



Official Report (Hansard)

Tuesday 29 June 2021
Volume 141, No 4

Contents

Assembly Business

Public Petition: Transforming Dementia Care	1
	1

Ministerial Statement

Mental Health Strategy 2021-2031	2
--	---

Executive Committee Business

Charities Bill: Second Stage	12
------------------------------------	----

Licensing and Registration of Clubs (Amendment) Bill: Final Stage	19
---	----

Oral Answers to Questions

Education.....	27
----------------	----

Question for Urgent Oral Answer

Justice.....	37
--------------	----

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Final Stage (<i>Continued</i>).....	43
---	----

Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021	47
---	----

The Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill: Legislative Consent Motion	51
--	----

Assembly Business

54

Question for Urgent Oral Answer

Health	54
--------------	----

Assembly Members

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Ms Martina (Foyle)
Archibald, Dr Caoimhe (East Londonderry)
Armstrong, Ms Kellie (Strangford)
Bailey, Ms Clare (South Belfast)
Barton, Mrs Rosemary (Fermanagh and South Tyrone)
Beattie, Doug (Upper Bann)
Beggs, Roy (East Antrim)
Blair, John (South Antrim)
Boylan, Cathal (Newry and Armagh)
Bradley, Maurice (East Londonderry)
Bradley, Ms Paula (North Belfast)
Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
Brogan, Ms Nicola (West Tyrone)
Buchanan, Keith (Mid Ulster)
Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)
Cameron, Mrs Pam (South Antrim)
Carroll, Gerry (West Belfast)
Catney, Pat (Lagan Valley)
Chambers, Alan (North Down)
Clarke, Trevor (South Antrim)
Dickson, Stewart (East Antrim)
Dillon, Ms Linda (Mid Ulster)
Dodds, Mrs Diane (Upper Bann)
Dolan, Ms Jemma (Fermanagh and South Tyrone)
Dunne, Stephen (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Ennis, Ms Sinéad (South Down)
Flynn, Ms Órlaithí (West Belfast)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gildernew, Colm (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley)
Hargey, Ms Deirdre (South Belfast)
Harvey, Harry (Strangford)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hunter, Ms Cara (East Londonderry)

Irwin, William (Newry and Armagh)
Kearney, Declan (South Antrim)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kimmings, Ms Liz (Newry and Armagh)
Long, Mrs Naomi (East Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCann, Fra (West Belfast)
McCrossan, Daniel (West Tyrone)
McGlone, Patsy (Mid Ulster)
McGrath, Colin (South Down)
McGuigan, Philip (North Antrim)
McHugh, Maolíosa (West Tyrone)
McIlveen, Miss Michelle (Strangford)
McLaughlin, Ms Sinead (Foyle)
McNulty, Justin (Newry and Armagh)
Mallon, Ms Nichola (North Belfast)
Maskey, Alex (Speaker)
Middleton, Gary (Foyle)
Muir, Andrew (North Down)
Mullan, Ms Karen (Foyle)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
O'Toole, Matthew (South Belfast)
Poots, Edwin (Lagan Valley)
Robinson, George (East Londonderry)
Rogan, Ms Emma (South Down)
Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
Stalford, Christopher (South Belfast)
Stewart, John (East Antrim)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (Strangford)
Wells, Jim (South Down)
Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Tuesday 29 June 2021

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

Members observed two minutes' silence.

Assembly Business

Mr O'Dowd: On a point of order, Mr Principal Deputy Speaker. I informed your office that I was going to raise a point of order today about Mr Allister's comments in the Chamber yesterday. When asking a question of the joint First Minister, Michelle O'Neill, he referred to her "poisonous agenda" with regard to her support for an Irish language Act. I ask that the Speaker's Office look not only at Mr Allister's comments but at the manner and tone in which they were delivered. I found both unacceptable.

At times, I find Mr Allister's approach to Members quite aggressive, particularly when he is addressing women in the House, which I find particularly shocking. Mr Allister will have to learn the difference between speaking from the back of a trailer to loyalists and, when addressing Members in the Chamber, speaking to the people who represent his fellow citizens on this island

I ask the Speaker's Office to examine carefully Mr Allister's behaviour in the Chamber yesterday.

Mr Principal Deputy Speaker: I am grateful to the Member for notice of the point of order and for making the Member for North Antrim Mr Allister aware of his intention to raise the issue. General standards of debate in the Assembly are those of respect, courtesy, good temper and moderation. The Speaker has reminded Members of that in recent months.

I take the points that the Member has made, and I am sure that Mr Allister has heard them. I think that I have addressed the point on standards, and I am happy to leave the matter there.

Mr Allister: Further to that point of order, Mr Principal Deputy Speaker. I will make it very plain: I have no apology to make for speaking the truth, and I welcome the fact that the truth still seems to hurt.

Mr Principal Deputy Speaker: Strictly speaking, that is not a point of order, but the Member has placed his comments on the record.

As Members know, I am no shrinking violet, and I do not mind robust debate and argument. However, at all times, we should treat each other with respect. I am sure that all Members, regardless of their political affiliations and beliefs, agree with that general sentiment as to how the House should conduct its business. I am content to leave the matter there.

Public Petition: Transforming Dementia Care

Mr Principal Deputy Speaker: Mr Colm Gildernew has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes in which to speak.

Mr Gildernew: Just under 2,000 people have signed the Alzheimer's Society's petition calling for the Government to cure the care system. I know, however, that that call and focus is shared by many more people across the North. Feelings of confusion, desperation and isolation affect not just people with dementia but those who care for them and are closest to them. It is estimated that, across the North, 22,000 people live with dementia, and their families are struggling to get the support and care that they need and deserve.

The coronavirus pandemic has exposed failings in the health and social care system like never before. People with dementia have been worst hit by coronavirus and, according to NISRA, account for over a third of all deaths here, with many more, unfortunately, rapidly deteriorating from the knock-on effects of lockdown. The Health Committee undertook a review of the impact on care homes. The review found many failings and impacted groups, but the inquiry could never cover the wide-ranging impact that the pandemic has had on those with dementia in the community and their families.

The number of people waiting for longer than nine weeks to see a GP for a dementia diagnosis has more than tripled from 2020 to 2021. Family carers are exhausted and, sadly, in all too many cases, feel abandoned and ignored. Today, we still await word on the COVID-19 recognition payment for unpaid carers some six months after it was first announced.

Where the person with dementia was a care home resident, far too many families, frustratingly, were unable to visit or access the care partner model. Until things change, dementia will continue to claim more than one life as the families also feel its destructive effects. It does not have to be that way. We know that the right care and support services can make a huge difference for people with dementia and their families, supporting people to best manage their lives with dementia and manage them how they want to and enabling families to spend more time on their important roles as husbands, wives, sons and daughters. We need to see urgently the long-overdue proposals from the Minister on the future reform of adult social care.

The Alzheimer's Society is calling for a focus on the social care system to provide quality social care that is free and easy to access, no matter where you live. Unfortunately, while dementia is not yet curable, the care system is. As we look into the reform of social care in the North, we need to ensure that proper funding is attached to the regional dementia pathway. Dementia needs to be a stand-alone priority. I commend the petition to the Speaker's Office.

Mr Principal Deputy Speaker: Thank you, Mr Gildernew. Normally, I would invite the Member to bring his petition to the Table and present it to me. In the light of social distancing, however, I ask Mr Gildernew to remain in his place and make arrangements to submit the petition to the Speaker's Office. I thank Mr Gildernew for bringing the petition to the attention of the Assembly. Once it is received, I will forward it to the First Minister and the deputy First Minister and send a copy to the Committee.

Ministerial Statement

Mental Health Strategy 2021-2031

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

I remind Members to be concise in asking their question. This is a ministerial statement and not a debate, and long introductions will not be allowed. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the period for questions thereafter.

Mr Swann (The Minister of Health): Thank you, Mr Principal Deputy Speaker, for the opportunity to speak today on the important topic of the new 10-year mental health strategy.

As we are all aware, mental ill health is one of the greatest challenges facing us today. The COVID-19 pandemic and the restrictions on everyday life have had and will continue to have a significant impact on our population's mental health.

It is currently estimated that the long-term effects of the pandemic may create up to 32% more referrals over the next three years. That means more than 19,000 referrals in adult mental health, over 5,000 more referrals to psychological services and over 24,000 more unscheduled care contacts.

That is at a time when our mental health services are already under significant pressure. Inpatient mental health services are under extreme demand, with health and social care trusts consistently operating above 100% bed occupancy levels in acute adult mental health services. We hear stories of patients who have to wait for very long periods in emergency departments under PSNI supervision, as there are no beds available in mental health, and of patients on mattresses on floors.

Equally, our community mental health services are experiencing increased referral rates and heightened levels of acuity. I have heard stories of patients desperately seeking help without being able to receive the help that they need. There are patients as young as eight needing specialist help for eating disorders and older people starved of human contact without the ability to get help for the mental illness caused by loneliness.

Since becoming Health Minister, I have made mental health one of my top priorities. I want to make sure that those who need help with their mental health can receive the help and support that they need when they need it. I have shown that it is not just about words and platitudes but about action. In the last 18 months, I have published the mental health action plan, including a COVID-19 mental health response plan, and I have appointed Northern Ireland's first ever mental health champion. I have approved the creation of a specialist perinatal mental health service and managed care networks for both child and adolescent mental health services (CAMHS) and forensic mental health. I have also established a £10 million mental health charities support fund and initiated change across mental health services.

Across mental health services in Northern Ireland, we have a dedicated workforce who give their all to help and support those in need. I am extremely thankful for their hard work, in particular during the difficult circumstances of the last year. Going forward, we must equip those working in mental health services with the right tools and systems to ensure that they can help those who need help. We also need to work closely with our partners in the community and voluntary sector to reform our mental health services.

I am therefore pleased to announce the publication of the new 10-year mental health strategy 2021-2031. The strategy sets out 35 actions to initiate reform of our mental health services. It sets a clear direction of travel to support and promote good mental health, to provide the right early intervention to prevent serious mental illness, to provide the right care and treatment when people need specialist help and to provide new ways of working across mental health services. The strategy is built on a vision of a society that promotes emotional well-being and positive mental health for everyone, supports recovery and seeks to reduce stigma and mental health inequalities. Our vision sets out the aim for a regionally consistent system that provides equality and equity of service for everyone. We also want to

break down barriers so that people are put in the centre.

The strategy is divided into three themes. The first theme — promoting mental well-being, resilience and good mental health across society — is key to removing and reducing the stigma associated with mental ill health. It provides actions for early interventions and prevention across the lifespan and considers those who care for people with mental ill health. The second theme — providing the right support at the right time — provides service improvements, including improvements across the whole lifespan. It also outlines actions to integrate primary care and secondary care and the community and voluntary sector into service delivery. The theme puts the vision of truly person-centred care at the core of the reform work. The third theme — new ways of working — provides actions to create system change to allow effective and efficient delivery of mental health services and to promote innovation and research in order to improve mental health outcomes across our population.

While all the actions in the strategy are important, I would like to highlight a number of them today. Action 2 is to create an action plan for promoting mental health through early intervention and prevention, with year-on-year actions covering a whole-life approach, from infancy to older age. The action plan will consider groups disproportionately affected by mental ill health, who often struggle to access early intervention services, and seek to reduce the stigma associated with mental ill health.

10.45 am

Action 10 seeks to increase the funding for CAMHS to 10% of the funding for adult mental health services. That will allow for real service improvement, and will continue to ensure that there is increased funding for CAMHS every time adult mental health services receive additional funding. Action 15 will change how mental health services are structured, with a greater focus on the community. That will bring mental health services closer to the person who needs them, where they have support from family, carers, friends and others. Action 17 seeks to fully integrate the community and voluntary sector in the development and delivery of mental health services. That will recognise the good work that is carried out outside the statutory sector and will bring those valuable partners into the work to improve mental health outcomes. Action 31 will create a single mental health service. That will be done not by removing HSC trusts, but rather by

supporting them in their work through regional cooperation and consistency.

Unfortunately, mental health services in Northern Ireland have historically been underfunded when compared with those of other jurisdictions. For example, it is estimated that funding in Northern Ireland is 27% less than in England and 20% less than in the Republic of Ireland. That is despite mental health need being assessed as up to 25% higher here than in England. The strategy is therefore ambitious and provides the much-needed reform of our mental health services. However, delivery will be dependent on the provision of additional and sustained funding.

To outline the investment that is needed for the reform, I have published a funding plan together with the strategy. The funding plan identifies significant investment need, with an estimated need of £112 million to £158 million revenue funding per annum and a £285 million one-off capital investment. The funding plan outlines an investment need of £1.2 billion over the next 10 years to fully implement the strategy. At that level, it is therefore clear that my Department does not currently have sufficient funds available to implement the strategy unless significant levels of existing activity are ceased. Additional investment from outside the Department will therefore be required to make the strategy a reality. It will require a collective effort across the entire Executive to bring about the much-needed reform of mental health services. I am therefore working closely with my Executive colleagues to ensure that provision of the necessary funding is prioritised in the next Budget process.

Four actions in the strategy have been identified as key enablers. That includes staffing resources in the mental health system for implementation, the regional mental health service, the workforce review and the outcomes framework. My Department has identified funds in 2021-22 to initiate those four key areas of work, which will set the foundation for the strategy going forward.

In conclusion, it is accepted that the pandemic is having a significant impact on the mental health of the population. It is also accepted that our mental health services are in need of reform. The new mental health strategy that I am publishing today is the blueprint for that reform. Before concluding, it is worth noting all the people who have supported the development of this strategy. The strategy is the result of genuine co-production. Over the past year, hundreds of people have been involved in meetings, workshops, online events

and direct communication with my officials on how we can ensure that we have mental health services that are fit for the future. That includes service users, carers, professionals, community and voluntary sector groups, and many others. In addition, I want to pay particular tribute to officials in my Department. From the moment that I entered the Department of Health, I have been hugely impressed by the commitment, professionalism and unwavering dedication of the staff in the mental health team. In particular, I want to commend Tomas Adell, head of the adult mental health unit, who has been the real driving force behind the strategy, along with Peter Toogood, the new mental health director in my Department. Without their efforts, along with the support of everyone else, the work to develop the strategy would not have been possible. I want to extend a huge thank-you to everyone who has been involved in that work.

