

12. **Mr Clarke** asked the Minister of Education what support is available from her Department to registered childminders. (AQO 3018/17-22)

14. **Mr M Bradley** asked the Minister of Education what consideration is being given to the provision of funding for registered childminders who have to self-isolate. (AQO 3020/17-22)

**Miss McIlveen:** With the Deputy Speaker's permission, I will answer questions 5, 12 and 14 together and respectfully request an additional minute.

My Department has paid out almost £40 million of emergency support funding to the childcare sector since the beginning of the pandemic. That has been via two funding schemes: the temporary closure fund and the sustainability fund. I am aware of the challenges being faced by the childcare sector, including childminders, as a result of the omicron variant. Work is being taken forward on an extension to the temporary closure funding and the review of the sustainability funding for childcare providers.

The most recent COVID-19 childcare temporary closure fund covered the period from 1 October to 31 December 2021. That fund supports providers that have had to close temporarily as a direct result of a COVID-19 incident in their setting that impacted on provision or were unable to comply with the required staff:child ratios due to self-isolation periods of staff. I have agreed to the extension of the scheme for the period from 1 January to 31 March 2022.

The last COVID-19 childcare sustainability fund ended on 30 June 2021. Having considered the position at that stage specifically regarding the

easement of COVID-19 restrictions across wider society, including the Department of Health guidance for childcare providers, and the need to ensure that remaining funding was targeted to meet the most acute needs, I decided not to extend the childcare sustainability fund beyond 1 July and to focus the remaining funding on support for temporary closures. However, scoping work on reopening the sustainability fund is under way. My officials are meeting key stakeholders to assess the current situation and consider what an appropriate response would be. I alerted the Department of Finance in December 2021 to a potential pressure for childcare. Any further funding will be based on established need and the approval of the appropriate business cases.

**Ms Brogan:** Gabhaim buíochas leis an Aire. I thank the Minister. She knows that I have raised the issue with her a number of times, because the surge in COVID transmissions has had such an effect on registered childminders in particular, which affects not only them but the families who rely on them. That has an even more devastating effect in rural areas such as West Tyrone — my area — because they rely on childminders more than other areas do. Immediately after Christmas, 69 registered childminders were forced to close because of increased COVID transmission. Although I welcome the fact that the Minister is working on —

**Mr Deputy Speaker (Mr McGlone):** Sorry, I ask the Member to come to a question, please.

**Ms Brogan:** I welcome the Minister's announcement today. Will she assure us that the fund will be provided quickly to those registered childminders?

**Miss McIlveen:** I thank the Member for her question. She has shown great commitment to the childcare sector. I gave a commitment when we came back for the recall that I would look to put the temporary closure fund back into play. I plan to make an announcement later this week about that, so I stand by my commitment.

**Mr Clarke:** I thank the Minister for her answer. She referred to the sustainability funding coming to an end at the end of June. Will she outline the rationale for not continuing it from 1 July?

**Miss McIlveen:** I thank the Member for his question. As he will understand, the sustainability funding was allocated from April 2020 to June 2021 over five phases. The objective of the scheme was to focus on

supporting settings when additional costs were incurred as a direct result of the Department of Health COVID-19 guidance. At that time, there were wider restrictions on society — schools were closed to the majority of pupils, and there was phased reopening — so it was a difficult time for the sector. We made an assessment at the end of June of what the next phase would be. The decision was very much based on and informed by the relaxation of the wider COVID-19 restrictions, including DH guidance to the sector, which had imposed additional costs on those settings, and schools returning to normal patterns of attendance.

The demand for childcare was also increasing, although it was not back to pre-COVID levels. There was a lack of evidence to support specific COVID-19 additional costs having been incurred by providers, and other universal government and departmental support schemes were being phased out. The decision was made at that time. As I said, however, I notified the Department of Finance in December that there may be potential pressure for childcare sustainability funding, and my officials are working closely with stakeholders to make that assessment.

**2.30 pm**

**Mr Deputy Speaker (Mr McGlone):** We have time for a brief supplementary question from Maurice Bradley and a brief answer, if possible, Minister.

**Mr M Bradley:** Thank you very much, Mr Deputy Speaker, and thanks to the Minister for her answers so far. I appreciate that childcare is a cross-departmental issue. How is the Department working with the Department of Health to support the childcare sector?

**Miss McIlveen:** I thank the Member for his question. While my Department is responsible for childcare policy, the Department of Health has statutory responsibility for the regulation and inspection of childcare services. It is important that, when considering the need for additional funding to the sector, it is supported by an enabling and supportive regulatory environment. Following my discussions with the childcare sector, I wrote to the Health Minister to ask him to consider whether there was any scope to ease some regulations or speed up administrative processes, which would help to reduce some of the pressure on the sector at this time. I was thinking of such things as the vetting process, staff:child ratios and the flexibility to mix age groups when needed. That would help to reduce workforce pressures in the

childcare sector, and it would assist families who have no other childcare support. At that time, I was conscious of the impact that closing rooms was having on teaching staff. Of course, that was all part of the rationale for those discussions and the letter that I sent to the Health Minister. Officials in both Departments will continue to work closely together and alongside sector representatives through the COVID-19 childcare reference group.

**Mr Deputy Speaker (Mr McGlone):** That ends the period for listed questions. We will now move to 15 minutes of topical questions.

## School Uniform Grants

T1. **Ms Á Murphy** asked the Minister of Education, in light of the fact that many families are facing a cost of living crisis that is compounded by the ever-increasing cost of school uniforms, to provide an update on the review of the support available to parents, including free school meals and uniform grants, which she announced last year, and to state when hard-pressed families can expect to hear some positive news. (AQT 1971/17-22)

**Miss McIlveen:** I thank the Member for her question. I very much understand the issue that she has outlined. Work has begun on the review of the criteria for free school meals and the criteria for the school uniform grant. The purpose of the review is to ensure that those grants are available to the most vulnerable. We also plan to consider the current rate of the uniform grant. There is a contribution to the cost of school uniforms. I am mindful of the increase in their cost and the burden that that creates. We are considering options to extend free school meals and looking at the criteria for the uniform grant. Through the review, we are also able to look at the guidance that my Department issues to schools and whether it should be put on a statutory footing. At the moment, it is just guidance. We ask schools to have a policy that is "fair and reasonable". Perhaps, that does not go far enough. I can assure the Member that that work has commenced. I am hopeful that it will be implemented by September 2023.

**Ms Á Murphy:** The Minister's answer leads me, wonderfully, into my supplementary. Possible improvements to the uniform grant are one measure, but many families do not qualify for that support and are, therefore, forced to pay out hundreds of pounds per child on uniforms. Does the Minister agree that an effective way in which to support all families with spiralling uniform costs is to bring forward statutory

guidance on the supply and sale of school uniforms that is based on affordability?

**Miss McIlveen:** I thank the Member for her question. I certainly would not rule that out. It will, however, form part of the review. Quite a range of stakeholders will be consulted on that, including schools, governors, parents and young people themselves. It is really about ensuring that there is a fair policy. My Department has not dismissed that as an option, because I am very mindful of the fact that it has now been legislated for in England. We will keep an eye on how that is rolled out as well.

## St Anne's Primary School, Donaghadee: Integrated Status

T2. **Mr Muir** asked the Minister of Education, in the context of the decision by parents to recently overwhelmingly support a proposal for St Anne's Primary School, Donaghadee to transform to integrated status, which he warmly welcomes, what she is doing to assess parental and pupil preference in the area. (AQT 1972/17-22)

**Miss McIlveen:** I thank the Member for his question. I was very privileged to be able to visit St Anne's Primary School before Christmas, and I got a very warm welcome, I have to say. The Member will understand that there is also a development proposal for St Anne's that makes it very difficult for me to comment, as I may be the ultimate decision maker for it. However, I am very mindful that a ballot for transformation was supported by the parents. I understand that the Northern Ireland Council for Integrated Education (NICIE) and the Education Authority are working together closely on a timeline for the work that will need to take place post the ballot.

**Mr Muir:** I thank the Minister for her response. Donaghadee is a growing town with many new houses, and families are choosing it as a place to live. An integrated primary school in the town would be a great development. Will the Minister accept my invitation to meet parents and the school leadership in order to discuss the school and the future for it in Donaghadee?

**Miss McIlveen:** I am more than happy to do that.

## Exam Arrangements 2022

T3. **Mr Catney** asked the Minister of Education, given that, owing to the ravages of COVID-19,

our young people who are facing GCSE, AS and A-level exams this year have no previous experience of sitting an exam and teaching continues to be disrupted, should she decide to proceed with exams, does she propose to develop an algorithm that will be fair to all our young people and sensitive to their varying circumstances, especially for those children who have special educational needs or statements. (AQT 1973/17-22)

**Miss McIlveen:** I thank the Member for his question. It is my intention that exams will proceed if at all possible. That is also the intention in the other jurisdictions. Indeed, I met with Minister Walker yesterday, and he did not lead me to believe that his intention was to do anything otherwise. I also have a four-regions meeting on Thursday to discuss various options for how COVID is being dealt with, particularly examinations. As you know, CCEA has already made significant adaptations to a suite of qualifications, permitting the omission of one of the units of assessment for the majority of qualifications. The omissions are really designed to take account of the ongoing disruption and to significantly reduce the number of exams that young people have to take. While I appreciate that these are still difficult times, it is only fair to the young people that they are tested.

CCEA has made it very clear that examiner judgement and not an algorithm will be at the heart of the awarding process this year. Obviously, algorithms became quite the thing a couple of years ago. It is certainly not something that we will be looking towards this year. Examiners, as I understand, will take account of the disruption that has been faced by our students in order to ensure that any grades will be higher than those in pre-pandemic years. That work is ongoing.

**Mr Catney:** This is a big ask, but will you promise that you will continue to monitor that situation and act with speed to be fair to our young people and put their well-being first?

**Miss McIlveen:** The well-being of our young people is my utmost priority. The situation will be kept under regular review. My officials are working very closely with officials from the other jurisdictions to monitor developments and ensure that our young people are not disadvantaged in any way, particularly when they are looking to gain employment or to go on to third-level education. If there is to be any change or alternative awarding, it will be similar to that of 2021 and will be stood up at pace so that there will not be delay. However, I assure

the Member that, at the moment, my intention is that examinations will continue this year.

## Education Staff: Financial Support

T4. **Mr Carroll** asked the Minister of Education what work she and her Department have completed to ensure that teachers, classroom assistants and auxiliary staff are not financially hit by recent exorbitant increases in the cost of living, given that although inflation is officially 5%, prices are rising way beyond that. (AQT 1974/17-22)

**Miss McIlveen:** I thank the Member for his question. Obviously, it is very much a societal issue, but the Member will be aware that there are ongoing discussions about pay, particularly for teachers. I am having discussions with the Department of Finance about that. If there is any way that we can give support, we certainly will do that.

**Mr Carroll:** I thank the Minister for her answer. On staff shortages in schools, as I understand it, all the inspectors in the Education and Training Inspectorate (ETI) are trained teachers. What conversations have her officials had about the redeployment of those staff to help in schools where teachers are isolating or off sick because of COVID?

**Miss McIlveen:** Work has been ongoing for a number of months to try to supplement the Northern Ireland substitute teacher register (NISTR) and ensure that we can maximise the number of substitute teachers on it. There are 7,100 teachers or thereabouts on that register. The Member will know that, before Christmas, I made a call for retired teachers. That has been very successful. Over 250 retired teachers have expressed a preference to go back on to that register. I have also written to those who are on career breaks. While that is quite a small number, and they may not wish to come back, I have had correspondence from those who would like that to happen, and we are making it possible for them.

We have had those conversations with the ETI and other bodies. Those numbers are very small, and it is about weighing up the benefit of them coming back in. We may only be talking about 20 inspectors, who are carrying out really important work in supporting teachers at this time. A judgement call will have to be made on whether that would make a difference. The Member will also be aware of the work that we are doing with student teachers to provide cover and free up other teachers. Quite a lot of

work has been undertaken to try to address the issue.

### **Schools: Mental Health Support**

T5. **Mr Boylan** asked the Minister of Education to outline what service provision and support are available within school settings to tackle mental health issues, given that, unfortunately, owing to the COVID pandemic, the issue of mental health has raised its head among our children and young people. (AQT 1975/17-22)

**Miss McIlveen:** I thank the Member for his question. Obviously, the emotional health and well-being of our young people was really important prior to COVID, but, since COVID, there have been much higher levels of anxiety and distress, particularly among those who were transitioning back in the early part of the return to school. When I am out and about speaking to principals, I hear about the pressures. The majority of our young people are very resilient, but not everyone has good support at home. We have been very focused on trying to deliver a suite of measures to ensure that we capture as many young people as possible.

The Member will understand that a framework was recently developed in conjunction with the Department of Health. Our Department committed £5 million to that, Health committed £1.5 million, and there will be recurrent funding associated with it. A number of programmes have been delivered, and others will be delivered in the coming months. There is Text-a-Nurse, the EA youth service's REACH (resilience education assisting change to happen) programme, an enhancement of the RISE (regional integrated support for education) team in post-primary schools, and the CCEA well-being hub. The Member will also be aware of Healthy Happy Minds, which is a focus for primary school pupils. There is ongoing work. It may not address all the needs, but, at least, it is a very healthy start.

**Mr Boylan:** The criteria for Healthy Happy Minds are set out for service providers. Is there any opportunity or flexibility in that programme to allow schools to access external providers other than those that are identified in it?

The roll-out of programmes may present an opportunity.

**2.45 pm**

**Miss McIlveen:** I thank the Member for his question. The programme was quite late in its delivery. There had been some pressures, particularly on the ability to access some services. Some schools have been very fortunate, in that they already had in-school services, while others have tried to be a bit more creative and have been working very closely with the EA in hubs. I am conscious of some of the challenges with the Healthy Happy Minds pilot, and I am keen to see it extended in order to allow a little bit more flexibility. I am therefore conscious of the issues and am working with colleagues to try to address them.

**Mr Deputy Speaker (Mr McGlone):** I have time for a quick question.

### **Substitute Teachers: Sick Pay**

T6. **Mr Delargy** asked the Minister of Education to advise how substitute teachers can access sick pay and to state whether, because this is obviously a broader problem, the Department will put measures in place to ensure that those teachers get paid when they are sick, particularly because he has been contacted by a number of substitute teachers who have contracted COVID-19 and, because they do not have an agreed contract, have been unable to access sick pay. (AQT 1976/17-22)

**Miss McIlveen:** I thank the Member for his question. He has a particular interest in the issue of substitute teachers. Substitute teachers are employed for temporary periods on an ad hoc basis and do not have contracts, so that is an issue for them. Some substitute teachers may have other employment that may be able to assist them. The situation is certainly challenging, because they are paid only for the days on which they are engaged. I am, however, happy to take the matter away and come back to the Member.

**Mr Deputy Speaker (Mr McGlone):** Members, time for topical questions is up. I ask Members to take their ease before the next item of business.

## Executive Committee Business

### Protection from Stalking Bill: Consideration Stage

#### Clause 17 (Guidance)

Debate resumed on amendment No 1, which amendment was:

In page 12, line 2, leave out subsection (1) and insert—

"(1) The Department must issue guidance about—

(a) the effect of this Act,

(b) such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking in Northern Ireland, and

(c) the exercise of the Chief Constable's functions under the provisions of this Act relating to stalking protection orders or interim stalking protection orders.

(1A) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions."— [Mrs Long (The Minister of Justice).]

The following amendments stood on the Marshalled List:

No 2: In page 12, line 6, at end insert—

"(2A) The Department must—

(a) keep any guidance issued under this section under review, and

(b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review."— [Mrs Long (The Minister of Justice).]

No 3: In page 12, line 8, at end insert—

"(4) The Department must lay before the Assembly any guidance issued or revised under this section.

(5) Nothing in this section permits the Department to issue guidance to a court or tribunal."— [Mrs Long (The Minister of Justice).]

No 4: After clause 17 insert—

"Operational matters

#### Guidance on data collection

17A.—(1) The Department—

(a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and

(b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.

(2) The listed bodies are—

(a) the Police Service of Northern Ireland, and

(b) the Public Prosecution Service for Northern Ireland."— [Mrs Long (The Minister of Justice).]

No 5: After clause 17 insert—

#### "Training

17B.—(1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act—

(a) such initial training, and

(b) such annual or other top-up training,

as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.

(2) The Chief Constable is a listed authority, and the Chief Constable's 'relevant personnel' are the personnel of the Police Service of Northern Ireland.

(3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the



Director's 'relevant personnel' are the personnel of the Public Prosecution Service for Northern Ireland.

(4) The Department is a listed authority, and the Department's 'relevant personnel' are—

(a) staff within the Northern Ireland Courts and Tribunal Service, and

(b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.

(5) The Department must publish a statement detailing the level of participation by relevant personnel in training provided under subsection (1)—

(a) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent, and

(b) thereafter within each period of 12 months beginning with the day on which the last statement was published.

(6) A 'specified authority' is a person that—

(a) has functions in relation to cases under this Act, and

(b) is specified in connection with this section in regulations made by the Department;

and a specified authority's 'relevant personnel' are persons of a description specified in regulations made by the Department.

(7) Regulations under subsection (6) are subject to negative resolution."— [Mrs Long (The Minister of Justice).]

No 6: After clause 17 insert—

**"Report on the operation of this Act**

**17C.**—(1) The Department must prepare a report for each reporting period giving the information in subsections (2) to (5) (so far as available to the Department).

(2) In relation to sections 1, 2 and 13 (offences), the information referred to in subsection (1) is—

(a) the number of stalking incidents reported to the police (broken down by reference to each of sections 1, 2 and 13); and 'stalking incident'

here means an incident (including a course of conduct) which, as reported to the police, indicates that an offence may have been committed under section 1, 2 or 13,

(b) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1, 2 or 13 broken down by reference to each section,

(c) the numbers mentioned in paragraphs (a) and (b) broken down by reference to police districts,

(d) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under one or more of sections 1, 2 and 13,

(e) the number of cases prosecuted by the Public Prosecution Service for offences under one or more of sections 1, 2 and 13, and—

(i) the number of convictions in those cases,

(ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (disregarding appeal processes), and

(iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet—

(A) in a key way, or

(B) in some lesser but non-minimal way, or

(C) either minimally or not at all.

(3) In relation to stalking protection orders the information referred to in subsection (1) is—

(a) the number of stalking protection order incidents reported to the police; and 'stalking protection order incident' here means an incident (including a course of conduct) which, as reported to the police, indicates that the Chief Constable may have grounds for applying for a stalking protection order against a person,

(b) the number of applications for stalking protection orders under section 7 and the number of orders made under section 8,

(c) the number of stalking protection orders—

(i) discharged before the end of the period of 2 years beginning with the day on which the order was made,

(ii) discharged at the end of the period of 2 years beginning with the day on which the order was made,

(iii) discharged after a period of more than 2 years beginning with the day on which the order was made,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of a stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with stalking protection orders and the requirements of sections 14 and 15 in relation to stalking protection orders.

(4) In relation to interim stalking protection orders, the information referred to in subsection (1) is—

(a) the number of applications for interim stalking protection orders under section 11 and the number of orders made,

(b) the average duration of interim stalking protection orders,

(c) the number of interim stalking protection orders which cease to have effect as a result of a stalking protection order being made on the main application,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of an interim stalking protection order broken down by reference to whether the application

was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with interim stalking protection orders and the requirements of sections 14 and 15 in relation to interim stalking protection orders.

(5) The information referred to in subsection (1) also includes—

(a) information about the level of participation, by persons for whom section 17B requires training to be provided, in the required training provided for them,

(b) information about how court business is arranged so as to ensure the efficient disposal of—

(i) cases under sections 1, 2 and 13, and

(ii) applications for stalking protection orders and applications for interim stalking protection orders,

(c) information about the experience at court of witnesses (including witnesses who are children)—

(i) in cases under sections 1, 2 and 13, and

(ii) in applications for stalking protection orders and applications for interim stalking protection orders,

but for the purposes of this paragraph a witness does not include the accused or a person against whom an order is sought.

(d) information about any issuing, review or revision of guidance under section 17 or 17A,

(e) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,

(f) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),

(g) information about any activities undertaken by the Department in supporting the operation of this Act, and

(h) any further information the Department considers appropriate.

(6) For the purposes of subsection (1)—

(a) the first reporting period—

(i) begins on the day on which this Act receives Royal Assent, and

(ii) is of such length, at least 2 years and not more than 3 years, as the Department determines, and

(b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.

(7) The Department must publish each report under this section as soon as practicable after completion of the report.

(8) The Department must lay before the Assembly each report under this section.

(9) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the day on which this Act receives Royal Assent.

(10) Regulations under subsection (9) are subject to negative resolution.— [Mrs Long (The Minister of Justice).]

No 7: As an amendment to amendment No 6, in subsection (5)(d), at end insert—

"(dd) information on A and B as described in Section 75(1) of the Northern Ireland Act 1998,".— [Miss Woods.]

No 8: In clause 19, page 12, line 22, leave out first "section" and insert "sections 17A to".— [Mrs Long (The Minister of Justice).]

**Ms Dolan:** I welcome the opportunity to speak in the Consideration Stage debate on the Protection from Stalking Bill. This is yet another Bill that has the potential to change the lives of victims. Any law that is formulated should be victim-focused and be able to deal with the realities of stalking and the seemingly minor behaviours that, in conjunction, cause fear and alarm. Stalking is an extremely prevalent issue in our society. For too long, protections in the North for crimes such as stalking, which

disproportionately impact on women, have been less than those in other jurisdictions. The progress made on issues including domestic abuse legislation, tackling the rough sex defence, and the Justice (Sexual Offences and Trafficking Victims) Bill that is going through Committee at the minute is welcome.

However, we still have a long way to go before women and girls are afforded at least the same protections as women across these islands so that the full scale of gender-based violence can be tackled. Although victims of stalking are not always women and girls, stalking is overwhelmingly gender-based and is usually carried out by men against women.

Currently, people who end up in court on charges that are regarded as stalking behaviour can be charged only under existing harassment or intimidation legislation. Stalking is separate from and can be more serious than harassment. It needs to be treated with the seriousness that it deserves. Harassment laws do not accurately capture the heinous nature of stalking and do not appropriately capture the intense fear that is felt by victims of stalking and nor do the penalties. The new offence accurately captures behaviours that are commonly regarded as stalking. Importantly, it carries greater and more appropriate penalties and protections than are available under existing harassment legislation. Whilst the new offence will apply only where there is a pattern of behaviour, ie two or more occasions, I welcome the introduction of the alternative offence of threatening or abusive behaviour that will cover isolated incidents.

Even if threats are not made, stalking is a serious issue that causes many victims to live in fear. A new law alone will not improve the lives of stalking victims. If we want the legislation to be effective, it will require training to ensure the right attitudes towards stalking, improve investigations and secure prosecutions.

Therefore, it is welcome that amendment Nos 1, 2 and 3 outline that the Department must issue guidance about the effect of the legislation and other matters that it considers appropriate as to the criminal law or the procedure relating to stalking. It is also welcome that amendment No 5 provides for mandatory training for relevant personnel involved in the operation of the legislation.

Across the legislation that we have dealt with, one of the key lessons that we have learned is the importance of training police officers, prosecutors, judges and all those involved in stalking cases to recognise stalking and understand the risks associated with stalking

behaviour. Police officers are often the first responders to incidents and have to provide comfort and reassurance to victims, as well as being responsible for collecting evidence and building a case against the perpetrator. Most police officers who deal with that behaviour do so diligently, so it is important that they are supported in their efforts and equipped with the right tools to tackle it. The introduction of stalking protection orders (SPOs) will be a key tool for the police. They will enable them to intervene prior to any conviction to address stalking behaviours before they become entrenched or escalate in severity and to protect victims quickly when there is an immediate risk of harm.

As has been said, the Bill is significant legislation that will help to protect many people across the North from living in the fear that this kind of crime creates.

**Ms Dillon:** I thank the Minister for bringing the Bill to the House. I will speak mainly to the amendments that deal with training.