Together, we can continue to reduce stigma around mental ill health. Together, we can improve services and the mental health system. Together, we can improve mental health outcomes in Northern Ireland. I commend the statement to the Assembly.

Mr Principal Deputy Speaker: Thank you, Minister. We now proceed to an hour of questions on the statement. An hour is the maximum time, and I have lots of Members listed, so please focus questions so that I can get as many people in as possible. One person who will get a bit of leeway is the Chair of the Health Committee, Mr Colm Gildernew.

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, a Phríomh-LeasCheann Comhairle, and go raibh maith agat, Minister, for this very important statement on important and central work. I acknowledge the work of your officials and of the many organisations and activists involved in developing the strategy. In the Committee, we have engaged very effectively with Tomas and Peter on a regular basis. That is welcome. I also welcome the indication in the statement that the stakeholders in the charity and voluntary sector will be more centrally involved on an ongoing basis. That is to be welcomed and is the right approach, so go raibh maith agat mar sin.

Minister, access to GP services is increasingly under pressure, and, given their workload, GPs are also under pressure. However, access to local, accessible and effective counselling services is also difficult and can be a postcode lottery. Depending on where you live, GPs, in many cases, do not even provide counselling services. Can you outline how this strategy will

ensure that there are accessible counselling services locally so that patients do not have to travel large distances to access services?

Can I ask you for some details on the review on the mental health workforce that you identified? In particular, when will that be complete? Will it have clear recommendations on the staff numbers and roles that are needed going forward?

Mr Swann: I thank the Chair, including for his acknowledgement of the engagement that my officials have had with the Committee and the engagement that the Committee has had with the voluntary and community sector in bringing forward the publication of this strategy, which was done while we were dealing with the pandemic as well.

There is a specific section in the mental health strategy on the workforce review. The outcomes are to present a well-supported workforce that is fit for the future and meets the needs of all those who are mentally ill. It is also about increasing the number of training places for mental health professionals and increasing the number of staff employed. Over 20% of mental health nursing posts in HSC trusts are currently vacant, and while the number of psychiatry posts is not higher than in the rest of the UK, the use of locums to fill those vacant posts is very high. We have a combined locum and vacant post rate of 22%. Whilst locums can fill those duties, it is not the same as having a permanent post. The work is in there on how we fill those posts on a long-term basis and in a sustainable system. The funding plan mentions the investment that is needed to sustain those posts over the next 10 years, which is the duration of this strategy.

On the issue of local engagement, there is a desire and an indication in the mental health strategy to produce mental health hubs to ensure that provision and support is closer to the people who need it and in the communities where they need it. We engage in both primary and secondary care delivery to do that. It is about that engagement and that multidisciplinary-team-approach that we have seen work elsewhere, and that will also be delivered through those local mental health hubs.

Mr Lyons: I welcome the statement, and I hope that it makes a real difference in the lives of the people whom we represent. There are, however, a couple of very stark figures in the document, the first of which is the fact that COVID restrictions and the impacts of the pandemic have led to a 32% increase in

referrals. That is shocking, and we need to be wary of that in the House when we are bringing in regulations. The other figure is the huge financial gap that exists and the fact that our funding is 27% lower than that in England, even though our need is 25% higher. We need to deal with that funding issue, and we need to deal with treatment. Does the Minister agree that we need to look not only at treatment but at building resilience and early intervention, because that is key to helping people and saving money in the long term? Finally, I say to the Minister that the facilities that we have are incredibly important. We need 21st-century facilities, not 19th-century facilities. To that end, can he give an update on the acute mental health facility that is to replace Holywell?

Mr Principal Deputy Speaker: Wait just one second: I counted three questions. To ensure that people further down the list get their chance, it is only fair — I am glad to see the Member for North Down nodding in agreement — right and proper that they get that chance.

Mr Swann: I thank the Deputy Chair for his questions. You counted three questions, Mr Principal Deputy Speaker, but I counted five. *[Laughter.]* I will take them in order but at a high level so that other Members have a chance to ask questions.

With regard to the capital programme, there is a sustained item in the mental health strategy relating to the required capital investment: we need £285 million. That is also covered in the funding plan, which addresses the three mental health facilities that have already been earmarked to be updated and upgraded from their current state. The Member is right about the investment that is needed in physical build and capital structure. The strategy sits alongside the funding plan because of the need for that collaborative approach.

The impact of COVID on mental health has always been at the front and centre of the Department of Health's decisions and its recommendations to the Executive. As a former Minister, the Member knows that that discussion on mental health, as well as commentary and input from the Chief Medical Officer about how to take those recommendations forward, have always been taken into consideration. The funding gap is historic. In the House, we know that that issue has been there for some time, but it is about how the strategy and the associated funding plan sits alongside that to address the gap. The strategy also sets out to address some of the inequalities and internal funding issues in mental health. That is why there is a specific

commitment to support CAMHS financially. The additional moneys that come in for mental health will also be invested in CAMHS so that it gets the 10% uplift and support that it needs.

Ms Hunter: I thank the Minister for his statement and for his ongoing commitment to mental health and suicide prevention, which is most welcome.

In action point 15 of the statement, Minister, you mention restructuring mental health services to bring them closer to the individual who needs them. My constituency is very rural, and there is limited access to crisis support services, specifically from midnight to morning. What will action point 15 mean for rural constituents?

Mr Swann: I thank the Member for her point about accessibility to mental health support, which she has often raised. Point 50 of the strategy highlights certain sectors and individuals and explicitly refers to the rural and farming community, in which mental health is a particular concern. As the Member knows, that is due to physical isolation from communities, worries about livelihood and anxiety around personal and family safety. Research conducted by the Farm Safety Foundation revealed that 84% of farmers under the age of 40 believe that mental health is the biggest hidden problem facing farmers. It is therefore important to reach out to harder-to-reach groups and intervene early in order to prevent the onset of mental health problems. That is why we have put forward action point 15 about the creation of mental health hubs. Those hubs will be supported to make sure that people can access that support when and where they need it rather than having to go elsewhere so that there is a "no wrong door" approach to mental health and that people can get support when they need it.

Mr Butler: You are clearly a Minister who tells people what you are going to do and who then delivers on your promises. Today, you have delivered the good news on what you promised to do. As the mental health spokesperson for the Ulster Unionist Party, it is great to take part in the announcement today.

The publication is very welcome. The Minister is well aware of pressures, particularly around child and adolescent mental health. I know that the Minister also recognises the sterling work of Pure Mental NI and the Crisis Cafe, among other youth groups. What commitments from the strategy might help to transform child and adolescent mental health services?

Mr Swann: I thank the Member for his point. As I mentioned earlier when I was answering questions from the Deputy Chair of the Committee in relation to CAMHS, a number of actions in the strategy are designed to improve support for children and young people with mental health needs.

Those are to promote:

"positive social and emotional development throughout ... childhood, ... enhanced and accessible mental health services for those who need specialist mental health services, including children and young people with disabilities ... parents and families".

The strategy also includes a commitment to increased funding for CAMHS to:

"create clear and ... consistent urgent, emergency and crisis services for children and young people".

11.00 am

My team worked closely with organisations such as the Northern Ireland Commissioner for Children and Young People (NICCY), the Prince's Trust and Action Mental Health during the consultation and development of the strategy to ensure that children and young people were involved. A children and young people's version of the strategy was produced to encourage and facilitate the engagement and involvement of children and young people in the consultation process.

Ms Bradshaw: Thank you, Minister, for the statement. I look forward to reading the blueprint in more detail later today.

You mentioned mental health hubs. Before I entered politics full-time, I worked in the community sector and was aware that mental health hubs were being set up. Part of the issue was that there was a lack of resources and support when people came forward. Are you satisfied that enough money will be put into the hubs to make a difference? What engagement have you had with the Minister for Communities on additional funding for the community and voluntary sector? The sector has a vital role to play in dealing with issues such as isolation.

Mr Swann: I thank the Member for her question. The funding for the mental health hubs is laid out in the document that goes along with this showing what the recurrent financial commitment will be over the 10 years. As I said, publication of the strategy does not indicate that

I have the funding to deliver it. The strategy is about the direction of travel, which is what I was asked to undertake and produce and what we have done. It is now about seeking the further, long-term, recurrent investment in all the aspects that need to be stepped out over the next 10 years to provide the support and the change of service that we need.

I have ongoing conversations with the Minister for Communities on how we can further support the voluntary and community sector. The Member will be aware that I announced a £10 million mental health support fund, which will open on Monday. The fund is open to all charitable organisations that offer support services to people with mental ill health throughout Northern Ireland. Groups will be invited to submit proposals on themes that are key supports to mental ill health as a result of the COVID-19 pandemic and strengthen the person-centred approach in the new 10-year mental health strategy, so that funding ties in with the work that we have announced today.

Mr Buckley: I thank the Minister for his action plan. One of the most startling elements of the statement is the estimated 32% increase in mental health referrals due to COVID and the restrictions. It is fair to say that it is not just legacy restrictions; current restrictions are having a terrible impact on the mental well-being of many of our citizens. Last week, I saw a distraught constituent who could not visit their gravely sick mother because of restrictions in the hospital that she was in. That was not the first instance that I have had. Will the Minister intervene to end the visitation fiasco that is having such a devastating impact on the mental well-being of many of our citizens, who are already in a difficult situation regarding the health and well-being of their loved ones?

Mr Swann: We keep hospital visitation under constant review. The next review is due on 9 July. We will look at the where the pandemic is then and will make a risk assessment. I want to correct the Member: I did not say that the 32% increase in referrals was due to restrictions; I said that it was due to the effects of the pandemic. There is a complete and justifiable distinction between the mental health effects of the pandemic and the effects of the restrictions that were put in place, which the Member was referring to.

Ms Kimmens: I thank the Minister for his statement. Supporting those with a dual diagnosis of addiction and a mental health condition has been a long-term failing. I know

that my colleagues Carál Ní Chuilín and Órlaithí Flynn have raised the issue numerous times.

I note that the draft strategy mentions creating a "managed care network". What assurances can the Minister give that, in a year's time, those who access the managed care network will see an improvement in their lives after being repeatedly let down?

Mr Swann: I thank the Member. She asks what will happen in a year's time. I ask her for her support, along with that of her party colleagues, especially the Finance Minister, to ensure that, in a year's time, I have the funding commitment that is set out in the funding plan, not just for a year but for the 10 years as set out in the entire strategy, to do what is needed.

The Member raised dual diagnosis with me, and she and a number of her colleagues have often raised that. There is a specific section in the mental health strategy, from point 183 onwards, where we look at the outcomes for those with co-current mental health and substance use issues. The strategy targets these outcomes:

"A reduction of patients with a co-current mental health and substance use issue that are non-compliant with mental health treatment"

"A person centred approach to care that focusses on the person, rather than expecting the person to fit the system."

"Better health and social outcomes for those with co-current mental health and substance use issues."

"People with co-occurring mental health and substance use issues receive high quality, holistic and person-centred care."

The strategy also states that the guidelines on dual diagnosis are clear in that services should work collectively to address the person's needs. I will go back to an earlier comment and say that, in this strategy, we want to focus on how:

"A managed care network will be created to ensure a no wrong door approach"

and that the person will receive the support that they need when they go to the first door.

Ms Brogan: I thank the Minister for his statement this morning. Minister, I welcome your commitment to include infant mental health in the overall strategy. In relation to funding the strategy, will you outline where the £285 million one-off capital investment will go? Will it go into a perinatal mental health unit, an eating

disorder inpatient unit or maybe even the acute mental health unit in Omagh that was agreed in 2016?

Mr Swann: I thank the Member for raising that last point. I heard the tail end of her petition yesterday, when she referred to the £400,000 for the mental health facility in Omagh as a "sticking plaster". Bringing that facility up to an acceptable standard is necessary work. The Member will see in the funding plan that the £285 million will go to the commitment to wider capital investment that we need to put in place. The majority of it is earmarked for the three mental health hospitals that have been identified across Northern Ireland. Part of that input is for the Omagh facility that the Member has called for and submitted the petition for yesterday. I have not yet received the petition, but I will respond formally to her on it.

Mr Durkan: I thank the Minister for his statement. It signals a positive step forward in our long-running battle to reform mental health services to make them more widely available and accessible and to ensure investment in mental health. Mental health is a massive issue and problem here that must never again be swept under the carpet or suffer from chronic underinvestment.

The challenge for all of us and for all Departments is to make sure that Departments do not just buy into the strategy but pay into it. What confidence does the Minister have that Departments will work beyond their silos and, in particular, that the Department of Education will ensure that building mental well-being and resilience is central to our children's education?

Mr Swann: I thank the Member for those two points. There is a specific section in the strategy on supporting young people from early years onwards. The Member will also be aware that, recently, the Minister of Education and I co-funded a support package for schools. The Department of Education put in £5 million, and we supplied £1.5 million for that support. It is about early intervention, which leads to prevention. In light of that, action 5 in the strategy seeks to expand that early intervention process. The strategy also highlights the use and delivery of alternative methods of therapy, including art therapy, music therapy and the incorporation of different methods of delivery in our day-to-day models.

On the financial commitment, I listened to the Minister of Finance making his statement yesterday, when he said that health was an Executive priority. Mental health is a

Department of Health priority. We have to rebalance the imbalance that has been there over the past number of years in investment in our facilities and our workforce, and we need to fund the work that needs to be done. There is a challenge and a job to do. That is why we deliberately set about publishing not just the strategy but the funding plan needed to deliver it. It is not just an abstract document that will sit there. We can see what the money is needed for, where it can be invested and the outcomes from that investment.

I acknowledge that the Minister from the Member's party, the Minister for Infrastructure, has already made a commitment that, if it is necessary for surrenders to be made from departmental budgets, she is up for that, so that we can get health back to where it should be in Northern Ireland.