To set it in context, we previously passed the Domestic Abuse and Civil Proceedings Act. Whilst the two are different and distinctly separate pieces of legislation, there are many occasions on which their provisions may cross and impact on individuals, particularly when the perpetrator or alleged perpetrator is an ex-partner. Whilst we cannot put it into the Bill, it is extremely important that we ensure that all legal representatives are aware of both pieces of legislation and how and when they can be used. Individuals have come to my constituency office with issues of coercive control and stalking. These pieces of legislation could be used in those cases, but I am concerned that the Domestic Abuse and Civil Proceedings Act, in particular, has not been flagged up to those individuals. Training is important, not only for the PSNI and for those in the justice family but for the legal representatives of individuals. Of course, that will be their responsibility, but it is extremely important. It is important that that is said in the Chamber.

A number of Members have outlined the training for the PSNI. That is important not only because the PSNI are the first responders but because, indeed, if the PSNI do not understand the offence, you will have many occasions when a victim will not know that the offence has been committed against them. Many victims of stalking will not even know that what they are suffering is stalking. As was said, some individuals will have had over 100 incidents before they report anything. Many will not report it. They may have had many incidents but still

not consider themselves to be victims of stalking, because they do not truly understand what stalking is or what they are suffering. That does not take away the impact that it has on them.

We have already talked about how stalking is mainly an offence perpetrated against women by men and often ends in violence. As we all know, it can end in the death of a victim. On many occasions, those women suffer in silence. They tell nobody. They are embarrassed. They think, "What will happen? Who will believe me?", or, for some reason, they think that they have brought it on themselves. For that reason, the training of our PSNI officers is extremely important. When they respond to those incidents, they need to have a full understanding not only of the offence but of how to assist the person that they are going to help and of how to assist that individual in understanding that what they have suffered is stalking and that they have the legislation in place to stop it, to bring it to court and to bring the perpetrator to justice. It is really important. There is nothing more important in relation to legislation than the training, because the legislation is worthless without it. The previous Committee worked really hard on that in the domestic abuse Bill, and I am delighted that the current Committee has given the same weight to it with this Bill. There can be nothing more important than ensuring that what we do after we pass legislation ensures that it is effective and that it does what it says on the tin.

**Mr Storey:** I thank the Member for giving way, for the work that she did on domestic abuse in her time on the Justice Committee and for the comments that she has made about the current Committee. We are talking about this Bill and the issue in relation to training. In correspondence to us this week, the Minister has already mentioned the pause in the numbers going into Garnerville. We have a real challenge in the Budget to ensure that we also make financial provision in that regard. I know that the Member is not saying otherwise, but we need the resources to do the training. Does the Member agree that, as the Budget sits, there is a huge challenge for us in how we close that gap?

**Ms Dillon:** Yes. In fairness, all of our Ministers have a huge challenge with the Budget, particularly given that we have given priority to Health. Whilst I absolutely agree with that, I certainly hope that the money that goes to Health is effective where it is needed. However, it leaves the Minister and the PSNI with a challenge, and I hope that that is prioritised. I have spoken to people in the PSNI and to those

to whom the PSNI has responded, particularly since the changes that were made in Garnerville. Even the PSNI officers and trainers say that there is no comparison between the officers coming out at the other end of the training at Garnerville now and those who went before them. Additional training on the issues can only add to that and make it better. That is really important.

I agree with the Member. Finances and resources will be issues for the Minister and the PSNI going forward, but, like all of us, the PSNI has to decide what its priorities are.

Just because violence against women and girls has been highlighted over the past weeks does not take away from the fact that the issue is as old as time, as I said in the Chamber yesterday. It has been going on for as long as time has existed, and we all have a responsibility to address it where we see it. Without the legislation, addressing it will not be enough. We need to ensure that those who perpetrate it are brought to justice and that the victims who have suffered know that it was stalking that happened to them, that it was wrong and that the perpetrator will be punished for what they have done to them.

### 3.00 pm

I began to say earlier that, if you speak to any woman who has suffered as a result of coercive control or stalking and ask, "What was the most difficult part of it?", you are told that it is the fear. It is the absolute fear. Some women for whom it ends in physical violence will tell you that the fear of what was going to happen was worse than the actual physical violence. That tells you all that you need to know about what some individuals suffer.

I thank the Minister again for bringing the Bill forward. I thank everyone on the Committee for their amendments. Just to speak quickly to amendment No 7, I absolutely support the intent of the Member in relation to the section 75 groups. I would like to see whether there are examples of best practice, maybe in other parts of the world, of how that can be done effectively. Even in my own remit on the Policing Board, I would like to understand, when we ask for the same kind of data to be collected, how we can identify how that can be done. I would appreciate some detail on that.

Thank you to the Minister, and thank you to the Committee.

**Miss Woods:** I will endeavour not to go over what has been said other than to thank the Committee staff and all who provided evidence. It is greatly appreciated. I welcome the constructive approach from the Minister and the Department during the Committee's scrutiny and in response to our suggestions to strengthen the Bill. In order to keep my comments relatively brief, I will touch only on areas where, I think, the Committee has added value through our scrutiny. Of course, I will address my amendment regarding the reporting of section 75 information.

As the Chair set out, the Committee discussed a number of issues in relation to certain clauses. I want to touch on one that stills jars with me, which is in relation to clause 7, but I appreciate why it is in the Bill. The Committee report reflects the lengthy discussions and debate that we had on the orders, not just on the application process but on where they apply. The Department confirmed that the key aim was to protect the victim and prevent the impact of stalking and it was not a question of a perpetrator's religious or work rights taking precedence, which was and is welcomed. However, I heard it loud and clear from victims of stalking whom I met that it was at their place of work, their place of worship and at their education facility that they were stalked. It was also they who were made to or had to leave or move on: not the perpetrator but them, as the victim. I appreciate that there is a balance of rights, but we need to be mindful of what really happens and try to minimise the impact on victims in future. We should not have a situation in which a person is a victim of stalking at university, for example, and is told that they cannot attend class and should move to a different class or be forced to leave university, when stalking is reported. Similarly, we cannot have a situation where a victim of stalking has to move on — to move away from their workplace, say — because their stalker remains. It is not the victim who should have to change their behaviour and their everyday life in response to stalking.

That brings in the wider issue of awareness of the role and the responsibilities that we as a society have to play in protecting victims. That is longer-term and is not within the scope of the Bill. What duty exists in places of work, worship and education around stalking? Indeed, that has been discussed around domestic abuse too, so it is an issue that we need to grapple with in order to review, update and implement policies around places that may be used as locations for now-criminal behaviour. What does a workplace do if person A is being stalked by person B and they are on the same

property? What measures should be put in place? What can it be? Is there advice and guidance on how to deal with that, and what role does the employer need to play, for example? I would like to see Departments providing the resources and advice to help businesses and other organisations to deal with those scenarios, and that is not a matter for just the Department of Justice.

We should not underestimate the importance and significance of guidance regarding the new criminal offences and new legislation more generally. That is something that I pressed for continuously when the Assembly was considering the domestic abuse Bill. I raised similar arguments with officials and the Committee during the deliberations on this Bill. I was happy that the Committee agreed to propose an amendment to widen the scope of clause 17, but I am glad that it is no longer needed and that the Minister has proposed the changes that we need to see in the Bill in amendment Nos 1, 2 and 3. We need robust implementation of the new law and proper awareness and training across the criminal justice system. Clear, detailed guidance is essential to help those tasked with operationalising the new law and putting it into practice, and that is key to ensuring that the public are able to benefit from the new protections around stalking. We saw the importance of having guidance on the new domestic abuse offence. The arguments have been made, and it is equally important for the new offences of stalking, threatening or abusive behaviour and breaching a stalking protection order.

Many of those who provided evidence to the Committee emphasised the need for adequate training, given the current lack of understanding and awareness of stalking and how the new offence of threatening or abusive behaviour can and should be used. Without training, there would be no effective implementation of the legislation, and that is why I fully support mandatory programmes across the criminal justice system. We have seen that through the regular updates that the Committee was given in light of amendments to the domestic abuse Bill and on the all-party group on domestic and sexual violence. Many police officers have completed the training, and it is being rolled out to the Public Prosecution Service (PPS) and the Courts and Tribunals Service.

**Mrs Long (The Minister of Justice):** Will the Member give way?

**Miss Woods:** I will indeed, yes.

**Mrs Long:** I thank the Member for her comments, but I will point out — it is important for Members to understand it — that there has never been any dispute about the importance of training. The issue is simply how we allow for that training, whether it is in the Bill or via regulations. It has always been the Department's intention that training will be provided across all sectors of the justice system, because that is absolutely vital. There is no dispute about the substance. The issue is whether or not to do that in primary legislation, which would mean that primary legislation needs to be amended, or whether it could be done by regulation in secondary legislation, which would allow us to amend it more flexibly but not require us to come back to the House with full changes to primary legislation. That has only ever been the dispute. The Department always agreed with and articulated the principle that training, guidance and all those other things are absolutely essential, both in this Bill and in the domestic abuse Bill.

**Miss Woods:** I thank the Minister for her intervention, and I completely understand her point. There is no dispute. I am glad that it is in primary legislation in those Bills, and that reflects the needs and wants of those who are involved in front-line support organisations and the needs and wants of the Committee and the Minister.

Significant work has been done to have training available in the Civil Service too. At the end of last year, at the all-party group on domestic and sexual abuse, I had a run-through of one of the training modules from the Department. It really showed how beneficial it is, and I thank the Minister's officials for all their work on that. It is an absolutely fantastic resource, and I look forward to its being launched next month.

If we are not aware of what coercive control is, how can we spot it? The same goes for the new offence of stalking. How can we get beyond the experiences of many victims who spoke to Committee members — I experienced it last year — of not being believed or of having unwanted attention being brushed off as something that it was not? If we do not know how to recognise it, what do we do? We all need training, and that is why it is key that we are introducing the new offences. The learning must come alongside it, so I am glad that the Minister will make the changes through amendment No 5.

To aid post-legislative scrutiny — an issue that the House needs to do a lot more work on — along with monitoring the effectiveness of new protections and new criminal offences, we need

to collate and analyse the relevant data. That data needs to be detailed, and collection must be consistent across the board, with proper read-across involving various justice agencies. Again, the Committee was in agreement that we wanted that to be reflected in the Bill, and I am again grateful that the Minister has agreed to bring that forward via amendment No 4. However, there are some gaps, which is why I tabled amendment No 7.

I will move on to that amendment. Members may think that we have discussed this before: they are correct. Indeed, we did so during debates on the domestic abuse Bill, and it has been mentioned by Members who spoke earlier. It ties in with the importance of data collection and reporting — to know what we are talking about and to know whether there are specific areas or problems that we need to put policies and resources in place to deal with. I will not labour on the amendment too long, as it is self-explanatory, but section 75, as we know, aims to change the practices of government and public authorities so that equality of opportunity and good relations are central to policymaking and service delivery. I will quote:

*"The ... duties aim to encourage public authorities to address inequalities and demonstrate measurable positive impact on the lives of people experiencing inequalities. Its effective implementation should improve the quality of life for all of the people of Northern Ireland."*

If there is already a public duty, why do we need the amendment? We need it because that level of data is not always collected. The amendment is about the operation of the law after the Bill becomes an Act and has been commenced. We are saying that we need the data so that we can develop evidence-based policy and responses. We, as a Committee, set out to do that through getting amendments, as already discussed, drafted and tabled. We also know that resource allocation and funding go hand in hand with relevant data and that funding and resources should be granted on the basis of objective need, but we know that that does not always happen. What if we were to have the information to hand in order to better identify that need? Maybe the need is in a different area from where we once thought or assumed. What if there were people who did not come forward to report stalking, did not know how to do so or did not want to engage with services, let alone officially report it to the criminal justice agencies and go through those often intimidating processes? Maybe their experiences are not being picked up in a way that fits into the data collection systems. The

Committee heard from many sectoral organisations on that exact point. It is clear that we need to improve our data collection and reporting to help to develop better policy responses.

I heard loud and clear last year and, indeed, the year before about the need for disaggregated data. I know from previous debates and conversations that some Members may have concerns about that, so I want to make two further points. The first is that, on 25 November 2021, at an evidence session with the Justice Committee, I asked the Northern Ireland Human Rights Commission directly whether it saw any issue with collating and publishing that type of data. The chief commissioner helpfully and succinctly replied with one word: "No". There were no issues. The second point is that amendment No 6, which introduces the reporting requirement in the Bill, already includes an important caveat on data collection:

*"The Department must prepare a report for each reporting period giving the information in subsections (2) to (5) (so far as available to the Department)."*

That is important, when read alongside my amendment, as it accepts that the Department may not have all the tools to capture all the information described in section 75, so there is some leeway and flexibility for the Department.

Even though the ultimate aim is to strengthen data collection and get a much fuller picture of the issues at play, it is my understanding that the PSNI has already started looking at section 75 data collection. Earlier, the Deputy Chair asked for other examples of where section 75 data was collected, but it only exists in Northern Ireland in that form.

The Minister stated in her opening remarks that the amendment may have unintended consequences. I hope that, in closing, she will explain to the House what they are. Others have said that it is unclear who would collect the data, but my amendment relates to amendment No 6, which states that it is the Department that would do so. I note the comments that anything can be amended, so, if there are issues with the practical implications of the current wording and if Members understand, as, they say, they do, the intent of the amendment, I ask that they agree to it at this stage. We can work together on it for Further Consideration Stage. That is the purpose of my amendment: to strengthen amendment No 6. I ask Members to vote in support of amendment No 7.

I will move on. It is one thing to collect all relevant information regarding the new offences and protection orders, but the Department must also conduct a thorough analysis and publish its assessment of the effectiveness of the legislation. That is not to take away from the Committee or, indeed, the Assembly's job of scrutiny; it is to add to that and improve the level of information that we are able to scrutinise. That is why the reporting requirement in amendment No 6 is so important. It will help the criminal justice sector, inspecting organisations, scrutiny bodies, MLAs and the general public to see how the new system for dealing with stalking crimes is working. It will help to fix problems sooner, lead to more comprehensive solutions and build confidence in the police, the courts and government. While I fully support the Minister's amendment, I, like others, in response to the Committee's desire to bring it forward, would like to see more detail specified on protection orders. There is certainly no harm in doing that, as it is already covered. What we seek is as much clarity as possible, and that is not asking too much.

Finally, tribute must be paid to every person who came forward to speak to us as a Committee and as individual members and laid bare what were — I think that I speak for the members who were part of those informal meetings too — their harrowing experiences. Thank you to everyone who spoke to me and told me what had happened to them. Your experience and your voice are important in the legislation.

To those listening who have been affected by stalking or wish to get advice and assistance, I will say this: please reach out. It may be scary to do so, and you might be fearful of doing so, but there are people and organisations out there that can and do help.

### 3.15 pm

I also thank the previous Justice Committee, my party colleague Clare Bailey MLA and the previous Justice Minister, Claire Sugden MLA, who were determined to get the Bill in place a few years ago before the Assembly was pulled down. They were right. Stalking could not have been included in the domestic abuse legislation. The two issues are completely different, and, in order to be got right, they need to be treated separately. We know that.

I will support all the Minister's amendments, and I encourage Members to support amendment

No 7 in order to strengthen data collection and reporting.

**Mr Allister:** I have no doubt that the Committee was very diligent and spent a lot of time on issues arising, but I have to express disappointment at the lack of focus in the legislation on some matters that are very significant. We have stalking as an issue that provokes fear, yet nowhere in the Bill is there any definition of fear, as there is in parallel legislation. Perhaps more significantly, however, the syndrome of repeat protection orders, which are civil orders, is not addressed in any appreciable fashion in that someone can be subject to successive stalking protection orders for decades even though they have never been prosecuted, a police complaint has never been allayed or there has never been a conviction. There is no right of appeal against that in the Bill. If you are found guilty of breaching a protection order, you can get five years in jail. Even though you have never been prosecuted or had the right to appeal, you can still feel the weight of the criminal sanction. I am disappointed that, from what I can see, the Committee never adequately addressed that.

I will move now to an issue that I thought for some would be very important. If you have been served with a stalking protection order, the police can take your fingerprints not just for identifying you but for any purpose. So a person who has never been prosecuted, charged or convicted can have their fingerprints taken and retained for purposes other than identification. As I suggested at the Bill's Second Stage, surely that provision should have said that the power can be used:

*"only' for the purpose of verifying the identity". — [Official Report (Hansard), 8 February 2021, p25, col 2].*

But no, the Committee did not seem to have any interest in that. I am disappointed with the Committee's report in that it avoided those issues and seemed to get into, as do the amendments, a preoccupation with process. Take a look at amendment No 6. Has there ever been a more bureaucratic imposition of over-the-top bureaucracy than amendment No 6? There may not be much wrong with any of the amendments, but they are reflective of a Committee that pursued tangential issues — process issues — over substance issues.

**Mr Deputy Speaker (Mr McGlone):** I call the Minister to make a winding-up speech.



**Mrs Long:** First, I put on record my thanks to all the Members who have participated in the Consideration Stage debate. It is encouraging to see the degree of consensus in the Assembly for the legislation. I think that that reflects the seriousness of the issues at hand and the need for the law to respond better to them.

In the context of the Bill, I want to send a clear message that stalking, in all its forms, is wrong and will no longer be tolerated. Stalking can be psychologically and physically damaging to victims, with delusional and obsessive offenders often going to extreme lengths to contact, follow and monitor their victims. Many of those victims have bravely shared their personal accounts with me, and they are the driving force behind the Bill. As the Chair of the Committee and Miss Woods reflected in their remarks, the victims' stories are harrowing; there is no other word to describe them. The challenges that they face in seeking protection under the law and justice against the perpetrator were a real motivation for us in introducing the Bill.

The Bill, when passed, will create a new specific offence for Northern Ireland, capturing conduct that amounts to acts associated with stalking behaviour. It will be better focused on recognising stalking behaviours, which are fixated, obsessive, unwanted and repeated, and the risks associated with stalking, which the current harassment law does not do. It will apply to two or more occasions that cause a person to suffer fear, alarm or substantial distress. It will also create a new offence of threatening or abusive behaviour, which can be triggered by a single incident. That, in itself, has the potential to be transformative given that physically or verbally threatening behaviour is often directed towards women and girls in public spaces. The impact on the victim of the particular type of behaviour will be paramount in defining whether those offences can be made out.

Importantly, the Bill provides that all victims of stalking will have automatic eligibility for special measures assistance, such as the use of live links or screens at court when giving evidence in proceedings. That also applies in family proceedings, where special measures can be considered by the court on a case-by-case basis. There will be greater and more appropriate penalties and protections than are available under current harassment legislation. The stalking offence will carry a maximum penalty on conviction on indictment of 10 years imprisonment or a fine or both. The introduction of stalking protection orders will be a key tool

for police, enabling them to intervene prior to any conviction. I reassure Mr Allister that those stalking protection orders can, of course, be appealed against and that there are mechanisms for that in the Bill.

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

**Mrs Long:** I will come back to your point in a second.

Awareness raising and training will be critical so that the offences and stalking protection orders can be used as effectively as possible. We know from discussions with operational partners that planning of training packages is in progress.

On the timescale for implementation, I am confident that the offences will come into force upon Royal Assent. Stalking protection orders will require some lead-in time for key training for operational partners, so, for those, we are looking at approximately six months after Royal Assent. This is an important piece of draft legislation. I want to ensure that it reaches the statute book and starts delivering, at the earliest opportunity, for people across Northern Ireland who are suffering from this debilitating and insidious crime on a daily basis.

The issue that is the focus of most the amendments is the administrative duties placed on my Department. The Department and the Committee have the same objective and intent. Our sole difference related to how those requirements should be allowed for in the legislative process. I strongly support the convention that amendments should be included in primary legislation only where there is no other means by which they can be facilitated. I thank my colleague Paula Bradshaw for her remarks in that regard. As outlined previously, I believe that the provisions set out in the amendments would be more properly catered for by way of a secondary legislation instrument.

That would allow more flexibility to amend over time, without further primary legislation and without any loss of scrutiny by the House, because it would be done through its going to the Committee. I appreciated, however, the Committee's strong desire to include the provisions in the Bill, and, out of a desire to work with the Committee as collaboratively as possible to advance this and other legislation as effectively and efficiently as possible, I agreed to bring forward the amendments.

The new provisions have been properly and expertly drafted by the Office of the Legislative Counsel (OLC), my thanks to whom I again record for turning around the amendments so swiftly. My intention is to ensure that the Assembly debate stages of all these Bills will be straightforward and easily managed by your office, Mr Speaker, and the Bill Office as we approach the end of the mandate, given the huge legislative pressure facing the House.

I thank the Committee for the work that it has done in managing this Bill alongside all the other Department of Justice legislation and policy developments over recent months. I extend my thanks to members and staff.

I will turn to Members' contributions. In response to the question posed by Jim Allister on the difference between "specified" and "listed" authorities in amendment No 5, which will insert new clause 17B, I can confirm that, as I advised in my response to his intervention, "listed" refers to those named in the Bill, while "specified" refers to those that may be added in regulations. On his concerns about "fear", I say that it is not necessary to define it in the Bill, as the dictionary definition is sufficient. I will give way to Mr Allister, because I believe that he had a specific query about stalking protection orders.

**Mr Allister:** The Westminster legislation of 2019 expressly provides for a defendant to:

*"appeal to the Crown Court against—*

*(a) the making of a stalking protection order".*

In the Bill, all that we have is clause 10, which states:

*"The Chief Constable or the person against whom a stalking protection order is made may apply to a court of summary jurisdiction for an order varying, renewing or discharging the stalking protection order."*

All that someone who is subject to a stalking protection order in this jurisdiction can do is apply for its discharge after it is in force — he cannot appeal the making of it — and the only place to which he can apply is the very court that imposed it. The essence of appeal is that you appeal to a higher authority. There is no such provision in this legislation as is in the GB legislation.

**Mrs Long:** My officials have already written to the Member and answered his concerns on that

point. There is opportunity for the overturning of a stalking protection order where that is sought, because a person has the right to do it. No concerns about the way in which the clause is framed were raised by any of our justice partners or, indeed, by any of those who gave evidence to the Committee.

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

**Mrs Long:** I will in just a second. Our underpinning courts legislation is different, and the appeal mechanism need not appear in our Bill in the way in which it does in the English legislation. I will give way to the Committee Chair.

**Mr Storey:** I thank the Minister for giving way. To give perhaps some comfort to the Member, the issue was raised with us. The Council of District Judges (Magistrates' Courts) in Northern Ireland noted that clause 10 of the Bill:

*"is silent in respect of appeals".*

The Department acknowledged that an appeal provision was not in the Bill but advised, and this is at paragraph 225 of the Committee's report:

*"as an application for an SPO (and an interim SPO) are made by way of complaint, the appeal provision in Article 143 of the Magistrates' Courts (Northern Ireland) Order 1981 which states 'an appeal shall lie to the county court from any order of a magistrates' court in proceeding [sic] to which this Article applies' will apply."*

I suspect that what the Member is saying is that it is not to a higher court but only to the court that made the original application. I say that just so that there is clarity on the Committee's remit.

**Mrs Long:** I thank the Committee Chair for elucidating that point. As I indicated, our underpinning courts legislation is different, and the appeal mechanism therefore does not need to appear in the Bill.

Moving on, I will address the issue raised by Sinéad Bradley, who very helpfully highlighted in her interventions the need for people to be confident that they will be believed when they come forward about issues to do with stalking. The statistic that she shared, which is that a victim will, on average, have suffered 100 incidents before reporting stalking, is shocking but also informative.

**3.30 pm**

It speaks to the lack of confidence that many victims of stalking abuse have. I believe that that is, at least in part, an extension of the more routine experiences of women who, when they challenge sexist and misogynist behaviour, often find themselves subjected to gaslighting by the person responsible and others around them. The sense of male entitlement is so deep-seated at times, and the culture of excusing or downplaying sexism and misogyny is so pervasive, that many women doubt their own judgement, even when such behaviour escalates beyond the banter excuse and becomes serious.