Mr Chambers: It is to the Minister's credit and that of his staff that his Department can bring forward such important work while still dealing with the COVID-19 pandemic and all its associated consequences.

I thank the Minister for his statement. For the first time, it appears that we have a Minister who not only recognises the historical underfunding of mental health services but is prepared to take action to rectify it. As other Members have mentioned, the strategy has a big financial ask. Is the Minister confident that he will have the full support of the rest of the Executive to deliver on the actions and improvements in the strategy?

Mr Swann: I thank the Member for his point. In my opening comments, I said that the time for warm words and platitudes was over. That is what the action plan and the funding plan are about, so that I can present the financial ask to ministerial colleagues. What is needed to deliver the strategy has been costed by my departmental officials. I will continue to engage with ministerial colleagues on the necessity of investing now. It is really about investing to save. We have to invest now in the mental health and well-being of the people of Northern Ireland so that we do not see increasing pressures and expanding waiting lists as we try to address the mental health needs of our population.

Mr Sheehan: Minister, over the past number of months, I have engaged with school leaders in my constituency, and it is clear that the mental health support system in our schools is under considerable pressure. It was under considerable pressure and has become all the

worse as a result of the pandemic. Given that mental health in our schools is a cross-cutting issue, what engagement have you had with the Education Minister or Ministers over the past while? What will you do to ensure that our young people get the support that they need in the school system?

Mr Swann: I thank the Member for his point. Having transferred from the Health Committee to the Committee for Education, he brings knowledge about what work can be done across the system.

The mental health strategy's specific section on young people includes, as I said earlier, the "no wrong door" approach, especially for CAMHS. Should we get to that stage, action 7 of the strategy is:

"Create clear and regionally consistent urgent, emergency and crisis services to children and young people."

The Member asked about the investment that the Department of Health and the Department of Education could make together. As I said in response to an earlier question, a number of months ago, the two Departments announced a joint funding package for mental health supports in schools. Some £5 million came from the Department of Education, which was supported by £1.5 million from my Department. That is the first step. That is an investment in the mental health and well-being of our young people to build in early-age resilience.

They know now that mental ill health is not a stigma that needs to be hidden. They should be talking about it, should they feel that they are under strain and pressure from social media and all the other changes in society that the Member and I did not have to face at that age.

11.15 am

Mr Principal Deputy Speaker: I dare not venture to guess when it was that you were that age, Minister.

Mr Dickson: I thank the Minister for his statement. It is important, because Northern Ireland has fallen dramatically behind on mental health care. What engagement has the Minister had with the mental health strategy developed by the youth mental health steering committee's Elephant in the Room project and the specific recommendations that it made on mental health and young people?

Mr Swann: I thank the Member for his question. As I said earlier, my officials have engaged widely with stakeholders and groups on the consultation and in other engagements that we have had on producing not only the strategy but the action plan.

I was introduced to the Elephant in the Room group by the Member's party colleague Chris Lytle, in his role as Chair of the Education Committee. At that point, we were able to bring the group to present to the Executive subcommittee on mental health, resilience, well-being and suicide prevention. The organisation has therefore had direct input not only into how we developed and worked on the strategy but into the Executive subcommittee. I think that there were follow-up meetings with the then Minister for Communities, Carál Ní Chuilín, on how she could support the work that it was doing.

Mr McNulty: I welcome the statement, and I hope that its important initiatives will produce important, positive outcomes. We often see much focus on physical conditions, but mental ill health is the unseen condition that, as my colleague said, unfortunately has been swept under the carpet for too long. I appreciate the commitment to additional support for CAMHS.

Can the Minister assure me that children in schools will not be forgotten about? Before they have mental health issues, can they be taught the resilience that is so important for preventing such issues impacting on their lives? How important a role can sport and education play? What supports are in the strategy for children and young people with learning difficulties who have suffered through the pandemic? People such as the Taylor boys in Armagh, their mum, Kathryn, and the rest of the family have had no access to respite, and, as a result, their mental health has deteriorated enormously.

Mr Swann: I thank the Member for his point about respite. He will be aware that the issue was debated in the House recently. The strategy covers where we want to go and what we intend to do with child and adolescent mental health. The outcomes envisaged by the strategy are supports for infants in child and adolescent mental health services, where children and young people should receive the care and treatment that they need when they need it, without barriers or limitations. That should be evident from a shorter waiting list.

The strategy includes an outcome for a reduction in difficult transitions for children and young people by having improved outcomes from 10,000 More Voices and similar user

surveys. I think that the Member is referring to having a regional approach to the delivery of child and adolescent mental health services that, because there is a different level of delivery across our trusts, we are not currently seeing. That is why one of the key aims of the strategy, and one that we are able to commence with the funding that my Department has committed, is to look at how to develop a regional service to deliver a consistent approach across Northern Ireland.

Miss Woods: I thank the Minister for his statement, and I look forward to reading the strategy later. I also look forward to the funding that is clearly needed being allocated.

I will bring the Minister back to the issue of dual diagnosis and ensuring that people who have co-occurring disorders receive the support that they need. Will the Minister outline how the actions in the strategy tie in with the substance misuse strategy and ensure that they support those with dual diagnosis, especially those trying to access housing. He will be aware that that is an issue. How will that be part of the joint working that is envisioned?

Mr Swann: I thank the Member for her question. She will see that the substance use strategy is mentioned in the strategy in the context of the specific sector. Dual diagnosis is also mentioned. The strategies and pieces of work all came from my Department, and we have made sure that there is crossover with dual diagnosis in the strategy. As the Member is fully aware, in regard to dual diagnosis, service users often report difficulties in accessing services, with unclear lines of referrals. The response that we want to envisage from this must therefore ensure that mental health services and substance-use services consider the patient first and that the justice system fits the patient rather than expecting the patient to adjust to fit the system. That is laid out in the strategy.

I thank the Member for her comments regarding the funding. I will do my utmost to ensure that this strategy is funded, as, I hope, will all the Executive parties and all the other Members in the House in support of the vital work that the strategy sets about doing to deliver for all the people of Northern Ireland.

Mr Allister: In regard to the estimate of an extra 32% in referrals arising from the pandemic, if that does not include those resulting from lockdown, what is that figure? If it does include that figure, what proportion of that arises from lockdown? Is there any

acknowledgement on the part of the Executive that the severity and duration of the lockdown in fact adversely impacted on mental health issues, as it did on cancer services and everything else?

Mr Swann: I thank the Member for his question. I will clarify the point: the 32% more referrals is from the effects of the pandemic. That will include some of those who have suffered from the effects of restrictions and regulations that have been put in place, because we are aware of the impact that it has. The Member will be able to read back in Hansard what I said in my opening statement, and, if there was a misperception from my response to Mr Buckley earlier, I will correct that quite happily in the record. That 32% includes all the long-term mental health effects of the pandemic.

When the Member talks about the Executive's decision, I do have to point out that the mental health impacts are being experienced not just in Northern Ireland but across the United Kingdom, in the Republic of Ireland and in every other country where the virus has had serious impacts not just on the physical health of people but on their mental health. We have never faced, in our lifetimes, a pandemic like this, and I hope that we never have to face it again. We had to take the decisions that we have taken as an Executive. We have not taken them in isolation, yet many Members seem to indicate that we were doing something that was unique to Northern Ireland. The decisions that we made were replicated in many other jurisdictions, and, as I said in response to the Deputy Chair of the Committee, when we were coming forward with the recommendations and the decisions were being taken, the Chief Medical Officer always had his input on the societal matters and mental health and well-being of the population.

There was also a considerable piece of work in regard to the cohort that we asked to shield during the first wave of the pandemic. We asked the Patient and Client Council to engage with those people to indicate what additional mental health strains they were experiencing due to shielding. That was part of the feedback that we took into consideration when we came to the second wave and did not take as aggressive a stance on shielding that community as we had done in the first wave.

Mr Carroll: I thank the Minister for his statement. Minister, you referenced heartbreakingly cases of people under eight years of age needing specialist treatment for eating disorders. Recently, the mother of a

young person was in contact with me about her child being severely distressed and forced to wait months to get access to private services because the NHS and trusts are so overwhelmed. Unfortunately, that seems to be commonplace.

My question for the Minister is around funding. The statement states that £1·2 billion of funding is needed — I suggest that the figure is probably greater than that — to tackle the pandemic's mental health crisis over so many years. Where does the Minister envisage that money coming from? There has been some suggestion around waiting lists that we take money from services here to fund waiting lists here. I suggest that that is a short-term and misguided strategy and that looking at those who have financially blossomed during COVID would be a better strategy. Where does the Minister see the money to fund this coming from?

Mr Swann: I thank the Member for his point. I have been clear that this is not about having to shift funding within the Department of Health. There is no point in my robbing Peter to pay Paul to deliver a mental health service while, at the same time, underfunding or reducing funding and support to another part of the health service. The last number of statements that I have made to the House in regard to elective care, no more silos and the work that needs to be done now in the mental health strategy indicate 10 years of underinvestment in the entire health service. The £1·2 billion that we have indicated that we need over the next 10 years to correct that underfunding is the cost that we paid for those 10 years of underinvestment. If we had kept level, or at least kept with a realistic service provision and support mechanisms over the past 10 years, that need and that capital expense now would not be so big.

This is about taking tough decisions and having tough conversations at Executive level. If our block grant from Westminster does not increase, there is a need to find the money and invest it in the people of Northern Ireland. You cannot have a sustainable workforce if their physical or mental health will not allow them to go to work. You cannot have a sustainable education service if the children who attend it or the teachers or people supporting them are not physically or mentally able to carry out the work that they need to do. We need to invest in our health service for the future. We need to see Northern Ireland travel in a direction where we can support education and our economy, but we have to do that with a healthy, physically and mentally able population. We need to start

that now by investing in the strategy and delivering the 35 outcomes that have been indicated through the co-production and co-design.

Ms Dolan: I thank the Minister for his statement. As part of Sinn Féin's submission to the strategy, we highlighted the lack of reference to actions to reduce long-standing and ingrained health inequalities. We know that we need population-level changes, but we also need targeted interventions. What actions are dedicated to reducing mental health inequalities?

Mr Swann: I thank the Member for her point. With regard to the specific inequalities, a number of specific groups that we have to tackle have been identified. In an earlier answer, I mentioned our rural population and how that needs to be addressed. At point 54 in the strategy, we need that renewed focus to ensure that mental health promotion meets the needs of early interventions. That includes targeted approaches to groups more likely to be adversely affected by mental ill health, such as BAME groups, refugees and asylum seekers, people with a specific trauma exposure, LGBT+ people, people with a physical or sensory disability and persons with an intellectual disability. That is one of the leading actions, and is at action 2 of the strategy and how we identify those individuals and also promote mental health through early intervention and prevention with year-on-year actions covering a whole-life approach.

Mr Principal Deputy Speaker: Thank you, Minister. No other Members have indicated that they wish to ask a question, so Members may take their ease for a few moments before we move on to the next item of business, which is the Charities Bill. If you are leaving the Chamber, do not forget to sanitise where you have been sitting.

11.30 am

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

Executive Committee Business

Charities Bill: Second Stage

Ms Hargey (The Minister for Communities): I beg to move:

That the Second Stage of the Charities Bill [NIA 27/17-22] be agreed.

Mr Deputy Speaker (Mr McGlone): In accordance with convention, the Business Committee has not allocated a time limit to the debate. Before I invite the Minister to open the debate, Members will be aware that certain decisions taken by the Charity Commission are currently the subject of litigation. Under Standing Order 73(3), this does not prevent the Assembly from considering legislation. However, Members will wish to bear in mind the respective roles of the courts and legislature in their remarks.

Ms Hargey: Charities are the lifeblood of our communities. We have seen this, particularly over the last 15 months, in how the community and voluntary sector organised on the ground and stepped up to help to support those most in need — our neighbours, friends, families and communities — during a time of uncertainty.

Many of us in the Chamber volunteer with charities or support them through donations or advice. Many of us and our loved ones are the beneficiaries of charities, which enrich our lives through their work in such diverse areas as health, animal welfare, children and young people, sport, human rights, the protection of the environment and much more. It is important to those charities that the public have trust and confidence in them so that they can thrive, particularly as we continue to plot our way through the pandemic and into a fairer and more inclusive society.

The Charities Act (NI) 2008 introduced a regulatory framework for charities here to ensure public confidence and provide assurance around charitable giving. It created the Charity Commission as the statutory regulator for charities, charged it with creating and maintaining a register of charities and provided it with considerable powers to act on the protection of charities. For the first time, all

charities established here were required to register with the commission and be subject to the annual reporting and accounting requirements that came with it. There are currently no exceptions to this requirement.

The commission opened its first statutory inquiry in 2013, shortly after taking on its investigation powers, which allow it to act for the protection of charities. Such powers allow the commission, by order, for example, to suspend or remove trustees, appoint new trustees to a charity, restrict a charity's transactions or appoint an interim manager to act as a receiver and manager in respect of the property and affairs of the charity. These actions can have a profound effect on individuals, in terms of their role within the charity, and on the conduct of the charity's affairs.

It was the actions of the commission taken by staff with respect to two charities that ultimately led to the McBride High Court judgement of May 2019, which was upheld by the Court of Appeal in February 2020. These judgements found that the commission has no express or implied power to delegate its functions to staff acting alone. Instead, these functions could only be delivered by the commission, that is, the board, or a decision-making committee established by it. This rendered approximately 7,500 orders, directions and decisions made by commission staff prior to the McBride judgement unlawful.

The judgement had an immediate impact on our charity sector, rendering the register, containing over 6,000 charities, unlawful. The register is the bedrock of our regulatory system. It provides the visibility and accountability that is envisaged in the Act. The unlawfulness of the register meant that the charities that had gone through the registration process in good faith were uncertain about what it would mean in terms of their legal status, their requirements under the Act and access to funding opportunities. It also left a large number of charities that had acted as a consequence of orders or directions that they thought were lawful in a state of confusion as to what the judgement meant for them.