That is why we all need to be sure that we challenge any sexism or misogyny that we see and that we listen to the concerns of women if we are going to change the wider culture, which allows more serious abuse directed against women and girls to flourish.

I will now turn to Rachel Woods's comments on victim blaming and the unfair transfer of responsibility, which, too often, happens where it is the victim of domestic abuse who has to flee from their home in the dead of night in only the clothes they stand up in, away from their support network and their children's schools; where it is the victim of paramilitary intimidation who has to board a boat to head to further shores in order to be sure that they will be safe; or where it is the victim of stalking who has to alter their life to try to avoid contact with the offender. That imbalance is an issue that I acknowledge. Miss Woods rightly identified that it needs further work, but not just in Justice — right across society. We need to get that balance better.

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

I will turn to Rachel's amendment, which deals with section 75 information on victims and offenders. As I said in my opening remarks, while I am very sympathetic to its purpose, I do not believe that her amendment is the best way of achieving the desired outcome. I have already expressed my concerns about how a victim or an offender may feel when being asked for that information and, indeed, the merit of some of what it is intended to show.

There are challenges in when such questions would be asked or the context in which they would be asked, where a victim may be distressed, nervous or fearful. There are significant GDPR challenges that would prevent us from sharing such sensitive personal information across the justice system easily. I remain concerned that there is a very real risk that Miss Woods's amendment could

undermine confidence in the justice system, particularly among some more vulnerable groups, by appearing to legitimise a position of profiling victims and, indeed, perpetrators.

The Department would not have contact with victims that would allow us to directly collect such data in the way that the Member suggests. We would be entirely reliant on other justice agencies to collect and share that data with us, which, as I have said, would be problematic. Furthermore, and as I explained during discussions about a similar amendment that was tabled by the Member to the Domestic Abuse and Civil Proceedings Bill, operational partners have said clearly that they cannot deliver on that. Indeed, the police have trialled such monitoring in relation to other offences and have not been able to develop an operational solution. Those concerns are not merely hypothetical ones; they are real and significant.

As with other amendments, by imposing additional requirements at an administrative level, not all of which may materially benefit victims, fewer resources will, ultimately, be available for measures to substantially help them. Those concerns are even more relevant than previously, given the significant budgetary constraints under which my Department and our justice partners will be operating in the next mandate if the draft Budget becomes the final Budget. My concerns in that regard are on record, and I very much welcome the Committee Chair's comments on that issue. Legislation is but the first step on a path that needs to be properly funded.

A number of Members have asked what we can do to ensure that victims of stalking who have other specific vulnerabilities or who are members of section 75 or other minority groups can reach the support that they need. First, the police, and all our statutory partners, have their own equality schemes and policies for internal processes and the public-facing services that they supply. Also, where someone volunteers that information to the police or Victim Support, for example, they will be advised of the additional support available from specialist organisations. Further, we proactively engage with those specialist support organisations to help them raise awareness in particular sections of society about new offences and to encourage formal reporting, but also to ensure that we are aware of the prevalence of these matters in different parts of our community.

It is hugely important that this legislation goes forward. The work that has been done in tackling the issue of stalking is important in and

of itself. It raises awareness of what is an insidious and highly damaging crime. It is hugely important that, in addition to raising awareness, we deliver the structure around which, hopefully, future victims of this crime will be able to seek redress in the courts but, crucially, protection in their homes, on their streets and in their workplaces. I commend these amendments to the House.

*Amendment No 1 made:* In page 12, line 2, leave out subsection (1) and insert—

*"(1) The Department must issue guidance about—*

*(a) the effect of this Act,*

*(b) such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking in Northern Ireland, and*

*(c) the exercise of the Chief Constable's functions under the provisions of this Act relating to stalking protection orders or interim stalking protection orders.*

*(1A) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions."*

*Amendment No 2 made:* In page 12, line 6, at end insert—

*"(2A) The Department must—*

*(a) keep any guidance issued under this section under review, and*

*(b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review."*— [Mrs Long (The Minister of Justice).]

*Amendment No 3 made:* In page 12, line 8, at end insert—

*"(4) The Department must lay before the Assembly any guidance issued or revised under this section.*

*(5) Nothing in this section permits the Department to issue guidance to a court or tribunal."*— [Mrs Long (The Minister of Justice).]

*Clause 17, as amended, ordered to stand part of the Bill.*

## **New Clause**

*Amendment No 4 made:* After clause 17 insert—

*"Operational matters*

## **Guidance on data collection**

**17A.—(1) The Department—**

*(a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and*

*(b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.*

*(2) The listed bodies are—*

*(a) the Police Service of Northern Ireland, and*

*(b) the Public Prosecution Service for Northern Ireland."*— [Mrs Long (The Minister of Justice).]

*New clause ordered to stand part of the Bill.*

## **New Clause**

*Amendment No 5 made:* After clause 17 insert—

**"Training**

**17B.—(1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act—**

*(a) such initial training, and*

*(b) such annual or other top-up training,*

*as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.*

*(2) The Chief Constable is a listed authority, and the Chief Constable's 'relevant personnel'*

are the personnel of the Police Service of Northern Ireland.

(3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the Director's 'relevant personnel' are the personnel of the Public Prosecution Service for Northern Ireland.

(4) The Department is a listed authority, and the Department's 'relevant personnel' are—

(a) staff within the Northern Ireland Courts and Tribunal Service, and

(b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.

(5) The Department must publish a statement detailing the level of participation by relevant personnel in training provided under subsection (1)—

(a) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent, and

(b) thereafter within each period of 12 months beginning with the day on which the last statement was published.

(6) A 'specified authority' is a person that—

(a) has functions in relation to cases under this Act, and

(b) is specified in connection with this section in regulations made by the Department;

and a specified authority's 'relevant personnel' are persons of a description specified in regulations made by the Department.

(7) Regulations under subsection (6) are subject to negative resolution."— [Mrs Long (The Minister of Justice).]

New clause ordered to stand part of the Bill.

### **New Clause**

Amendment No 6 proposed: After clause 17 insert—

**"Report on the operation of this Act 17C.—**(1) The Department must prepare a report for each reporting period giving the

information in subsections (2) to (5) (so far as available to the Department).

(2) In relation to sections 1, 2 and 13 (offences), the information referred to in subsection (1) is—

(a) the number of stalking incidents reported to the police (broken down by reference to each of sections 1, 2 and 13); and 'stalking incident' here means an incident (including a course of conduct) which, as reported to the police, indicates that an offence may have been committed under section 1, 2 or 13,

(b) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1, 2 or 13 broken down by reference to each section,

(c) the numbers mentioned in paragraphs (a) and (b) broken down by reference to police districts,

(d) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under one or more of sections 1, 2 and 13,

(e) the number of cases prosecuted by the Public Prosecution Service for offences under one or more of sections 1, 2 and 13, and—

(i) the number of convictions in those cases,

(ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (disregarding appeal processes), and

(iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet—

(A) in a key way, or

(B) in some lesser but non-minimal way, or

(C) either minimally or not at all.

(3) In relation to stalking protection orders the information referred to in subsection (1) is—

(a) the number of stalking protection order incidents reported to the police; and 'stalking protection order incident' here means an incident (including a course of conduct) which, as reported to the police, indicates that the

Chief Constable may have grounds for applying for a stalking protection order against a person,

(b) the number of applications for stalking protection orders under section 7 and the number of orders made under section 8,

(c) the number of stalking protection orders—

(i) discharged before the end of the period of 2 years beginning with the day on which the order was made,

(ii) discharged at the end of the period of 2 years beginning with the day on which the order was made,

(iii) discharged after a period of more than 2 years beginning with the day on which the order was made,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of a stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with stalking protection orders and the requirements of sections 14 and 15 in relation to stalking protection orders.

(4) In relation to interim stalking protection orders, the information referred to in subsection (1) is—

(a) the number of applications for interim stalking protection orders under section 11 and the number of orders made,

(b) the average duration of interim stalking protection orders,

(c) the number of interim stalking protection orders which cease to have effect as a result of a stalking protection order being made on the main application,

(d) information on the number of applications seeking the—

(i) variation,

(ii) renewal, or

(iii) discharge,

of an interim stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made,

(e) information about the level of compliance with interim stalking protection orders and the requirements of sections 14 and 15 in relation to interim stalking protection orders.

(5) The information referred to in subsection (1) also includes—

(a) information about the level of participation, by persons for whom section 17B requires training to be provided, in the required training provided for them,

(b) information about how court business is arranged so as to ensure the efficient disposal of—

(i) cases under sections 1, 2 and 13, and

(ii) applications for stalking protection orders and applications for interim stalking protection orders,

(c) information about the experience at court of witnesses (including witnesses who are children)—

(i) in cases under sections 1, 2 and 13, and

(ii) in applications for stalking protection orders and applications for interim stalking protection orders,

but for the purposes of this paragraph a witness does not include the accused or a person against whom an order is sought.

(d) information about any issuing, review or revision of guidance under section 17 or 17A,

(e) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,

(f) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in

particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),

(g) information about any activities undertaken by the Department in supporting the operation of this Act, and

(h) any further information the Department considers appropriate.

(6) For the purposes of subsection (1)—

(a) the first reporting period—

(i) begins on the day on which this Act receives Royal Assent, and

(ii) is of such length, at least 2 years and not more than 3 years, as the Department determines, and

(b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.

(7) The Department must publish each report under this section as soon as practicable after completion of the report.

(8) The Department must lay before the Assembly each report under this section.

(9) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the day on which this Act receives Royal Assent.

(10) Regulations under subsection (9) are subject to negative resolution.”— [Mrs Long (The Minister of Justice).]

**Mr Deputy Speaker (Mr Beggs):** As amendment No 7 is an amendment to amendment No 6, we need to dispose of amendment No 7 before returning to amendment No 6.

*Amendment No 7 proposed:* As an amendment to amendment No 6, in subsection (5)(d), at end insert—

“(dd) information on A and B as described in Section 75(1) of the Northern Ireland Act 1998.”— [Miss Woods.]

*Amendment No 7, as an amendment to amendment No 6, negatived.*

*Amendment No 6 agreed to.*

*New clause ordered to stand part of the Bill.*

*Clause 18 ordered to stand part of the Bill.*

### **Clause 19 (Commencement)**

*Amendment No 8 made:* In page 12, line 22, leave out first “section” and insert “sections 17A to”.— [Mrs Long (The Minister of Justice).]

*Clause 19, as amended, ordered to stand part of the Bill.*

*Clause 20 ordered to stand part of the Bill.*

*Long title agreed to.*

**Mr Deputy Speaker (Mr Beggs):** That concludes the Consideration Stage of the Protection from Stalking Bill. The Bill stands referred to the Speaker. I ask Members to take their ease for a few moments.

## **Financial Reporting (Departments and Public Bodies) Bill: Final Stage**

**Mr C Murphy (The Minister of Finance):** I beg to move

*That the Financial Reporting (Departments and Public Bodies) Bill [NIA 21/17-22] do now pass.*

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

**3.45 pm**

**Mr C Murphy:** Today's Final Stage debate concludes this part of the legislative process for the Financial Reporting (Departments and Public Bodies) Bill. This technical legislation is necessary to allow the review of the financial process reforms to be implemented as planned in the 2022-23 financial year. The review of the financial process is designed to provide greater transparency and understanding of the financial information that is presented to the Assembly and to the public.

Three main systems impact on the control and presentation of government expenditure: budgetary controls and Supply Estimates, which are presented to the Assembly for

approval; and resource accounts, which are prepared by Departments at the end of each financial year. There are significant misalignments in how the financial information is presented in each of those documents, making it difficult for the Assembly and the public to understand the links and interrelationships between them. The Bill deals with one aspect of the misalignment by amending the Government Resources and Accounts Act (Northern Ireland) 2001 to allow the Department of Finance to issue directions for the way in which Departments prepare Supply Estimates to include the spending of designated non-departmental public bodies (NDPBs). That will enable the expenditure of NDPBs to be included in the Estimates and accounts of the Departments that control them, to align with the Budget that the Assembly approves.

I once again express my gratitude to the Finance Committee for the scrutiny that it has brought to the process. I look forward to hearing final thoughts from Members.

**Dr Aiken (The Chairperson of the Committee for Finance):** I thank the Minister for his opening remarks about the Bill. I also thank him and his officials for the oral and written briefing information that they provided to the Committee for Finance during Committee Stage.

As I previously indicated, the origin of the Bill is in the review of financial processes that has been under way for some years and is designed to create a financial framework that is effective, efficient and transparent, enhancing scrutiny by and accountability to the Assembly. The Bill is part of that process and allows the Department to issue directions on the format of the Estimates. That will hopefully improve their clarity and their alignment with departmental annual reports and accounts. It is anticipated that, following the passage of the Bill, a designation order will map non-departmental public bodies to their corresponding Departments. That should ensure the expanded inclusion of NDPB information in the Estimates, which will give us a bit more clarity when it comes to the passage of Budget Acts.

In that spirit, the Committee generally welcomed the Bill and endorsed the amendments relating to the inclusion of the Northern Ireland Public Services Ombudsman (NIPSO) in the designation order. The Committee also agreed to accept ministerial assurances around changes to the format of the Estimates and the development of the Estimates memorandum. Perhaps the Minister will give the House a general indication of the

timescales for the changes to the Estimates process and the introduction of the new memorandum in his winding-up speech.

I conclude by thanking the many stakeholders who responded at Committee Stage. I also thank Committee members for their conscientious participation in deliberations on the Bill.

**Mr McHugh:** Gabhaim buíochas leis an Aire. I thank the Minister. I welcome the opportunity to comment on the Final Stage of the Bill. Although it is technical in nature, it must be seen in the overall context of the review of the financial process. There is a shared view across the House that the process by which we scrutinise our Budget and the presentation of our Budget and Supply Estimates documents could be much improved.

As we know, Budget Bills and their associated Supply Estimates are essential legislative steps that allow the Executive to access the funding available to them and ensures that that it is spent in a way that is transparent and cost-effective. The OECD has a set of 10 principles of budgetary governance that set out best practice across the full spectrum of budgetary activity and aim to give practical guidance for designing, implementing and improving budget systems to make a positive impact on citizens' lives. Principle 4 of the OECD's 10 principles talks about ensuring that:

*"budget documents and data are open, transparent and accessible."*

We can all agree that we have a bit of work to complete if we want to abide fully by that principle, particularly when it comes to accessibility. A recent Audit Office report highlighted that area as a particular weakness of our budgetary framework:

*"the budget document can be difficult for anyone other than a financial professional to understand, given the amount of terminology it contains. The year-end accounts of public bodies, which report on how they spent the public money allocated to them, are also complex."*

During Committee scrutiny of the Bill, officials set out their vision of what the new budgetary process will look like. That assured us that substantial changes are being implemented to the Estimates documents to make them more presentable and easier to understand and so that they align fully with the Budget documents and accounts. Part of that reform is to bring



non-departmental public bodies within the accounting boundaries of Departments so that their spending can be presented in the Budget and Estimates documents. Some of our NDPBs, such as the Education Authority and the health trusts, are substantial and are involved in spending huge amounts. Other NDPBs, such as Northern Ireland Water and Translink, will not be brought within the scope of the Bill at this stage, but I welcome the confirmation that work will continue to ensure that those bodies can be added to the schedule of public bodies at a later stage.

We must ensure that we have full sight of all public spending and that all bodies that receive public funding abide by the highest levels of transparency and accountability when it comes to spending that money. The Bill will achieve that by allowing the Department of Finance to issue instructions to Departments and their NDPBs on how they must prepare their estimates and accounts. That is a small but significant step. The passage of the Bill today will pave the way for future reforms in the next mandate.

I am happy to add my support to the Bill. I thank the Minister and his officials for bringing this important legislation to the Assembly.

**Mr O'Toole:** I will not speak for too long because we have debated the Bill at Second Reading, Committee Stage and Consideration Stage. As has been said, it is a modest but welcome Bill. It does a relatively narrow thing: it updates the Government Resources and Accounts Act (Northern Ireland) 2001 or GRAANI, as it is colloquially known, to ensure that it is better aligned and that certain NDPBs are more accurately consolidated into the way in which Estimates documents are presented. That is, in and of itself, welcome, but it is modest. It will not make the Estimates documents accessible for the layperson, or even the lay MLA, as it were; they are still extremely dense documents.

The review of financial processes was mentioned. The Bill came out of that review, which started more than five years ago, before the Assembly fell. It is a long and ongoing process, but it is part of a bigger and more important job of allowing people to understand exactly how this place spends money. As I have said repeatedly in the Chamber, in the absence of an agreed Programme for Government — we have not had one for the past number of years, and certainly not in the past two years while we have been in the middle of the pandemic — the making of Budgets and Budget documents are the default strategic policy tool of the Executive,

so it is really important that we have a simple and straightforward understanding of how money is being spent and how prioritisation is happening. I am afraid that we do not have that at the minute. We need to get better at it.

One of the most important developments of the past couple of years is not this legislation, modest but welcome though it is; it was the establishment of the Fiscal Council. The Fiscal Council's document of November 2021, which is its comprehensive guide to Northern Ireland public finances, acknowledges that the Bill is a welcome step forward. It will, however, allow greater accessibility for the kinds of people who work at the Fiscal Council already, rather than for Joe and Jane Bloggs, who want to understand how public finances work in Northern Ireland. It is organisations like the Fiscal Council and, indeed, the Fiscal Commission, which is a one-off body set up by the Minister to look at fiscal devolution and which I welcome, that will have the job of making those issues comprehensible to the average person in the street, thereby improving the quality of public and political debate, the policies that we make in the Chamber and the policies that are made for the forthcoming election. Hopefully, it will, eventually and ultimately, improve the quality of policymaking generally and specifically in how we pay for things. That is where a real difference will be made.

To that end, while we are here, it would be useful to get an update from the Minister on putting the Fiscal Council on a statutory footing. I know that he agrees in principle that that is worth doing. I recognise that it was important to get it off the ground, as it were. We are taking evidence from it in the Committee tomorrow. If possible, I would like to hear an update from the Minister on the specific timeline now. Clearly, that will not happen before the end of the mandate, but it would be helpful to know where his departmental officials are with drafting and having the legislation on it ready to go in a new mandate.

I will conclude on that point. As I say, it is not unimportant legislation; it is important, as far as it goes. It is relatively discrete and technical legislation. What we do to improve public understanding and therefore, ultimately, public confidence in how we do our budgeting must be much more ambitious and dramatic, and that must be laid in front of us all or in front of those of us who will return here at the beginning of the next mandate. We will support the Bill's passing its Final Stage, should it be necessary for me to make it clear.

**Mr C Murphy:** I thank the Members who contributed to the debate, many of whom did so at earlier stages of the Bill's progress. A couple of issues were raised. The Chair of the Finance Committee raised the issue of the memoranda. It is envisaged that an Estimates memorandum will be included in the 2022-23 Main Estimates process, and officials will work with the Committee on that. Work is ongoing on that in the Department now. In the next couple of weeks, we will update the Committee on how that is moving on.

Maoliosa McHugh and Matthew O'Toole made the important point that the Bill is a step — it is just a step — towards greater transparency, which is required across our financial processes. I have long been an advocate of that. I am glad that we have been able to pass the Bill. As people have outlined during the passage of the Bill, there is much more to be done in that regard. Of course, the Fiscal Council is an important device in all of that. It made a welcome contribution in its report on these matters in the autumn. I fully agree that bodies like it and the Fiscal Commission will add to the public understanding of how public finances work and improve the quality of debate.

As regards putting the council on a statutory footing, the Member will know that I am keen to move that on quickly. Of course, we are running up to the end of the mandate, and we had to ensure that the terms of reference for the Fiscal Council were workable and agreeable not just for us but for the Northern Ireland Office, which also had input into them. There is broad satisfaction with how those terms of reference have played out. I expect that we will draft legislation for an incoming Executive and Finance Minister to take up early in the next mandate. I look forward to seeing that.

As I have said, the passing of the Bill is a small but necessary step in the review of financial processes. It will ensure that the information presented in the Estimates, accounts and Budgets is more transparent and easily understood. I welcome the enhanced scrutiny of public finances that those improvements will inevitably bring. I ask Members to support the Bill.

*Question put and agreed to.*

*Resolved:*

*That the Financial Reporting (Departments and Public Bodies) Bill [NIA 21/17-22] do now pass.*

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

**4.00 pm**

**Mr Deputy Speaker (Mr Beggs):** I encourage Members to ensure that they are in their place for a debate on time, or they may miss their motion.

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr Beggs).]*

## Adjournment

### GP Out-of-hours Service: Fermanagh and South Tyrone

**Mr Deputy Speaker (Mr Beggs):** In conjunction with the Business Committee, the Speaker has given leave to Deborah Erskine to raise the matter of the crisis in cover for the GP out-of-hours service in Fermanagh and South Tyrone. The Member has up to 15 minutes

**Mrs Erskine:** Thank you, Mr Deputy Speaker. First, I apologise for not being in my place on time and for being out of breath. That just shows how much I need to get out walking [*Laughter.*] About now, GP practices will be starting to close up having finished for another day, but out-of-hours will be beginning. There is a fundamental problem with getting adequate staffing levels to fill shifts in Fermanagh and South Tyrone. I do not want the debate to become a mud-slinging match — I know that the Members who are here will not do that — a GP-bashing session or, indeed, an exercise in swapping stories of the worst scenarios that we have heard about. What we need is action, and now. Our constituents are crying out for it, as are GPs and healthcare staff.

The issue is of great importance to the constituency of Fermanagh and South Tyrone, where people already travel huge distances to reach services. I will give you a snapshot of my constituency: GP out-of-hours services were removed from South Tyrone Hospital in the summer; there have been weekends with no GP out-of-hours service cover; and rural practices are on a cliff edge trying to retain and recruit staff.

Behind that are the lives of my constituents, who are having difficulty accessing healthcare. Rural Fermanagh and South Tyrone is crying out for investment from the Health Minister in

GP services. So far, the £5.5 million to fund additional GP services in Northern Ireland over the winter period does not appear to be cutting through. Throwing money at a broken system is no longer the answer.

Since coming to the Assembly and joining the Health Committee, I have tried to understand the complexities of the situation. We need to be real about the issues. There is more to it than a certain narrative. It is complex and needs proper attention.

There were reports pre-pandemic of difficulties with getting GP out-of-hours cover. It is not because of COVID. I have heard from many constituents who have contacted a GP out-of-hours service and been told that there was no GP on call, not for an hour or a day but, at times, for an entire weekend. Those patients were then either presenting to EDs or waiting on the telephone to speak to their local GP practice on a Monday morning.

A number of issues need to be addressed. The Health Committee has heard evidence from the GP profession that we are in a crisis. I have been disappointed and frustrated that it does not seem to be a priority for the Department to look at incentives for the GP workforce in order to retain and recruit more GPs. Why are people leaving practices at the first opportunity? Why is there nobody to fill the gaps? Announcements about increasing training places are brilliant, but we are not retaining those students in general practice. I can name GP practices in my constituency that are simply existing on the goodwill of GP staff, but goodwill can stretch only so far.

Allocations of money to multidisciplinary teams (MDTs) must see past the Ballygawley roundabout, which we all drive past every day. Elsewhere, we see the practical, positive contribution that MDTs are making to our overall healthcare system. They are effective in reducing pressures. After all, GPs are the first port of call and the first point of access to healthcare, yet we are lamenting in Fermanagh and South Tyrone the fact that we have yet to see a penny in MDT allocations reach our GP surgeries.

Moreover, why do we not look at the MDT model for the delivery of our out-of-hours services? Cases of chronic pain are presenting to EDs, yet that could be rectified and pressure reduced if an MDT model were in place at our out-of-hours facilities.

The challenges are great, but, for weeks, our local newspaper has carried stories of those on

the front line in our EDs and heard from patients who have waited there. It is simply not good enough for those who rely on our healthcare system.