In the immediate aftermath of the Court of Appeal judgement, my Department worked with the commission and spoke to several important advocates for and representatives of the sector to determine the issues to be addressed and the course of action to be taken. I subsequently determined, having taken the advice of counsel and consulting the Attorney General, that a Charities Bill was required to bring certainty to

the sector and to fix the problem that was not of its making. In parallel, I felt that it was important to carry out a review of charity regulation here and to include the role of the regulator and the Department in it. I therefore appointed an independent expert panel to conduct the review. It has been gathering evidence through engaging widely over the past few months. I expect to receive its report in the autumn, and it will inform any future policy changes that I may propose.

The decision that I have taken to bring forward primary legislation is designed to restore the regulatory framework and then seek to improve it through recommendations that may arise as a result of the review. I am clear from the advice that I have taken that making past decisions taken by staff unlawful is the only way in which to rebuild the regulatory framework without requiring charities to go through registration and other decision-making processes all over again, and that an amendment to the Act through primary legislation with retrospective effect is the only way in which to render those decisions lawful. However, I recognise that it would be unwise and unjust to make all decisions taken by staff lawful. A number of individuals remain aggravated by the actions of commission staff, and I do not wish to do anything in the Bill that would impinge on their rights under the European Convention on Human Rights. The Bill will, therefore, ensure that certain decisions that, in the main, were taken during the statutory inquiry and that have proved controversial in some cases will remain unlawful. Those decisions will therefore proceed to their natural conclusion by way of the courts if necessary. The Bill, however, will reinstate the lawfulness of the decisions that are considered to be uncontroversial, were taken for the benefit of the charities concerned and were, in the overwhelming majority of cases, welcomed by those charities. They will return to the position that they were in prior to the McBride judgement. The Bill will, therefore, make approximately 7,000 decisions, orders and directions lawful, and treat them as if they were always lawful. That includes not only the register but consent sought by charities and provided by commission staff that allowed charities to make changes to their operations in the interests of their beneficiaries, such as expanding or diversifying their field of operations or the services that they provide to the public. Without the Bill, approximately 6,500 organisations would be required to go through the regulation process all over again. Representations from the sector have expressed a disbelief at that prospect. Concern was raised that, after the Bill receives Royal Assent, if registration were treated as always

having been lawful, charities that had not voluntarily provided their annual reports and accounts since the McBride judgement would be required to provide them for the periods prior to Royal Assent, which would cause them to incur additional work and cost. To remove any such uncertainty, the Bill ensures that that is not the case. Instead, in order to rebuild the framework, those charities will be required to comply with those accounting and reporting requirements for the first full financial year after 1 April 2022 and every year thereafter. That date will provide certainty and allow them to plan ahead.

To add further protections for charities, trustees and affected parties, the Bill will provide fresh appeal rights in respect of any decision that is made lawful in accordance with section 3 of the Act. That will allow a challenge where it could be felt that a decision is not, in fact, in the charity's best interests, which is thought to be in only a small number of cases. It is not anticipated that many, if any, such appeals will be forthcoming, as only a handful of those decisions were challenged originally and all the affected decisions will be between three and eight years old when the Bill receives Royal Assent.

In addition to the need to address the implications of the judgement on past decisions, there is a need to ensure that the commission can function effectively. Since the McBride judgement, the commission has been operating a decision-making committee in accordance with schedule 1 to the 2008 Act. Although that is now working well, the part-time nature of the commissioner's roles means that they cannot take the number of decisions as quickly as staff previously did. That is, therefore, not seen as a long-term effective or value-for-money solution as to how the commission functions. As more of the Act is commenced, more decisions of varying complexity will be required.

As it stands, approximately 30 different types of decisions are required to be taken. That will increase to approximately 80 should all parts of the Act be commenced. The Court of Appeal judgement stated that careful consideration should be given as to whether functions should be delegated to staff and that it should be reflected in unambiguous language if so determined.

The Bill therefore allows for a future limited power of delegation to staff, provided that the decisions to be delegated are set out in a scheme of delegation with the prior agreement of the Minister for Communities. However, even though staff take all decisions under the charity

regulations in the South of Ireland, Scotland, England and Wales, our particular experience leads me to conclude that some decisions here should never be taken by commission staff, as they have significant consequences for individuals.

I believe that in order to provide the necessary public confidence in the system, a collective decision-making committee is required for those decisions. The Bill, therefore, stipulates that decisions arising from a statutory inquiry that can have significant consequences for individuals, such as the removal of trustees and the commission's powers to make regulations, can never be delegated to staff. The independent review of charity regulation, which I mentioned earlier, has sought the views of stakeholders on delegation and is considering how the commission can improve as a regulator. Its deliberations will, no doubt, help to shape the future scheme should I, or a future Minister for Communities, determine that one is appropriate.

In addition to addressing the impacts of the judgement, the Bill provides a vehicle to address an issue that has long been called for by the charities sector: the introduction of a registration threshold, below which a charity would not be required to register or be subject to annual reporting requirements if deemed appropriate. Although I am led to believe that such a fundamental change in the framework of regulation would be widely welcomed by the charities sector, it may have unintended consequences that cannot be properly investigated in the time frame required for the Bill.

There is also little evidence as to where the threshold should be set and whether it should be restricted to annual income or should include consideration of an organisation's assets. The independent review, therefore, is considering that issue, and I look forward to seeing the evidence that it brings to bear. In the interim, it is not my intention to introduce a specific registration threshold in the Bill. However, I want to include a power to introduce a threshold through regulations, should that be recommended by the review or should it become desirable at some point in future.

Any such policy will be subject to full consultation in order to ensure that a fundamental change to the framework of regulation is properly scrutinised. In addition, I propose that any subsequent regulations will be subject to the draft affirmative procedure to allow debate and scrutiny in the Assembly. The regulation power as drafted is, therefore, wide

enough to allow for any threshold to be set at income only or at income and assets.

The power will allow for the construction of the necessary framework around such a threshold by amending, repealing or revoking any statutory provision applicable to charities here, making consequential, supplemental and incidental provision that may be required to apply or disapply any provision of the Act or amend any offences or introduce similar or corresponding ones as a consequence of the threshold. In addition, it will provide for the gathering and use of any evidence required for the threshold, the voluntary registration of a body that falls below the threshold or the removal from the register, if requested, of any charity that falls below the threshold.

To summarise, the Bill restores the majority of charities to the position they were in before the McBride judgement but with the strongest possible protections for human rights.

11.45 am

Mr Allister: Will the Minister give way?

Ms Hargey: No. I am sure you will make your contribution when the debate opens.

It will allow me, the current Minister, or any future Minister for Communities to determine how the commission will discharge its functions. It will also provide a vehicle to introduce a considerable relaxation in the framework for a large number of small charities through a registration threshold, should that prove desirable. In passing the Bill, we can help to rebuild the regulatory framework for our valued charitable sector and increase public confidence in it and in the regulator. I commend the Bill to the Assembly.

Ms P Bradley (The Chairperson of the Committee for Communities): On behalf of the Committee for Communities, I welcome the Second Stage of the Charities Bill. The Committee received a pre-introductory briefing from officials on 6 May and was pleased that the Minister was able to introduce the Bill on 21 June. That was welcomed by the Committee, as it means that we will be able to commence our call for evidence before the summer recess.

At its meeting on 6 May, the Committee was reminded of the background to the Bill and that it is being taken forward in parallel with the independent review of charity regulation and the role of the regulator, which plans to report in the autumn. The Committee knows that the

Minister has taken longer than many would have liked to introduce the Bill, but we are aware that she and the previous Minister were heavily invested in resolving the issues, took extensive legal advice and consulted the Attorney General.

As we all know, charities legislation has had a somewhat chequered history in Northern Ireland, and, although the Charity Commission was established in 2008, it did not take on its regulatory powers until 2013, when the Charities Act (Northern Ireland) 2013 rectified a deficiency in the public benefit test as set out in the 2008 Act. The Committee is keen to see the legislation progress, but it understands the considered approach that has been taken to the Bill and the wider issues being considered by the independent review. In its briefing with the Department, the Committee considered the difficult issues and legal background that have led to the Bill, and it has received considerable correspondence from individuals involved.

Although the Bill before us is a short one and has been described as essentially a "remedy", the background leading to its necessity is complex and covers decisions taken over a number of years. It impacts on over 7,000 decisions taken by Charity Commission staff that, when deemed not lawful, left many charities in confusion, causing anxiety for charity trustees. Therefore, I will summarise the context in which the Committee will scrutinise the Bill before commenting on it. The Charities Act (Northern Ireland) 2008 introduced a regulatory framework and created the Charity Commission as a statutory regulator. Two early statutory inquiries led to the disqualification and ultimate removal of two charity trustees. Both parties brought challenges to the Charity Tribunal and, ultimately, to the High Court, where the former Attorney General intervened on the basis of his interpretation of the law that the orders made by commission staff were unlawful. That led to the McBride judgement in 2019, which found that the 2008 Act, taken together with section 19 of the Interpretation Act (Northern Ireland) 1954, did not provide an express or implied power for the commission to delegate its functions to staff acting alone. The judgement further found that all decisions could be taken only by the board acting collectively or by a committee established by the board in accordance with schedule 1 to the Act.

In February 2020, the Court of Appeal dismissed an appeal by the commission against the McBride judgement, thus rendering all orders and decisions made by staff unlawful, including the charity register, which had the knock-on effect of removing the legal

requirement for annual accounting and reporting to the commission. The commission, the Northern Ireland Council for Voluntary Action (NICVA) and, indeed, the Committee have encouraged charities to continue reporting on a voluntary basis. The Committee has been advised that, between 2013 and the McBride judgement in 2019, the commission registered approximately 6,500 charities, made 1,200 casework decisions, made approximately 220 orders and directions and opened 15 statutory inquiries. All decisions, except the opening of statutory inquiries, were taken by staff, as both the commission and the Department believed that it was lawful for them to do so, as is the case in other jurisdictions.

The Bill is one part of the way forward in dealing with the impacts arising from the Court of Appeal judgements. Those impacts are threefold: one, the need to deal with past decisions taken by staff that were deemed unlawful and to mitigate the potential harm to the affected charities; two, the need to look at how the Charity Commission discharges its decision-making functions in the future; and, three, the wider regulatory framework and the role of the Charity Commission in that, including its relationship with stakeholders. The last point led the Minister to commission the independent review of charity regulation.

The Committee was briefed by the independent review team on 27 May. We heard that the team will not revisit decisions made in individual cases but will examine the legal and regulatory framework and make recommendations for improvement in the commission's operations. The Committee looks forward to engaging with the independent panel again in due course and wishes it well as it concludes its review.

I turn to the main principles of the Bill. The overarching objective is to deal with the issues raised by the judgements in a way that protects charities, protects rights and restores the pillars of the regulatory framework for charities. The Committee will bear that focus in mind as it moves into its detailed scrutiny in the autumn. The Bill will make an amendment to the Charities Act (Northern Ireland) 2008 with retrospective effect, as it has been determined that that is the only sensible way to render lawful the previous decisions made by commission staff.

The Committee understands that the principle is to fix a situation that was not of charities' making, and it will reinstate the status of 6,500 charities on the charity register and the benefits accruing from that. The Committee is pleased to note that the Bill is drafted in such a way as

not to impinge on the rights of individuals who remain dissatisfied with previous decisions of the commission. To that end, the Bill includes fresh appeal rights for orders that were made lawful and will carve out other decisions that will remain unlawful to allow them to proceed to their natural conclusion, by way of the courts if necessary.

A further principle of the Bill is to ensure that it is clear which decisions Charity Commission staff are empowered to make. It does so by introducing a limited power for the future delegation of decision-making powers to staff, provided that those decisions are set out in a scheme of delegation brought forward by the Minister. It is not viable to continue with the current temporary arrangement of a decision-making committee, in accordance with schedule 1 to the Act, which has been in place since the McBride judgement. As more of the Act is commenced, more decisions of varying complexity will be required. Given that staff of the charity regulators in England, Wales, Scotland and the Republic of Ireland take decisions, clear decision-making powers for staff are needed.

The Committee supports clarifying which decisions staff can make but wishes to engage with stakeholders to ensure that the scheme of delegation is appropriate and that the treatment of staff in the Northern Ireland Charity Commission will not differ unnecessarily from that of staff in the regulatory bodies of our neighbouring jurisdictions, particularly as the Bill stipulates that certain decisions can never be delegated to staff. The Committee understands that the independent panel's work is likely to inform the types of decisions to be delegated. We look forward to engaging with the panel.

Members will be aware that many charities in Northern Ireland do not have a large income or reach; indeed, some, such as schools' parent teacher associations, rely almost entirely on their own fundraising abilities. Therefore, many will welcome the power in the Bill to introduce via subordinate legislation a registration threshold that will exempt any charity that falls below the threshold from registering with the Charity Commission and being subject to the Charities (Accounts and Reports) Regulations (Northern Ireland) 2015.

Such a change is not in the Bill itself, because, as the Minister highlighted in Committee, it could have unintended consequences that cannot be properly investigated in the time frame required for the Bill, and the independent review is considering the registration process.

The Bill provides for any such regulations to be subject to consultation and the draft affirmative resolution procedure in order to allow for debate and scrutiny in the Assembly, which is to be welcomed.

The Committee looks forward to engaging with stakeholders on the proposals for the registration process and the benefits that they could bring, while fully investigating any unintended consequences. Fresh from scrutinising the Licensing and Registration of Clubs (Amendment) Bill, the Committee is very mindful of the need to look closely at the unintended consequences of seemingly minor changes to clauses or amendments. The Committee is very aware that, although the Bill is short, it will need a strong Committee Stage and sufficient scrutiny, as there are complex issues behind it.

In conclusion, the Bill and the work of the independent review aim to make retrospective remedies and restore charities' and the public's confidence in effective and proportionate regulation. The Committee is supportive of the principles of the Bill and looks forward to considering it in further detail at Committee Stage.

Ms Ennis: I will keep my remarks brief, because the Minister and the Chair have given a very comprehensive overview of the Charities Bill. I welcome today's Second Stage and acknowledge the vital role that charities play in our communities. I have had the privilege, as has my colleague Liz Kimmens, of doing a little bit of work with some local charities, such as Supporting People and Communities Everyday (SPACE), so I know about the Trojan work that charities do and the difference that they make to people's lives, especially over the past year.

Charities and the community and voluntary sector took on an even greater significance at the height of the COVID crisis, and I am sure that they will continue to play a key role as we make our way out of the pandemic. The Minister for Communities used the term "lifeblood of our communities", and that is exactly what charities are. They provide support in so many different ways to the most vulnerable in our society. In 2008, the Charities Act introduced a regulatory framework for charities here, and that was done to ensure greater transparency and greater public confidence. As a result, all charities established in the North had to register with the Charity Commission, but the subsequent McBride High Court judgement in 2019 had a massive impact on our charities. The judgement found that the commission had no express or implied power to

delegate its functions to staff acting alone and that, instead, those functions could be delivered only by the commission. The outworking of the judgement meant that around 7,500 orders, directions and decisions made by commission staff were unlawful. The resulting impact on charities was huge, and that is why the introduction of the Charities Bill is crucial. Some past decisions taken by commission staff, through no fault of their own, were deemed unlawful as a result of the McBride case, and I welcome the fact that provisions in the Bill will mean that those will be reversed. That is the right thing to do. The Bill will also ensure that approximately 6,000 charities will not have to go through the process of re-registering. That will come as a huge relief to many.

I support the passage of the Bill at Second Stage. I hope that it will go a long way towards building back the confidence that the public should have in our charity sector. Like the Committee Chair, I look forward to scrutinising the Bill further at Committee Stage.

Mr Durkan: I welcome the opportunity to speak to the Second Stage of the Charities Bill. I take the opportunity to reiterate my appreciation of and to pay tribute to charities and the invaluable role that they have played for so long in our communities but particularly throughout the past 15 months. The charities sector has been a lifeline to date, yet, despite increased demand and organisations struggling to get by on shoestring budgets, with fundraising capacity all but obliterated, many have continued to provide vital support to desperate service users throughout the COVID crisis, and so too will they continue to be a key player in the time ahead, as society grapples with a period of post-pandemic recovery. As such, we must prevent additional pressures, in the form of bureaucratic complexities, being placed on an already struggling sector.

As my Committee colleagues and the Minister have already referenced, much of the detail of the Bill is technical in nature and relates to the lawfulness of decisions taken by staff of the Charity Commission for Northern Ireland. It essentially puts right the legal oversight, or, rather, the legal overreach, by commission staff members who were not empowered to discharge its statutory duties under the Charities Act 2008.

12.00 noon

Given the Court of Appeal's dismissal of the commission's appeal in 2020, which meant that 170 orders were at risk of being challenged, the

Department had a duty to step in. I commend it for doing so. The amendments before the House are, in essence, a retrospective rewrite, making decisions taken by commission staff lawful and explicitly laying out powers of delegation to ensure that the same mistakes are not made again.

As supervisor of charities across the North, the commission has been tasked with a matter of great public importance. Therefore, the decisions that are taken here today should not be taken lightly. Lessons must be learned, because, without the repair work inbuilt in the legislation, the actions of commission staff could have had massive repercussions for the charity sector and wider society.

I acknowledge that regulatory impact assessments were carried out to determine the potential far-reaching implications of the Bill, including its effects on finances and human rights. Given that that process did not give rise to any substantial concerns, we are content to support the Bill's passage to the next stage. I look forward to working with my colleagues on the Committee to scrutinise it further.

Mr Blair: On behalf of Alliance, I support the Charities Bill, which has been brought to the House by the Minister. As we know, in February 2020, the Court of Appeal upheld the decision made in the High Court in the case of McKee and Others versus the Charity Commission for Northern Ireland. That upheld the legal challenge to the delegation of decision-making powers by the commission to members of its staff. That, effectively, invalidated much of the work of the Charity Commission up to May 2019, including its investigative work and programme of registering charities. We, of course, note that the decisions made by staff were not found to be incorrect: the case highlighted the delegation of decision-making to staff by the charity commissioners as the issue. It is vital that that legal issue is resolved and that the legislation introduced by the Minister fixes the problem and enables the Charity Commission for Northern Ireland to continue with its work. It is important that all charities, funding bodies and others have confidence in the decision-making role of the Charity Commission for Northern Ireland and that all charities approved for registration have met the requirements of the rigorous application process and continue to provide the necessary records confirming that standards are being upheld.

The Bill contains three substantive clauses that amend the 2008 Act with retrospective effect to render previous decisions taken by staff of the

Charity Commission lawful, where staff members' authority to take the decisions depended on the commission's having delegated statutory power or duty. It carves out decisions that are the subject of ongoing litigation or were taken under sections 22(6) and 24(1) and orders made under sections 33 to 36, so that those are not subject to the amendment, thereby providing individuals' rights under articles 6 and 8 and article 1 of protocol 1 under the European Convention on Human Rights. Such decisions and orders will, therefore, remain unlawful.

The Bill also introduces fresh appeal rights, as stipulated in schedule 3 to the Act, applicable from the date of Royal Assent, for decisions that are made lawful by the Bill. It expressly states that the rendering of registration decisions lawful by the Bill will not impose a duty on charities to retrospectively provide annual reports and accounts in accordance with Part 8 of the Act. It also expressly states that, where a charity has sought and been given a subsequent decision, it will supersede any previous decision that is made lawful by the Bill. It also provides a power for future delegation to commission staff, provided that it is set out in a scheme of delegation to be approved by the Department. Finally, it provides a power to introduce a registration threshold at some point in the future via regulations that will be subject to the draft affirmative procedure.

As I said, Alliance supports the legislation introduced by the Minister. It is important that Northern Ireland has its own charities register, and charities should be confident in the Charity Commission for Northern Ireland. The Bill clearly confirms which decisions may be delegated to staff and, if not taken by staff, who will take decisions. The Bill deals with charities that are headquartered in Northern Ireland; it does not deal with the so-called 167 charities. Those charities are national organisations whose headquarters could be in GB — for example, the British Heart Foundation — but which operate in Northern Ireland and are governed by the law of another jurisdiction. I say to the Minister that I hope that progress will be made soon to enable mutual recognition of those charities. Many of them do incredible work and employ valued staff and volunteers. It would be great to have them formally recognised here.

The Bill will fix an issue that has been causing charities and funding bodies much concern. The Department has, thankfully, confirmed that no additional paperwork will be required from charities that have already been through the registration process. The registration stands, as

this legislation retrospectively confirms their status. I support the Bill.

Ms Hargey: First, thanks to the Chair and members of the Communities Committee and all those who made a contribution today.

There is no doubt that the judgement last year had consequences and had an impact on the sector. The Bill aims to provide a legislative fix and ensure that we restore the regulatory framework going forward. When it came through last year, we could not have foreseen a global health pandemic happening within a month and everywhere closing down, but, that said, as has been reflected in the Chamber, I was able to work with the charities sector and the broader community and voluntary sector in stepping up resources very quickly to meet the needs of communities. That included a charities fund being established. As was rightly said, they played a pivotal role and will continue to play a pivotal role going forward, and that is why the legislation is crucial at this point.

I also recognise that there is more to be done as a result of the judgement and beyond and from listening to the sector. It was for those reasons that I set up the independent panel to do a further review that will hopefully be with me later this year. I know that there will be engagement with the Committee on that, but, more importantly, there will be engagement with the charities sector, because it has the direct experience not just of engaging with the commission but of being out on the ground.

Again, I thank everybody. The Bill will move to the scrutiny stage. The Committee will look at it in detail and will call in charities and other organisations to feed into that scrutiny stage. I am glad that we are at this point and that we can progress the Bill, and I commend it to the next stage.

Question put and agreed to.

Resolved:

That the Second Stage of the Charities Bill [NIA 27/17-22] be agreed.

Mr Deputy Speaker (Mr McGlone): Members, take your ease while we move to the next item of business.

Licensing and Registration of Clubs (Amendment) Bill: Final Stage

Ms Hargey (The Minister for Communities): I beg to move

That the Licensing and Registration of Clubs (Amendment) Bill [NIA 10/17-22] do now pass.

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

Ms Hargey: I suppose that everybody will be glad that we have got to this stage of the Bill and are now progressing it after all these years. I welcome the final opportunity to explain why I am pleased that the legislation has progressed and is before the Assembly today, particularly given that we have done this in the midst of a global pandemic. Again, I thank the Committee for the scrutiny role that it has played and the timeline in which it has done that to ensure that we can get this done before the summer recess.

I have spoken before in the Chamber about how long it has taken to get to this stage. Today is a milestone in bringing our liquor licensing laws into 2021. The changes set out in the Bill will provide much-needed support to our hospitality sector and our tourism industry, particularly at a time when both are rebuilding their businesses while still subject to a level of restrictions as a result of the pandemic. It will give them an opportunity to expand their offering and continue to provide the high levels of service that locals and visitors have come to expect and to demand.

I have spoken about the importance of being mindful of the impact that alcohol-related harm can have on individuals and communities. I am confident that I have delivered a balanced Bill that includes all the relevant safeguards and protections for reducing the potential of alcohol-related harm.

I take the opportunity to thank all those who fed into the Bill with amendments and in getting agreement to make the Bill what it is today. Indeed, on numerous occasions, the Committee Chair commented about the hours of discussion that were dedicated to the addition of a local producer's licence, particularly to the taproom element of such a licence.

There have been calls for practical information to be provided to local producers who wish to apply for a liquor licence that would include information on the implications in respect of

planning law and industrial derating. The Bill amends the relevant schedules to the Licensing Order 1996 to set out the steps that must be taken when making an application to the court for any category of licence. There is no one-size-fits-all answer to the issue of planning law and industrial derating. All businesses must have appropriate planning permission to carry on the business that is operated in its premises. I have confirmed that the sale of alcoholic drinks at a local producer's premises will be ancillary to the main business but the amount of industrial derating applied to any producer's premises following the granting of a liquor licence will be determined on a case-by-case basis by the Department of Finance's Land and Property Services (LPS).

Concerns were raised that the Committee amendment to allow taprooms does not go far enough to enable local producers to operate a viable business. The Bill requires that my Department reviews the implementation and effectiveness of the provision and produces a report on its findings. The report, which is to be produced as soon as possible after three years from the date of commencement, will identify how useful the provision has been for local producers. The review is not limited to local producers but extends to all the provisions in the Bill. There is an opportunity to amend many of those provisions using regulations, and the review will provide the necessary evidence, should that need arise.

I acknowledge the contribution of all the stakeholders who have been involved with the Bill, both in the House and outside, and I thank them for that. That includes Members in the House who engaged in debates that, at their longest, lasted eight hours. I thank the Chair, Deputy Chair and members of the Communities Committee, as well as all of the staff behind the scenes. I have mentioned previously that I truly believe that the Bill is better as a result of the scrutiny that was applied not just in Committee but in the Chamber. I thank all the officials from my Department, the Assembly and the Committee who made that process easier. I am glad that we are at this point, and I commend the Bill to the Assembly.

Ms P Bradley (The Chairperson of the Committee for Communities): On behalf of the Committee for Communities, I warmly welcome the Final Stage of the Bill. This is a red-letter day in the Chamber, as this has been a long journey, and I do not mean only this time round. We have been here before at different times with different versions of the Bill, and I welcome the fact that we will finally get new, modernised licensing laws over the line.

Anyone who has read the Committee's report — given the comments made at the various stages, I know that many have read it in considerable detail — will know the significant time and effort that the Committee put into giving the Bill the scrutiny that it deserved. Many wished that we could go faster through the Committee Stage, but, as the Bill will bring about the biggest changes in licensing laws in a generation, it was only right and proper that we took our time and listened to voices from the hospitality sector, local alcohol producers, the retail sector, the tourism sector, the public health sector, the wider justice system and those with an interest in safeguarding young people, sporting clubs and other clubs and individuals.

Throughout its consideration of the Bill, the Committee aimed to steer a balanced course to ensure that the Bill supported the consumption of alcohol in controlled environments. We now have as balanced a Bill as possible in that regard, and I hope that it goes some way towards helping the hospitality and tourism industries in post-COVID recovery while not causing undue alarm in public health circles.

12.15 pm

The Committee accepted that it could not make all stakeholders happy. For example, those with a public health remit or with concerns for young people may feel that the Committee has not gone far enough on protection in those areas. Some in the hospitality sector may feel that they need further relaxations of licensing than the Bill provides. Local producers, in particular, may feel that the Bill does not go far enough. Many Committee members were kept awake at night with the many permutations of taprooms that we had at one stage, but Members will be pleased to hear that I do not intend to say any more on that subject today.

As a Committee, we recognised early on the need for reviews of the law to be built into the Bill to give us the chance to monitor the impact of the change and provide an opportunity to take stock in the not-too-distant future.

I thank the Minister for her willingness to table amendments that the Committee requested to amend existing clauses or insert new clauses and for other ministerial assurances. We made a number of Committee amendments. Members also proposed welcome amendments. Together, we have made the Bill much stronger and more innovative as a result. The Bill is a clear example of the Department, the Committee and the House working at their best to achieve a common goal.

It would be remiss of me at this stage not to thank the officials, Liam Quinn, Carol Reid and Suzanne Breen, and all the Bill Office staff, particularly Claire McCanny. They were all a great help to the Committee in its scrutiny of the Bill, patient in answering our many questions and always on hand at short notice. I hope that the good working relationship established between the Committee secretariat and departmental officials will be carried forward into other Bills that will soon come the Committee's way.

Some Committee members had one small regret in all this. Due to the pandemic, we did not get to undertake any of the visits to the hospitality sector that would usually accompany scrutiny of such a Bill. Perhaps we will get a visit to some of those pubs and local producers at the first review — all in the interests of information gathering, of course.

I, of course, welcome the Bill and look forward to its gaining Royal Assent and coming into operation as soon as possible.

I want to say a few words as a Committee member and MLA. I thank my Committee staff, Janice, Sean, Oliver and Antoinette, for their hard work on the Bill and the many sleepless nights that they probably had when we were discussing taprooms.