Members of the public also have a responsibility to realise when they need a GP. Owing to insufficiencies, however, people are attending EDs. We cannot deny that the problems with accessing GP out-of-hours services are adding to the burden at emergency departments.

That brings me on to my next point. We need investment in telephone and computer systems. Telephone systems in many practices are not fit for purpose, and I am glad that the Minister has recognised that and provided £1.7 million. Can we be assured that the announced £1.7 million will adequately deal with the poor infrastructure that is in place at surgeries? GPs have told us that, as a result of poor infrastructure, patients cannot access their surgery. We have all heard the stories about people who are unable to get through to their GP and are phoning hundreds of times. Again, the continuous circle of our health service means that those people are trying the out-of-hours service and then attend emergency departments. All of that has fed into the public narrative that GPs are not seeing people face to face.

Let us not forget that the workforce is ageing. Some 26% of the membership of the Royal College of General Practitioners Northern Ireland (RCGPNI) are over 55, which means the risk of retirement is high. GPs constantly cite burnout and stress whilst trying to maintain routine patient care, not forgetting the COVID-19 pandemic and delivery of the vaccine programme. If you are tired and burnt out, is it even safe to take on an out-of-hours service? The safety of patients should be paramount. Patients' lives are important, and access to healthcare is vital.

I pay tribute to our healthcare staff and thank them, but we need to grasp that issue and fix our health service. We do not need another review or task force: we need action. We must move beyond the point of discussion and have a settled service that works for patients and healthcare staff.

**Mr Deputy Speaker (Mr Beggs):** I advise Members that they will have six minutes to speak, and the Minister will have ten minutes to reply.

**Ms Á Murphy:** I very much welcome the Adjournment debate this evening. I grew up in and represent a largely rural, dispersed

constituency, where we have a serious issue with not only our out-of-hours GP services but our in-hours GP services. Many of the pressures that GP services are experiencing have existed for some years and are not a direct result of the COVID-19 pandemic. Although there is no doubt that the pandemic has put additional strain on GP practices, many issues, such as vacancies not being filled and retired GPs not being replaced, are historical.

GPs have put their shoulders to the wheel during the pandemic. They have been instrumental in the roll-out of the vaccination programme whilst also adapting to the new ways of working that have been forced on them by the realities of the COVID-19 pandemic. Whilst many patients have experienced issues with GP appointments, it is fair to say that most understand that GP workloads have increased massively over the past two years in particular.

One of the most fundamental issues is the scarcity of GPs, particularly in rural GP practices. I welcome the 70 new medical places at the Magee campus in Derry, although, in order to fully reap the benefits from that school, we need to incentivise students to remain and work in the North after they graduate, otherwise there will be a huge brain drain and the potential to further exacerbate the already poor provision of GP access in rural areas. In August of last year, I met GPs in a local practice who raised many of those concerns — most notably the lack of GPs applying for posts in rural areas, no multidisciplinary team roll-out in Fermanagh and patients who present with increasingly complex needs.

The Minister of Health told us previously that the road map for MDT roll-out would be published in a number of weeks, yet we are still waiting. A doctor remarked to me that rural GP services are at a breaking point. The Department needs to take rural primary care services into consideration. There needs to be a tailored approach and a plan for the future that puts GP services at the forefront.

The Department for Health has overlooked and underestimated primary care services in my constituency. The people of Fermanagh and South Tyrone deserve a world-class healthcare system, and the disparity in GP provision between the Western Trust and other areas is stark.

As representatives of our community, it is our job to make their voices heard. It is clear that healthcare is one of the main issues on people's lips throughout County Fermanagh and in south Tyrone.

#### 4.15 pm

Those of us who live in rural areas are no less deserving of access to first-class healthcare. We need a bespoke scheme to attract GPs to rural areas and to ensure that the people of counties like Fermanagh are not at a constant disadvantage when it comes to primary care provision. Most people have built up a rapport with their local GPs over many years, sometimes decades, and trust them to provide healthcare for their needs.

**Mrs Barton:** I thank Mrs Erskine for securing this Adjournment debate.

There is no doubt that the GP out-of-hours service is under some considerable pressure. Indeed, it has been under pressure for some time, and the service in Fermanagh and South Tyrone is no exception. Unfortunately, it is proving more and more difficult to find GPs who are willing to work in the service. I have heard exactly the same pressures being raised around out-of-hours services even in Belfast. It is not just a challenge in the more rural areas of Northern Ireland.

The fears that are being raised about the current service are absolutely valid. When people sometimes have to wait longer for a callback, and especially when they hear that the service has been unable to fill certain shifts, it of course causes concern. Equally, I know of people who have had to use the service in Fermanagh and South Tyrone, even very recently, who were very pleased with it and were complimentary and grateful for the care that they received. I thank the staff who work in the service, whether they are GPs, nurse advisers or the receptionists who are answering the phones. Let us remember that they are working when many people are at home fast asleep. They also work weekends, when most people are spending quality time with their families or meeting up with friends.

Of course, those very unsocial working hours are then compounded by the sheer volume and complexity of the calls that are received. From shift to shift, the staff have no idea who is going to be at the end of the next call. It could be a distressed parent of a very young child, a family member who is supporting a loved one in their final hours at home or absolutely any one of the multitude of scenarios in between. Therefore, it is not really surprising that even those who have spent years training to be GPs are sometimes reluctant to take up work in the service, not least because of the pressures from others about out-of-hours work.

So we know what the problems are: increased demand, a shortage of GPs and a reluctance by many to do out-of-hours work. In terms of increasing demand, I applaud the progress that the Minister has made with his No More Silos policy. Even from a practical day-to-day perspective, I know that many clinicians who work in the South West Acute Hospital (SWAH) are especially grateful for the introduction of Phone First, which has allowed many patients to be triaged and referred elsewhere. It has also been well received by many callers.

Whilst the shortage of GPs is the result of previous failures to plan the workforce adequately, I welcome the fact that we are training more GPs now than ever before. However, I urge the Minister to ensure that officials remain mindful of likely future demand and continue to challenge when necessary. It is essential that the Department of Health learns from its catastrophic mistakes and failures to act from several years ago. The new output of graduates from Magee should help. I hope that more of them will choose to work in the south-west of Northern Ireland.

I take the opportunity to thank the Minister for approving the business case for the new Lisnaskea health and care centre. After so long and so many previous broken promises and missed deadlines, I welcome the fact that, at last, we have a Minister in post who genuinely recognises the need to make progress on that.

Finally, I raise the issue of the multidisciplinary teams roll-out. It is an issue that the Minister and I have discussed, and I know that he shares my desire to see it rolled out to Fermanagh. I hope that the South West Federation can be confirmed in the coming weeks but especially before the Minister departs from office in May, as I worry that another Minister may not share the current Minister's enthusiasm for it.

There are undoubted pressures in the system, but, every day and night, our health workers continue to do extraordinary things under the most difficult challenges.

**Ms Dolan:** I thank and commend the Member for securing the debate this afternoon. It is quite clear that GP out-of-hours services across the North face sustained and significant pressures, with demand for out-of-hours GP services increasing and added difficulties in filling GP shifts. Fermanagh and South Tyrone is not immune to that. Many blame the impact of the COVID-19 pandemic, but it is clear that GP out-of-hours services face wider, systemic pressures.

Out-of-hours services are at risk of becoming unsustainable. A lack of GPs in the North, especially in rural areas like Fermanagh, coupled with the rising workloads of our hard-pressed GPs, means that little capacity is left in the system. Those rising workloads in GP practices oftentimes mean that our existing GPs cannot manage to put in the hours that are required to run out-of-hours clinics, meaning that time slots are not being filled. That puts patients' lives at risk. The Minister of Health must roll out multidisciplinary teams to as many GP practices as possible. In my eyes, that would reduce the workloads of our GPs, meaning that they could give up more time to cover out-of-hours services.

I turn to an issue specific to Fermanagh. When you add our GP shortage locally to our large rural community, which is serviced centrally from Enniskillen, you see that the service, through no fault of the people who work in it, is at crisis point. An additional related issue that is faced by those in rural areas is the inability for out-of-hours GPs to fax prescriptions to the closest pharmacy. I had a constituent in Garrison who managed to speak to an out-of-hours doctor on a Saturday. The doctor prescribed her medication but would not fax the prescription to the pharmacy in Garrison, which resulted in the woman having to travel 25 miles, which is a 50-mile round trip, to pick up a prescription. The Health and Social Care Board was very helpful when I raised the issue with it. It reassured me that processes are in place in emergency situations, when the patient is very old or vulnerable or there is a genuine and urgent need to get the medication before their local pharmacy closes, but that process is not widely encouraged. I want to see that changed or, at least, the patient given a choice as to where they want their prescription to be delivered.

I return to the topic at hand. We need investment in the recruitment and retention of GPs in rural areas and in training a new generation of GPs to secure GP practices for the future.

**Mr Gildernew:** I thank Deborah for securing the debate today and the Minister for attending and listening to us throughout. Those of us from Fermanagh and South Tyrone know the issues in the primary care system very well. They are wide-ranging, and, in particular, there are severe shortages in GP cover, especially out-of-hours GP coverage. The out-of-hours system, as it stands, is not fit for purpose on many occasions, and it is in need of attention.

From June to August last year, the Sinn Féin health team and I undertook an extensive GP survey, in which we sought views from patients on the issues in GP provision across the North. We asked people what their experiences were and whether the anecdotal issues that we had been hearing about were manifesting in larger swathes across each trust area. The survey received almost 600 responses, which shows the depth of feeling in communities, and it laid bare the need for decisive action to ensure that service delivery and patient confidence are improved. Some of the difficulties outlined in the survey about accessing GPs clearly existed before COVID-19. However, the pandemic has put additional pressure on GP services and health services generally, which impact negatively on our communities.

Shortages in the GP workforce and practice closures have caused ongoing problems for accessing GP services. That has been an issue across parts of Fermanagh and South Tyrone and in Dungannon in particular. Vacancies caused by retiring doctors are often not being filled in sufficient numbers due to difficulties in attracting GPs to rural areas. We must also acknowledge the fact that taking on the role of running a GP practice is a huge commitment to a community and personally for a general practitioner. There is some scope in looking at how we employ people. Young GPs coming out of training often do not want to run a business; they just want to provide care. We can look at that.

GP shortages are also making it difficult for people who live in towns and cities to access services, where health needs, such as mental health, cancer, addiction services and so on, are often greatest. The pandemic has exacerbated those problems, with patients often unable to contact GPs directly or by phone, and that can lead to frustration. The cancellation of out-of-hours GP services in some trust areas and growing crises in A&E departments across the North are, in turn, undoubtedly putting increased pressure on GPs in the community. We have seen that, as I said, particularly in parts of Fermanagh and South Tyrone.

Many Members who spoke mentioned MDTs. A clear outcome from the survey is the need for that continued roll-out of multidisciplinary teams into GP practices. It undoubtedly has been and could be a game changer where it has been effective, although it also presents challenges along the lines of workforce, recruitment and the issue of robbing Peter to pay Paul. The underlying workforce shortage impacts on that as well.

Many patients reported having had to go to A&E when they could not get an appointment with their GP. We can see the pressures in A&E departments. If MDTs were fully operational, you would imagine that the strain put on A&E departments would surely lessen when patients' needs could be addressed within their GP practice.

Can the Minister indicate whether there is any further clarity on when the road map that was mentioned a couple of times will be available and, indeed, whether there will be capacity within that to prioritise areas that have poor provision in the roll-out of MDTs?

Another key issue in provision was time constraints due to responsibility for vaccination delivery. There has been an immense effort across the entire system, particularly from GPs, to assist with that vaccination roll-out, which has been so essential. It is clear that GPs are under significant pressure, and at times there are maybe not enough hours in the day to do the vaccinations as well as the core work, which they are doing with fewer and fewer staff having to deal with more patients and more complex cases.

Over recent months alone, GPs administered over half a million booster jabs, ensuring that their patients had the best possible protection against COVID-19. In terms of workforce, like many roles in the healthcare system, planning or lack of planning has become one of the biggest issues that GPs face. The mantra goes — it is very true — "No staff, no services". With the GP workforce growing older, it is clear that steps need to be taken to increase the number of GP training places, and greater efforts need to be made to attract GPs back into the system to ensure safe delivery.