I absolutely agree with what the Minister said: we set out from the beginning to see a balanced Bill, to see something for everyone in it and to protect the public health message. As someone who has been in the House for over 10 years and has sat on the Social Development Committee for many of them, I know that the Bill has been before us many times and we have heard from many people. I am delighted that we are at the stage that we are at now. At some stages, I thought that we would never get here, but I am glad that we have. I thank the Committee members for the diligence and hard work that we have all put in to achieving the Bill.

Ms Ennis: I reassure the Chair that I will be doing some homework, shall we say, of my own at the Mourne Mountains Brewery taproom event next week. I will bring my findings back to the Committee.

I feel great pride, as I have said before, that we have reached the Final Stage of the Licensing and Registration of Clubs (Amendment) Bill. I feel relieved but proud. As I have said, it is the first Bill with which I have been involved, so it is good to see it over its final hurdle today.

I said last week that we Committee members feel that the Bill is our baby. However, we have had to get used to the fact that it belongs to all of us in the House. I say again how pleased I am at the interest in the Bill from all Members who contributed to the debates.

As the Chair and the Minister said, we took a huge number of written submissions and over 35 oral evidence sessions, and we put in 30-plus weeks to get to this point. No one will forget the 3.00 am sitting a few weeks ago. However, it was all worth it to get to the point where we can tell the hospitality sector that we have listened to it. We have listened to the calls, for many years, to modernise our liquor-licensing laws and bring them into the 21st century so that the North can be seen as an attractive place for people to socialise and to holiday, where the hospitality and tourism sector has the chance to compete economically with other regions across these islands.

The Bill removes the additional restrictions at Easter and the restrictions on late opening on Sundays. It provides for further additional hours for pubs and hotels and the extension of drinking-up time, and there are new clauses on major events, local producers' licences and cinemas. That, coupled with minimum unit pricing and restrictions on advertising and promotional schemes, means that we have a good and balanced Bill. As the Chair said, it will not go far enough for some, and it will be a bridge too far for others. For me, the key thing is the balance that we have undoubtedly tried to strike to give everyone a fair crack of the whip.

Like the Chair, I thank the Assembly staff and the Clerk and Claire McCann for her invaluable assistance throughout the Committee's deliberations on the Bill. I also recognise the departmental staff, who have been on hand at a moment's notice when the Committee needed them. They were a good sounding board and a good link between the Committee and the Department.

Sinn Féin submitted a detailed response to the public consultation in 2019, because we knew how important modernising our liquor licensing laws was for the pub and hospitality sector. I thank and commend the Minister for her determination to get the Bill passed before the end of this month so that the new laws can be enacted as soon as possible. Because of that, we should see the much awaited changes, particularly to Easter opening, in time for Easter 2022.

This is hugely positive legislation. It will give the hospitality and tourism sector the boost that it

undoubtedly needs as we recover from the economic damage of the pandemic. Sinn Féin welcomes its passing at the Final Stage today.

Mr Durkan: I declare an interest. Today is a good day for the Assembly. It is a good day not just for publicans but, much more importantly, for the public of Northern Ireland. The legislation is long overdue. For so long, our archaic licensing laws have hamstrung not merely the businesses affected and their patrons but wider attempts to market Northern Ireland as a tourism destination and as a modern, vibrant society. The need for the legislation is not new, but our hospitality and tourism sectors have never needed our help and support more than now, as businesses and our economy seek to recover from the economic carnage of COVID. It epitomises the mantra of building back better. I hope that the legislation's inbuilt flexibilities will be welcomed by local businesses. Others will acknowledge the safeguards in the Bill that were necessary to protect people, particularly young people, from the undoubted dangers posed by alcohol abuse.

In that vein, much consideration and effort has gone into ensuring that the legislation is fair and balanced. Not everyone will be cock-a-hoop at the Bill's provisions. For some sectors, it does not go as far as they would like; for others, it goes too far. I defy anyone to say—

Ms Dillon: I thank the Member for taking an intervention. Will the Member agree that, while the Bill may not go far enough for some, it gives choice? Some will choose not to stay open late, and that is fine. However, the Bill provides flexibility to the sectors and businesses that need it, particularly as we come out of a pandemic.

Mr Durkan: I absolutely concur with the Member. In the current climate, I know that there are many bars that would not even consider opening later, but it is a good option to have, should the occasion arise, so that they can maximise their capacity to do business and to allow their patrons to avail themselves of the service that they love so much. I defy anyone to say that their views have not been given a fair hearing, and the Bill reflects that.

The legislation will finally ring the bell on our draconian Easter opening hours, and it will give pubs, clubs and hotels the option to have later opening hours. It will also allow our growing local brewing and distilling industries to advance the promotion of their wares, finally letting them sell their products from their

premises through off-sales, as well as providing tours and, where desired, limited taproom facilities.

Mr Dickson: I very much appreciate the Member giving way. I will explain later why it is I and not my party colleague Kellie Armstrong who is speaking on the Bill.

While the provisions on taprooms are incredibly welcome and present an opportunity to develop the tourist trade and the businesses of small breweries and microbreweries across Northern Ireland, the legislation is, nevertheless, very limited in what it does for those producers. I hope that the Minister and, indeed, the Member agree that the Bill will need to be reviewed once it comes into operation. Many more opportunities need to be opened up for the wider trade, particularly those that provide a specific offering in tourism and the niche specialities of beers and other drinks.

Mr Durkan: I thank the Member for his intervention. I am aware of the view that the Bill is limited in what it allows for taproom licences. As I said, great lengths have been gone to to ensure that the Bill is fair and balanced. While all Committee members recognise the potential of our local brewing industry for our wider tourism product and our local economy, we have to be cognisant of others in the hospitality industry. The legislation allows for monitoring and reviewing what is permitted.

I regret that your party colleague and the Deputy Chair of the Committee, Kellie Armstrong, is not able to be here. She put an awful lot of constructive work into the Bill.

The final Bill will see cinemagoers being able to enjoy an alcoholic beverage, as they can in other regions and as can be done in theatres. The Bill does much more.

The legislation has undergone an extremely comprehensive consultation process, and health protections are very much at its core. I again place on record my gratitude to departmental officials, Bill Office staff, particularly Claire, and all those who participated in our call for evidence. I also compliment the Minister on getting the Bill over the line. Without doing too much backslapping, I thank my colleagues in the Committee and in the Chamber who have played such an important and pivotal role in shaping the legislation.

It has been a long, hard haul, but we worked well together. We respected each other's views, and, monumental legislation as the Bill is, it is

just a small example of what we can achieve when we do that. I look forward to the site meeting that the Committee Chair proposed. I commend the Bill to the House.

Mr Dickson: Thank you very much for the opportunity to speak on the Final Stage of the Bill. As I said in my brief intervention, my colleague Kellie Armstrong should have been here to speak on behalf of my party. Unfortunately, she has a health appointment and is not available, so you get me instead.

For me, this is interesting, because it is a full-circle debate. I was present in the Assembly during the many attempts to update and amend liquor licensing laws in the past. It is a pleasure to confirm that the Alliance Party will support the Final Stage of the Licensing and Registration of Clubs (Amendment) Bill.

As other Members have said, the legislation will update the regulation and sale of alcoholic drinks in Northern Ireland, which are covered by regulations that date back to 1996.

The Licensing (Northern Ireland) Order 1996 set out the provisions of the general licensing system, including procedures governing the granting of renewal of licences by Magistrates' or County Courts, permitted hours for the sale of alcoholic drinks, conduct of premises, conditions pertaining to the presence of children in licensed premises and enforcement.

12.30 pm

The Registration of Clubs (Northern Ireland) Order 1996 did the same for the supply of alcoholic drinks in private members' clubs. Over the years, the hospitality industry and its customers have called for updates to the licensing regime. I am delighted that the Bill will be passed by the House and go forward for Royal Assent.

As a political party, we have supported, in the Assembly, the modernisation of the licensing system for a number of years. I have supported changes to licensing restrictions over Easter to allow the hospitality industry to have the same hours of operation then as it has the rest of the year.

I will remind Members why I have an interest in this matter. In 2016, my colleague Judith Cochrane brought forward her private Member's Bill. I worked on it with her. As the Licensing Act (Northern Ireland) 2016, it relaxed restrictions on the presence of young people in licensed areas, and it put outdoor stadia on the same

operational footing as an indoor arena, meaning that they could deliver family entertainment in a controlled environment. Anybody who looks back on that legislation and its operation will see that it has been very successful and has worked very well.

In the past months, as Mr Durkan said, Kellie Armstrong worked with the Committee, the Minister and others on a detailed and effective Committee Stage. I thank her for her work. I pay tribute to the Committee for the extensive number of witnesses from whom they heard and evidence sessions that they completed. However, I share another Member's concern that Committee members should have had the opportunity to get out and about, going around the industry and perhaps even taking the odd sample. Maybe those days are in front of them. I pay tribute to the Committee for the consultations that it undertook. On behalf of my colleague Kellie Armstrong, I thank the Minister and her team for working with the Committee and tabling most of the amendments that were suggested.

I believe that the Consideration Stage debate on the Bill holds the record, in this session at least, for the latest sitting of the House, though I remember some other very late nights here. I understand that Members were here until 2.45 am. Thankfully, the bleary-eyed Members leaving the Assembly in the early hours of 9 June had only been talking about alcohol licences and not actually taking alcohol.

Members will be aware of the changes coming from the Bill, but it is worth putting them on the record. Easter and Sunday hours will be aligned with the trading hours operated in the rest of the year. All pubs and hotels will be able to apply for a late licence up to 104 times per year. Late licences will run for an additional hour to 2.00 am, and drinking-up time will increase from 30 minutes to 60 minutes. That will allow people to disperse over a longer period, which will reduce issues of public disorder for the police and also improve and grow our night-time economy, offering opportunities for those who provide taxis and other means of getting home.

Children will be able to remain with family at an event after 9.00 pm. They will be permitted to be in a social club, provided that they are accompanied by a responsible adult, from May to September and for a limited number of times in the winter months, to attend, for example, a sports awards ceremony, an event in which young people may become involved. Under-18 events such as school formals will run until 1.00 am, provided that no alcohol is available in the

venue or the part of the venue where the event is taking place.

It will be interesting to see how the next change develops. It will allow cinemas to be recognised as part of the entertainment industry so that they can apply to sell alcohol.

The Alliance Party supported the introduction of the local producer's licence and a taproom licence. I well remember the previous times, and the intense lobbying, when we attempted to legislate on that. It received a great deal of support. Perhaps in time and as reviews of the legislation take place, it can improve further. A local producer's licence will allow local artisan craft brewers and distillers to sell their own products in closed containers for consumption off the premises, whether that be at the end of a tour in their brewery or at another venue, such as a farmers' market. Those are important changes, and changes that will enhance not only the small business itself but the tourist take from visitors to Northern Ireland.

A taproom licence is very different and limited. It will allow local producers who apply for an article 52E licence to sell their own product for consumption on their premises up to 104 times a year, from 4.00 pm to 10.00 pm on those days. That means that, if taproom licence holders apply to use their licence two days a week, they can sell their own produce for a maximum of 12 hours a week. Local producers have highlighted the point that 12 hours a week is not enough to provide reasonable employment in a taproom, and I encourage the Minister and the Department to keep that provision under review once the legislation comes into effect. Local producers who hold a taproom licence will also not be permitted to sell their produce under an occasional licence applied for by a partner pub.

Many breweries have indicated that the restrictions placed on the taproom licence are somewhat overly restrictive. The loss of being able to use a partner pub for an occasional licence and being able to sell only for consumption on the premises for 12 hours a week may well protect some pubs and hotels, but it does not help develop our food and drink and tourism offer. That is an important consideration in all of this. Taprooms were previously identified as a potential growth market by our Economy Minister, and I know, as a member of the Economy Committee, that we have been particularly conscious of and supportive of that, and particularly of supporting a lot of those small businesses as they develop in rural parts of Northern Ireland. I therefore ask the Minister to review the number of days a

year on which local taprooms can operate in order to ensure that we can develop that offer to tourists, who will, we all hope, following COVID, be returning to our shores very soon.

At Further Consideration Stage, the Assembly agreed to include a review of licensing and registration of clubs legislation. The effectiveness of the taproom licence will be reviewed to establish how effective the legislation has been. That provides an opportunity for the Minister and the Department to review whether any local producers have applied for the taproom licence and whether the restrictions have placed a barrier on the growth of a food-and-drink tourism sector. I encourage all the sectors, whether pubs, taprooms, hotels or licensed clubs, to work together to maximise the opportunity.

I am delighted that the legislation includes a review of the surrender principle. During scrutiny of the Bill, the hospitality sector, the retail sector, local breweries and others raised concerns about the cost of buying a licence being astronomical. The hospitality industry was very keen that we develop the Pub is The Hub model to create a focal point, particularly in rural areas, where the local pub could provide more than just access to alcohol. Perhaps it could operate as a small shop or offer other services. Most licence holders, however, see their licence as their pension: a nest egg for the future and when they retire. They sell their licence to whoever offers them the most, and why would they not? Those who can afford licences, however, are larger hotels or supermarket chains, and that means that the idea of the pub as the hub is gone. The licence gets relocated to Belfast, a larger town or to an out-of-town supermarket.

It is therefore pleasing to note that the legislation includes direction for a future Minister of Health to introduce a minimum price per unit of alcohol. Although some are opposed to setting a minimum price for alcohol, we cannot ignore the need to deal with the issue of alcohol abuse. As the Committee report states, in the United Kingdom as a whole, there has been a long-term trend that shows a move away from drinking in licensed premises and an increase in alcohol purchased from off-licences and consumed at home. That is done largely because of an increase in the affordability of alcohol from supermarkets and off-licences. I do not wish to interfere in their trade or their business, but, nevertheless, it can be argued that more responsible consumption of alcohol will take place in pubs and in places where people sit together consuming alcohol rather than in the home.

While the purchase of alcohol is to become cheaper in real terms, the cost of alcohol misuse to the public sector and wider society is increasing. In 2009, the Department of Health, Social Services and Public Safety commissioned a review of the social cost of alcohol misuse in Northern Ireland and estimated that alcohol misuse cost around £680 million per annum, including health and social care costs, fire and rescue and police costs, court and prison costs, and the wider economic cost to our community and society. That estimate was later revised upwards to over £900 million by 2014.

The legislation has been a long time coming. It aims to balance the needs of those who sell alcohol with the needs of our public services and the impact on our economy. It is a huge piece of legislation that has taken many departmental, Committee and ministerial hours to get to its Final Stage. I add my congratulations and those of the Alliance Party to all who provided evidence, improved the content and contributed to the Bill. On behalf of the Alliance Party, I support the Licensing and Registration of Clubs (Amendment) Bill and look forward to it receiving Royal Assent in the coming months.

Mrs Cameron: I welcome today's legislative milestone and the progress that it represents for our licensing laws. For our hospitality and tourism industry, this day has been long-awaited. As we respond to the needs of that industry, we are all the more aware of the need to support it to fully recover from the impact of COVID-19, to protect the jobs of thousands of people employed across those sectors and to create the conditions to see further job creation and revenue generation. I hope that the Bill and its long-awaited reforms of Northern Ireland's licensing laws will be a boost for our hospitality industry after such a challenging period.

I recognise that the change in licensing laws around holiday periods will cause concern for some, but we need to strike that balance and recognise consumer demand and expectations around certain holiday periods and the impact on tourism.

All of us have seen the damaging impact that alcohol can have on people's lives. Excessive consumption destroys health and relationships. Day and daily, our hospitals and health service face the consequences of alcohol misuse. It costs hundreds of millions of pounds per year to treat the consequences of alcohol misuse and addiction in our society.

It is of some comfort that the Bill does not give any great latitude to exacerbating the problem. The Bill strikes a balance between supporting the economy and protecting health, but we cannot wait for another 25 years to see the outcome of the legislation. We must continually review practices and the law to ensure that we have not exacerbated the problems associated with alcohol misuse in our society.

One of the Bill's greatest benefits is that it may well shift people away from unregulated problem drinking at home and more towards the regulated sphere of local licensed premises. In my experience, the landlord is someone who looks after their patrons, and licensed premises are a much more controlled environment.

The Bill has been through significant consultation, and I particularly welcome the strong focus in the passage of the Bill on consultation, not least with young people. We want a generation of responsible drinkers who are aware of the dangers but also the responsibilities.

While I am late to joining the Committee, it would be remiss of me not to thank the officials and Committee staff who have done so much work on this significant legislation. I also thank the Chair, Deputy Chair and all the Committee members who have done so much work on the Bill. I am not sad to have missed the 3.00 am night shift debate, but we are grateful to those Members who were here to see that process completed.

The legislation is a long time coming, but it is timely, nonetheless. As the tourism and hospitality industry embarks on its recovery post COVID-19, we wish it all the best going forward.

Mr Deputy Speaker (Mr McGlone): I call Matthew O'Toole. I advise the Member that business will be suspended at around 1.00 pm to allow the Business Committee to meet.
[Laughter.]

Mr O'Toole: Mr Deputy Speaker, I will try not to take offence at the suggestion that you think that I will take longer than 15 minutes. Perhaps you know me too well.

Mr Catney: You have just had time called on you.

12.45 pm

Mr O'Toole: Exactly, yes, coming from a sedentary position from someone who has called time many times.

Like others, I support the Final Stage of the Bill. It gives me a huge amount of pleasure and satisfaction that we are here to finally pass this Bill. Obviously I will talk, in particular, about the amendments that I submitted and their consequences. I am very glad that they got support. It is worth saying that passing this Bill is an example of what we can do as a regional legislature when we put our minds to it. It is also worth saying that the pub industry and the licensing system that it supports are critical to who we are, not just on this island but in the local communities, towns and cities that pubs support. That is what my amendments were all about, and I hope that that is what the Bill is all about. It is not just about the people who use those facilities. It is about the people who work in them, the hospitality industry and the workers who pull those pints and serve those customers.

It has been mentioned that, at Consideration Stage, we were here until about 3:00 am debating this. Well, do you know what? For many years, I worked until well after 3:00 am, and that was when I was working in pubs. There are people who hopefully, as we continue with our opening up in society, will be doing much later hours than we do here: they will, as I said, be serving people and pulling pints in hospitality venues across Northern Ireland. We should remember the hard work they do and the service that they offer.

There has been talk today about the consideration that the Committee gave. I came slightly late to the consideration of this Bill. I did not quite stumble in. It was not quite like a regular barging into a pub, close on last call, demanding service. However, I am glad that I did, and I am glad that people supported what I was trying to do. The Bill is well overdue in liberalising our licensing laws, but there is a historical context that we need to think about in terms of our licensing system. We have, in the past 20 years, lost nearly 40% of pubs in Northern Ireland. That is a greater proportion than have been lost in the rest of these islands. The rest of Ireland and the rest of the UK have not lost as many pubs. Indeed, in some years, in certain parts of England and Scotland, the number of pubs has gone up. That has not happened here. There is a huge range of reasons for that.

My amendment, which will hopefully pass into law today — I should remind myself which clause it is; it is clause 24 — creates an

independent statutory review of our licensing system, including, but not exclusive to, the surrender principle. The surrender principle is the provision that has been in law on the island of Ireland since 1902. It now takes different forms, but it effectively means that new pubs can never be created. However, lest any licensee listening to this thinks that it is about automatically changing that system, it is not. This review is simply about looking at the evidence, gathering information and examining options for possible reform. It is about the licensing system more broadly. It will include things like the workability of the taproom provisions, which we will, hopefully, pass into law today. It will include the public health impacts and the broader economic and cultural impacts of the pub system.

We have lost too many pubs here. It is long overdue that we examine how that system is working in statute and that we get that up and running as soon as possible so that we can identify the potential reforms. However, we should not rush into it. That is why I was pleased that the Minister and the Department were willing to work with me. I am sure that I gave them the odd, if not sleepless night — there was a sleepless night, anyway, when we were here debating it — the odd head-scratcher in figuring out how this could be achieved. I am glad that, hopefully, we are going to achieve it, and that the Department will have the requisite amount of time to appoint an independent person. It will have up to a year to appoint an independent person, who will have up to two years to come up with a full set of recommendations around potential reforms to our licensing system, just looking at how the system, including but not exclusive to the surrender principle, is working.

The surrender principle dates back to 1902, from those Victorian times on the island of Ireland when it was deemed that there were too many licensed premises per head of population. There were small villages that had dozens and dozens of pubs, and for public health and public order reasons, it was deemed that this was a way of controlling the number of licensed premises. It may well be that we do not reform it in its entirety, but surely it is a reasonable thing, almost 120 years on from that provision being created, that we should look at how it is working. As I said, I urge anyone listening today — whether they are an existing licensee, a community group, someone who is interested in public health, or a craft brewer or distiller — who wants to feed in to that review, to get thinking about it now.

The other amendment that I am glad is now in the Bill was around the annual publication of pub data. There has been some debate about the lack of information, or the disparate location of it, around how many pubs are actually open and operational in Northern Ireland. That will give us clarity around that. I place on record my thanks, and the thanks of my party — my party's communities spokesperson has already done this — to the Committee for its help. I particularly thank the Committee Chair and other members for working with me and being constructive and open-minded on my amendments. As I said, I came quite late to the process. The Minister and her officials have been helpful in working with me to achieve something that, I hope, is deliverable. I also thank Claire McCanny in the Bill Office, who has worked very hard, and Claire McGregor in my office, who helped to deliver the amendments.

This is about much more than simply those amendments. This is about passing a Bill today that, hopefully, will move on and modernise our licensing system. Pubs are much more than places to drink. Indeed, one of the things that many of us will have seen over the past year is that probably too much drinking has been happening at home. Too much drinking has been happening in a way in which is not controlled and does not add to the economic, cultural and community life of the communities that we live in. Pubs do. It is completely critical that we support them. It is also critical that we support our amazing, vibrant, local craft brewers and distillers. I hope that the Bill is a start. The provisions are relatively modest, but I hope that we will see further reform. Indeed, I hope that the review clause that I have included will allow for that, too.

I am delighted that the Bill will, hopefully, become law today. I hope that it is a step forward in protecting and guaranteeing the future of the amazing pub industry and the amazing pubs that are so much a part of our communities and, hopefully, will be in the century to come.

Mr Deputy Speaker (Mr McGlone): We possibly have time for one further Member — Ms Paula Bradshaw — but the time constraints are on us, Paula, if you can manage it.

Ms Bradshaw: I do not think that I will need the 10 minutes, Deputy Speaker. I welcome the Bill's reaching its Final Stage today. Like the Communities Minister and Mr O'Toole, I represent the South Belfast constituency. In that capacity, I add the thanks of the businesses, bars, restaurants, hotels, licensed

premises etc for the long-awaited changes in the Bill. I am sure that they will be delighted to see it receiving Royal Assent.

The changes will, no doubt, be welcomed by the businesses to help them to rebuild following the COVID pandemic and to contribute to the sustainability of our city centres and arterial routes. They will provide additional much-needed jobs. We know that a lot of people lost their jobs or were placed on furlough. I have no doubt that they will be looking forward to getting back to work when the furlough scheme ends. They will very much contribute to making Belfast and the whole of Northern Ireland an even more desirable tourism destination.

I recognise that there were concerns from some quarters about additional drinking hours, but they have been addressed here today. There was concern that the Bill would contribute to increased alcohol consumption, but my principal concern, as Alliance Party health spokesperson, is more around, as others have mentioned, the increased consumption of alcohol at home. I look forward to the Health Minister bringing forward, later this year, his consultation on the minimum unit price for alcohol. I know that that is something that the Committee touched on in its scrutiny and evidence gathering. I welcome the Bill's prohibition of loyalty schemes.

In closing, I thank the departmental officials, the Communities Committee, the Communities Minister and all the pubs, businesses, hotels etc that contributed to the evidence gathering. I am sure that their contributions were well received and made a huge contribution to the Bill that we have here today.

Mr Deputy Speaker (Mr McGlone): I thank Members for their efficiency in expediting the process today. The Business Committee has arranged to meet at 1.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time with the Minister of Education.

The debate stood suspended.

The sitting was suspended at 12.55 pm.

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

2.00 pm

Oral Answers to Questions

Education

Mr Deputy Speaker (Mr Beggs): Questions 7 and 9 have been withdrawn.

Childcare Strategy: Update

1. **Mr Catney** asked the Minister of Education for an update on the childcare strategy. (AQO 2308/17-22)

Miss McIlveen (The Minister of Education):

Mr Deputy Speaker, as this is my first appearance in the Chamber since my appointment, I hope that you will indulge me as I wish to give recognition to my predecessor, Peter Weir, and to thank him for his work during a very difficult year.

I am committed to moving forward with work on the Executive's childcare strategy as quickly as possible. Unfortunately, work on it had to be paused over the past year or so as my officials focused their efforts on providing financial support for the childcare sector throughout the COVID-19 pandemic. That has been essential in order to ensure the survival of many childcare providers and to underpin economic recovery. From April 2020 to March 2021, approximately £30.5 million was paid to the childcare sector through six support schemes. That was a very significant investment that required a lot of detailed work.

On 18 June, I announced two further support schemes for the childcare sector from 1 April 2021. Despite the delivery of those schemes continuing to require significant staff time, work has recommenced on the development of the childcare strategy. While we are not starting from scratch, the previous work on the strategy will need to be updated and refined, taking on board the lessons learned from the past year. The work will include the production of an up-to-date assessment of the state of the sector following the pandemic; re-engaging with key stakeholders on the objectives, priorities and key deliverables; feasibility testing, costing and prioritising options; and a public consultation. In due course, it will also require Executive agreement on a broad range of significant policy decisions, including the overall budget.

I am hopeful that a strategic insight programme to engage with key stakeholders to help to inform the development of the strategy will take place in the autumn. We are planning for that to run from October to December, subject to work on pandemic support schemes having come to an end by that time. I assure the Member of my commitment to moving that work forward. The focus is on the production of a costed strategy that enables meaningful funding decisions to be taken.

Mr Catney: I welcome the Minister to her new post and thank her for making that commitment. Will she outline her plans to lower childcare costs, given that Northern Ireland has the second-most expensive childcare in Europe?

Miss McIlveen: At this stage, it is quite difficult to ascertain how the strategy will pan out and what that will look like. We are committed to producing a strategy, and I am very mindful of the pressures that childcare places on families who are trying to work and have their children looked after at the same time. We have looked at a number of options, particularly those in the other UK jurisdictions, but sectoral representatives here have indicated that they are looking for something that is bespoke to Northern Ireland and tailored for it rather than a replication of current offers elsewhere. I am mindful of the issues that the Member has raised.

Mr Lyttle: I welcome the Education Minister to her post. I am sure that she will agree that the childcare strategy is long overdue. I welcome the specific date for the childcare strategy insight lab, in partnership with the all-party group on early education and childcare, and I seek an update on the delivery of the flexible school-starting age legislation, which is also long overdue.

Miss McIlveen: I thank the Member for his question. From the outset, I want to say that I support the campaign to have a flexible school-starting age in exceptional circumstances. I was disappointed that the previous proposals, which were consulted on in 2014-15 by former Minister John O'Dowd, did not progress at that time. In February 2021, my predecessor announced his intention to develop proposals with specific reference to premature babies whose birthdays were late in the school year. Officials are working on policy proposals, and I hope to be in a position to go out for consultation reasonably soon. I am mindful that we are heading towards the end of the mandate and that progression may be hindered by factors that are outside my control, so I do not

want to raise expectations. However, I am committed to moving this policy forward.

Mr Stalford: First, I welcome the Minister to her place and wish her all the very best in her new role. The Minister will be aware that, in other UK regions, 30 hours of childcare is available. Can she tell us whether a similar offer will be included in the Northern Ireland childcare strategy?