While it is encouraging that the school of medicine at Magee is open for its first cohort of students, we need to ensure that ongoing funding is in place to get the most out of that resource. We need to make sure that medicine and GP studies are attractive to those who will form the health workforce of the future. I welcome the Minister's agreeing to meet the Student Health Heroes campaign about that. We have to be mindful that, with an ageing population, we need ever greater numbers of GPs. There is a huge urgency now to do the planning and recruitment needed to support the service.

**4.30 pm**

**Mr Deputy Speaker (Mr Beggs):** I invite Colin McGrath to contribute to the debate on GP out-

of-hours services in Fermanagh and South Tyrone.

**Mr McGrath:** I welcome the opportunity to speak on this important matter. While it may seem strange for a County Down lad to contribute, I am certainly happy to offer my thoughts on behalf of the SDLP.

I thank the Member for bringing the issue to the House, because, while it is important and relevant to Fermanagh and South Tyrone, many of the issues could be extrapolated and applied to any area, particularly any rural area, across the North.

I will begin by clarifying and saying clearly that nothing that I will mention is any slight on GPs. The work that they do is tremendous, and they do it in a stressed and pressured environment. I know about the GPs in Downpatrick because I frequently run around the area and can see their clinic. I can see that they work late into the evening, and I know that they offer a great service. The problem is simply that we do not have enough GPs.

When you look at the out-of-hours service, you have to ask this: what is attractive about working all night and at weekends? Those are antisocial hours. If you have a plentiful supply of work available during the daytime, albeit that you may work a little extra into the evening, I am sure that, in terms of work-life balance, that is preferable to doing a 3.00 am, 4.00 am or 5.00 am shift and working at the weekend. I can see how that causes a problem, and it leads to an over-reliance on locums to cover that service. I am sure that we have all had conversations with the directors in our trusts. They will tell you that, at times, trying to get locums can be difficult: it can go right to the wire and may not always be possible.

Fermanagh is a large county, and the constituency includes parts of south Tyrone, so the area that has to be covered by that out-of-hours service is vast compared with some urban centres. Due to difficulty accessing GPs during the day, our emergency departments are packed out, and ambulance cover can be sketchy in rural areas. It is easy to see how there can be an over-reliance on the out-of-hours service. However, the service is important. It is a critical and integral part of the health and social service provision in Fermanagh and South Tyrone, and, like any other part of the health service, it has to be adequately resourced. It is not acceptable for those who desperately need the service to have to wait hours and hours for a return phone call to be able to speak to a doctor, especially given

that many who access the service are very near the end of life and are looking for pain relief or some sort of palliative care. It is a traumatic period for people, never mind having to face difficulty in accessing services. I accept that there is a chain reaction as a result of all the issues that other Members and I have mentioned.

Locally, there has been difficulty securing and delivering the new Lisnaskea medical centre, and that can also have a knock-on effect on the delivery of services in the area. The fact that many Members have mentioned the multidisciplinary partnerships probably underscores their real importance. They would be of real benefit in the area. Having that range of medical professionals available to meet patients, rather than patients always having to go through their GP, would take away that GP gatekeeper role, and that would free up their time. Instead of directing people to other services, they would be able to focus on the service that they need to deliver. That may free up more spaces during the daytime, which could ease the pressure at night-time.

Obviously, in such a large rural area, the closure of GP clinics will have an impact because those areas are not accessible. In 2017, Rosslea GP clinic was closed, which forced people to travel, and travel may not always be accessible to people. Therefore, people may hold on until the evening hoping that everything will be all right. Then, when it gets to the evening, they realise that it is not all right and have to access the out-of-hours provision.

When we put all those things together, it may make out-of-hours work not the most attractive work for GPs. As I said, if they have the pick of daytime work, that could cause problems. Together, all those issues create an environment in which the out-of-hours service is not necessarily an attractive place to work and not a service that is easy for patients to access, and, ultimately, it is the people of Fermanagh and South Tyrone who are impacted. The SDLP would like to see the Minister doing all that he can to address this important matter. While I appreciate that he is not a magician and cannot magic GPs out of thin air, I hope that he attempts to holistically address the workforce planning matters that would ultimately assist in the delivery of the GP out-of-hours service in Fermanagh and South Tyrone.

**Mr Deputy Speaker (Mr Beggs):** I call the Minister of Health, Robin Swann. Additional time has become available, and you have up to 25 minutes, should you require it.

**Mr Swann (The Minister of Health):** Thank you very much, Mr Deputy Speaker, and thank you for the opportunity to respond to the points that have been raised this afternoon. I thank Mrs Erskine for securing the debate, as well as those who contributed to it.

Members will know that the GP out-of-hours service is a core element of Health and Social Care (HSC), and that provision in primary care, as Mr McGrath indicated, is all part of the same service. In common with other services across the health and social care sector, the out-of-hours service is under considerable strain, both in Fermanagh and South Tyrone and across Northern Ireland as a whole. The problems across our health service are, unfortunately, deep and long-running. Let me be clear about this: whilst they have, no doubt, been exacerbated by the pandemic — I know that Mr Gildernew and others agree with this — they were not caused by it.

I understand well the particular challenges facing primary care services in rural areas; indeed, some Members may be aware that officials from my Department met Fermanagh and Omagh District Council recently to discuss issues in primary care in the region. Western Urgent Care is the out-of-hours provider for the Western Health and Social Care Trust, and the five clinic bases are located at Limavady Health Centre; Strabane Health Centre; Omagh Hospital and Primary Care Complex; the Lakeland Health Village in Enniskillen; and Altnagelvin Hospital in Londonderry. Our GP out-of-hours service is delivered mainly by our GPs, supported by input from other healthcare professionals, including our nurses, nurse practitioners and pharmacists. Similar to the experience across the United Kingdom, all five out-of-hours providers in Northern Ireland, including Western Urgent Care, are experiencing increased difficulties in securing sufficient GP numbers to fill all available shifts.

Members may or may not be aware that, in 2004, the general medical services contract included a clause that enabled GPs to opt out of providing 24-hour cover for their patients. In Northern Ireland, the majority of GP practices opted out of providing out-of-hours care for their patients. That happened on 1 January 2005, meaning that there is no contractual obligation for GPs to work in out-of-hours services. Since that time, a number of initiatives and service improvements in GP out-of-hours have been introduced. They are not only in Fermanagh and South Tyrone but across Northern Ireland. They include adjusting the skills mix of clinicians; increasing levels of nurse triage provision; employing more nurse practitioners,

paramedics and pharmacists; increasing flexibility in shift times; incentivising more new start GPs to do out-of-hours shifts; and facilitating out-of-hours providers to recruit non-GP clinical staff to their workforce. In addition, the GP retainer programme requires retainees to do one GP out-of-hours session per month.

Western Urgent Care has spent considerable time and effort over several years on skill mixing the clinical workforce so that it can effectively and efficiently use the resources that are provided to continue to meet the needs of patients as locally as possible. Despite the challenges, I believe that, in common with our other out-of-hours providers, Western Urgent Care and its staff work hard, and they work hard to ensure that clinical cover is available at all times across the out-of-hours period. That means proactively engaging with GPs to seek additional cover for shifts, as well as seeking cover from an expanded range of professionals.

Due to the COVID-19 pandemic situation, Western Urgent Care has, like many other providers, adapted how it operates and has implemented video consultations, which have enabled patients to be assessed in a suitable manner without the need to travel to a base. All calls to the service are prioritised on the basis of their clinical urgency, and patients who are assessed as urgent will be triaged and allocated appointments first. As, I am sure, Members will understand, when the service receives a high number of clinically urgent calls, that may mean that it takes longer to triage the routine calls.

I thank Mrs Erskine for acknowledging the money that we have provided, especially over the winter periods. Members will know that, in addition to the finances that were mentioned, I invested £5.5 million to support general practice in Northern Ireland over the past winter period and to make up the shortfalls from what has been long-term underinvestment. Of that £5.5 million, £1.7 million was made available to further improve telephone infrastructure and accessibility. The other £3.8 million is to support additional patient care, covering general practice and the GP out-of-hours service; incentivise uptake of out-of-hours shifts through the critical period; and promote and expand the provision of cover to a wider range of professionals from across primary care.

Members will know that there are 21 GP practices in the Fermanagh and South Tyrone area. Sixteen have already confirmed that they will spend their full additional allocation — their £121,000 share — of the £1.7 million that was made available for telephone services. In



addition, managing winter pressure funding totalling a further £100,000 has been identified for those practices. All 21 practices have confirmed that they will use all of their funding by the end of March 2022. Finally, for the current winter period, additional funding totalling £146,000 was provided to Western Urgent Care for the provision of additional out-of-hours services.

Whilst those additional supports are important, I am also conscious of the long-term issues affecting GP out-of-hours services that must be addressed. For that reason, my Department has established a working group, in line with the recommendation from the Regulation and Quality Improvement Authority (RQIA) review of out-of-hours services, to develop a new model for the out-of-hours service. The working group, which has membership from the Health and Social Care Board and health and social care trusts, GP representatives and representatives of the out-of-hours providers and the Department of Health, will ensure that that new model is embedded in the wider unscheduled care infrastructure as part of the work on the implementation of No More Silos, which Mrs Barton mentioned. Key features of that new model for the out-of-hours services will include a regional telephone-based urgent care clinical advice, assessment and treatment service and improved access to a broad range of clinical services, including doctors, advanced nurse practitioners and physiotherapists.

It is important to note that the pressures and challenges facing out-of-hours services also affect primary care services more widely. That is particularly evident in Fermanagh and South Tyrone. I know that it is important to the people of Fermanagh and South Tyrone and across Northern Ireland that they know that they will continue to be able to access high-quality primary care services in their area. It is for that reason that I was delighted to announce the approval of the business case for the new healthcare centre in Lisnaskea. During my first summer as Health Minister, my colleague Rosemary Barton invited me to visit the site to see the out-of-date and inadequate facilities that the practices were having to use and to meet the many staff. That visit left me in no doubt of the necessity for the new build, and, as Minister, I was more than happy to give it my approval. That new £18.5 million facility will support the delivery of integrated primary and community care services for the population of Lisnaskea and the surrounding east Fermanagh area. It will provide a central hub in Lisnaskea, support a network of 16 GPs and provide services to a combined practice list of around 25,000 people.

I appreciate the need to further stabilise and bolster the capacity for services to be delivered in primary care. My Department has continued to invest in our GP workforce. That is why we have increased the number of GP trainees by over 70% from the 2015 level. It is a pity that they were allowed to fall to that level and that more work was not done and investment made before now, but I welcome the additional training places that are available in Magee and through the graduate entry medicine (GEM) programme. There are 111 new training places available for GPs each year. Work has commenced on reviewing the number of training places for GPs, with a view to increasing the number of places available.

It is important to note, however, that the increasing demand for primary care services cannot be met solely by increasing the number of GPs' rather, it is part of a wider programme of work to help improve patient access to services in primary care. Other elements include the wider roll-out of the primary care multidisciplinary teams, as has been mentioned, as well as the introduction of advanced nurse practitioners and additional general practice nurses, all of whom are making a difference to how services are delivered in primary care and contributing to improved patient outcomes. Plans for the further roll-out of the primary care MDT model are under development. It will provide much-needed hope for the areas that do not currently have the model and will allow providers in those areas to plan properly for the future. As has already been indicated, that announcement is due to be made in the next few weeks.

In conclusion, I thank everyone who has worked tirelessly to ensure that the vital out-of-hours services have continued to be available, especially in the light of the many difficult and unforeseen challenges that have presented during the COVID-19 pandemic. I recognise the importance of ensuring that patients can receive the right care at the right time and in the right place, and I assure Members that my Department will continue to work in partnership with all relevant stakeholders to progress the plans for those vital services.

**Mr Deputy Speaker (Mr Beggs):** I thank everyone for their contribution on the topic, which is important to the constituents of Fermanagh and South Tyrone.

*Adjourned at 4.46 pm.*

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