Miss McIlveen: We will consider that as part of the engagement process, which is planned for the coming months. My Department continues to regularly engage with colleagues in other UK jurisdictions about their childcare offers for three- to four-year-olds to learn what has worked well and what the challenges are in the design and implementation of those offers.

In line with commitments made in New Decade, New Approach, the Department of Education will move forward with the work on the Executive's childcare strategy, but that will also include the extended, affordable, responsive and high-quality early education and care provision for families with children aged three to four. That will incorporate the established and successful preschool education programme. As I indicated to Mr Catney, sectoral representatives have asked for something tailored to Northern Ireland rather than a replication of what is happening elsewhere. Hence, our strategy will be slightly different and will incorporate much wider aspirations and actions for childcare services.

Schools: Mental Health Resourcing

2. **Mr Robinson** asked the Minister of Education, in light of the COVID-19 pandemic, to outline the additional resources that will be given to schools to assist children with mental health challenges. (AQO 2309/17-22)

Miss McIlveen: The mental health and well-being of children and young people continues to be a high priority for my Department. The recently published framework for children and young people's emotional health and well-being in education and the accompanying implementation plan will enhance the support provided for pupils, with a focus on promotion, prevention and early intervention through an integrated approach between Education and Health. That includes a primary-school counselling pilot along with new school nursing services, multidisciplinary primary-school support, enhanced Education Authority (EA) support, and a new CAMHS emotional well-being in schools service. Work is progressing to

implement those programmes, some of which have already commenced.

An additional £5 million has been made available for another COVID well-being fund for 2021-22, which will provide dedicated funding to address well-being pressures that have arisen as a result of the pandemic. Reflecting the approach taken last year, the funding will be distributed directly to all schools — nursery, primary, post-primary and special schools — as well as to education other than at school — EOTAS — and youth settings, which will give them flexibility in how they support the mental health and well-being of children and young people and the staff who work with them.

Mr Robinson: I thank the Minister for her answer and congratulate her on her elevation to her new post. She indicated that an additional £5 million has been made available for another COVID well-being fund for 2021-22. The last round of that funding was widely welcomed, and schools have been quite creative in how they have used the money. Will the Minister outline how the new fund will be allocated and what conditions there are on how the money is to be spent?

Miss McIlveen: I thank the Member for his question. A one-off allocation will be made to all school settings based on their enrolment figures. That means that schools with an enrolment from one to 499 will receive a one-off payment of £3,250 per school; those with an enrolment of 500 to 999 will receive £7,300 per school; those with an enrolment of 1,000 to 1,499 will receive £10,000 per school; and those with an enrolment in excess of 1,500 will receive £13,000 per school. Youth Service will receive £1,250 per unit. That is considered to be the more equitable way of distributing the funding. The allocation is still per setting rather than per child, which reflects the fact that not all children and young people will require additional support. However, the settings, as a whole, can ensure that they are well equipped to meet the needs of those who need additional support and can target them appropriately.

With regard to restrictions, each school will have the autonomy to manage the funding based on their identified needs but will be expected to use it for activities that, primarily, support the health and well-being of children and young people and staff. The EA will continue to provide supporting guidance, and further advice will be available where it is needed.

Mr McNulty: I thank the Minister for her answers thus far, and I wish her well in her new post. Unfortunately, we cannot let you bed in gently, Minister, because the education of our young people and children is too important.

Have you engaged with the Health Minister on creating initiatives to help the mental health of children in schools, such as by working with charities, sporting organisations and others to help build resilience in our young people?

Miss McIlveen: I thank the Member for his question, and I appreciate the work he does, particularly with young people, in the realm of sport. I welcome the announcement by the Health Minister about a mental health strategy. My predecessor worked with the Department of Health and the Minister on the development of the emotional health and well-being framework, which has been of real value, particularly at this time when we are coming through and, hopefully, out of the COVID pandemic.

I have not met officials in that Department at this stage. As you will understand, I am still in listening and meeting modes, but I hope to meet them in the coming weeks.

Mr Nesbitt: I welcome you to your post, Minister, and wish you well. How would you assess the toolkits that are being produced by the likes of Pure Mental and Include Youth, representing a bottom-up approach to the issue?

Miss McIlveen: I welcome the Member's question, and I know that those organisations are very focused on the well-being of young people. I have worked with Include Youth in particular for a number of years, wearing other hats. I look forward to meeting those organisations to discuss the projects that they are undertaking. While there are projects that are very much school-based, others are Youth Service-based and wider, particularly those in the community. They are great tools and are an asset to the work we are trying to do.

Ms Brogan: I welcome the Minister to her new position and wish her the best of luck in it. The previous Education Minister announced plans to pilot counselling services in primary schools. Given the huge challenges experienced by our children and young people throughout the pandemic and our need to support them, will the Minister give us an update on that pilot project?

Miss McIlveen: I thank the Member for her question, and I acknowledge the difficulties of

the past year. Subject to the necessary approvals, I hope to launch a primary-school level counselling pilot scheme in the new academic year as one of a range of supports to be delivered through the implementation of the emotional health and well-being in education framework. That will involve all primary schools, including special schools that have a cohort of primary-school pupils. Some £5 million has been allocated to support the delivery of the project. My officials are working with the EA to progress the pilot, which includes the development of plans for an evaluation of the impacts and benefits of that support for primary-school children.

Coleraine College, North Coast Integrated College and Dunluce School: Merger

3. **Mr M Bradley** asked the Minister of Education to outline the reasons for the delay in the consultation on the merger of Coleraine College, North Coast Integrated College and Dunluce School. (AQO 2310/17-22)

Miss McIlveen: The Education Authority is working in partnership with representatives of three schools — Coleraine College, Dunluce School and North Coast Integrated College — on a joint proposal for non-selective post-primary provision in the Causeway area. A steering group, the Causeway project board, has been established and includes representation from the Northern Ireland Council for Integrated Education (NICIE), the Controlled Schools' Support Council (CSSC) and Ulster University. The EA has advised that a consultation document has been prepared and considered by the boards of governors of the three schools.

The EA's strategic planning and policy committee considered the proposal and sought some points of clarification. The consultation document was considered at the EA's board meeting on 24 June 2021, and approval was given to commence prepublication consultation on 13 September 2021, which will run until 15 November 2021. My Department becomes formally engaged in the process only when the development proposals have been published.

Mr M Bradley: I welcome the Minister to her new post and I apologise to her for forgetting to declare an interest as a member of the board of governors for Coleraine College.

There is genuine concern that, if the amalgamation is approved, the new school will

operate over two sites. That will create staffing issues, timetabling problems and extra costs. Will capital funding be made available for a new school? Has the Department learned any lessons from its experiences of other amalgamations?

2.15 pm

Miss McIlveen: I thank the Member for his question. A major capital investment is not announced as part of the development proposal approval process; it will follow only if the new school is successful in a future major capital call. Whilst a new school formed following an amalgamation will be well placed to receive funding for a new build in a future major capital call, there can be no guarantees that that will be the case. In the event of funding being subsequently approved, there is also no guarantee which site will be selected for the investment. That issue will be resolved following an analysis of the options in the business case prepared to seek approval for the major capital investment. Any decision to amalgamate the schools must be taken independently of the future of the school.

On lessons learned, experience has shown that school amalgamations are complex and require thorough and timely planning. Each amalgamation has its own set of unique circumstances, and my officials will work with individual schools to assist with the implementation. There is a circular, as there is for most things, on the website for your perusal.

School Estate: East Antrim

Mr Dickson: I welcome the Minister to her post.

4. **Mr Dickson** asked the Minister of Education for her assessment of the condition of the school estate in East Antrim. (AQO 2311/17-22)

Miss McIlveen: My Department's capital programme aims to ensure that school premises are planned, delivered and improved to support the delivery of the desired education outcomes and to provide a safe and secure environment for all users. I understand that, in the East Antrim constituency, over the last three financial years, approximately £6.3 million has been invested in minor works schemes to improve existing assets.

Under my Department's major capital works programme, which was initiated in 2012, five schools were announced as proceeding in planning for major capital investment. With an investment of in the region of £8.7 million, two

of those projects, Woodburn Primary School and Corran Integrated Primary School, have been completed. A further three schools are progressing through various Royal Institute of British Architects (RIBA) stages: Abbey Community College, St Killian's College and Islandmagee Primary School.

Over £5 million has been invested in Acorn Integrated Primary School and Belfast High School under the first school enhancement programme (SEP). A further four schools have been announced to advance in design under the second call, with a total estimated investment of £16 million. Those projects are at an early stage of planning and design. The schools are Roddenvale School, Thornfield House School, Carrickfergus Grammar School and Greenisland Primary School. Ulidia Integrated College was announced as a major capital project under the Fresh Start programme in March 2016. The business case for a new build school on the existing site was approved in December 2018. That £25 million investment will provide up-to-date accommodation and sports facilities for 700 pupils.

Whilst significant capital investment is under way in the East Antrim constituency, I acknowledge that a large number of schools in the constituency require maintenance, which is funded from the resource budget. The budget for school maintenance is just one of the budgetary pressures currently faced by my Department, which allocated £20.5 million to the Education Authority for maintenance for 2021-22. This year, an estimated spend of £800,000 will be committed for planned maintenance and statutory remedial projects in schools in East Antrim.

Mr Dickson: I appreciate the large sums of money that her Department has put into improving schools in East Antrim, particularly the schools that she mentioned. However, two schools seem to have been overlooked and are in very difficult situations. Carrickfergus Academy is the result of a merger between Downshire Community School and Carrickfergus College and was sold to the boards of governors, parents and the community as a new build school, yet that seems to be a long way away. Likewise, Larne High School is in a perilous state of repair. It seems to be the school that time forgot, not in the education that is being delivered in the building —

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question?

Mr Dickson: — by the principal and staff. Will the Minister accompany me on a visit to both schools?

Miss McIlveen: I thank the Member for his question, which is similar to the question asked by my colleague about the anticipation of a new build when an amalgamation takes place. It is my intention to make a major capital works call before the end of the current financial year, and that may assist with that project. I am more than happy to accept his invitation to visit both schools.

Mr Lyons: I also congratulate the Minister on her appointment and wish her well in her new role. I echo Mr Dickson's comments, especially about Larne High School, which is in need of an urgent upgrade. I am pleased to hear what the Minister said about the capital works programme. Can she give any more detail on when it is likely to be in place? I also raise with her the issue of Greenisland Primary School, which is in a similar state of disrepair.

Miss McIlveen: I thank the Member for his question. I assume that he is looking for information on Larne High School. In October 2017, there was a call for minor works applications. Two applications were made for the school, for an upgrade of boiler flues and roofing, but they did not rank highly enough. Since 2019, four business cases have been approved for minor capital works: accommodation works for special educational needs (SEN), which were completed in 2020; Disability Discrimination Act (DDA)-specific accommodation, which was completed in 2019; the refurbishment of a 2G synthetic pitch, which is due to complete RIBA stage 5 in July; and strategic investment in the school meals accommodation project, which is due to complete RIBA stage 5 in September. I understand that the EA maintenance service will scope the changing rooms and gym hall for consideration for delivery in either financial year 2021-22 or in subsequent years, subject to capital budget availability. Larne High School was not put forward by the EA for consideration under the most recent major works call, which closed on 31 October, nor was an application made on behalf of the school submitted under the latest school enhancement programme call.

I do not have any information with me on Greenisland Primary School, but I am happy to accompany the Member on a visit, if he so wishes.

Mr Sheehan: I also wish the Member well in her new role as Education Minister. The

Minister will be aware that the school estate across the North is crying out for investment. Many schools have been operating in outdated, inappropriate and so-called temporary accommodation for 20 years. Can she outline her investment plans for the school estate that our young people need and deserve?

Mr Deputy Speaker (Mr Beggs): I remind the Member that the question was a constituency question specific to East Antrim. The Minister may or may not wish to respond.

Miss McIlveen: I am content to respond. I agree with the Member when he says that the school estate is crying out for investment and that far too many schools have outdated accommodation. In the past two weeks, I have visited quite a number of schools that went from one extreme to the other: from exemplary accommodation to accommodation that school leaders despair of. It concerns me that we still have not seen delivery of projects that have been prioritised for in excess of 10 years. It also concerns me that there is a significant backlog of minor works. We had 6,000 applications in the last call, and only around 1,300 of those have been progressed. I know that the reason for that is the number of emergency applications.

I am concerned, and I agree with what the Member said. As I said in a previous response, I plan to issue further calls. I am meeting my officials to see how we can be better prepared so that we have shovel-ready projects when capital becomes available.

Mr Deputy Speaker (Mr Beggs): I call Jim Allister, and I remind him that it is a constituency question.

Mr Allister: Thank you, Mr Deputy Speaker. I suggest to the Minister that it is a false economy not to maintain our schools. By way of example, I cite Moorfields Primary School, and I declare an interest as chair of the board of governors. A new school was provided a dozen years ago, yet, because of a failure to address plaster failings and a failure to repaint it, it is now riddled with cracks and growing moss, and it will take a lot of money to repair it at some time in the future. Why are we not keeping the stock that we have at such a level as to protect against excess expenditure in the future?

Miss McIlveen: I thank the Member for his question, and I do not disagree with what he has said. I understand that some of what he spoke of is to do with resource pressures, but I am happy to go back to officials to see what

Moorfields Primary School's current status is and then come back to the Member.

Major Capital Works Programme: Criteria

5. **Ms Dillon** asked the Minister of Education for an update on the review of the criteria used to determine the major capital works programme. (AQO 2312/17-22)

Miss McIlveen: Before a new call for major capital works is announced, the protocol for the selection of major capital works will first be reviewed and, if necessary, updated on the basis of learning from the latest announcement and any new policy developments. That will be published in advance of the call to allow schools, in conjunction with their managing authorities and sectoral bodies, to consider their options and eligibility.

Once nominations are received from managing authorities, sectoral bodies and voluntary grammar schools, each application is assessed under the agreed protocol developed for each call. A list of qualifying schools, ranked in order of scoring from the protocol, is drawn up. I will decide on the number of projects to be advanced on the basis of the available budget. The protocol used for the most recent major capital works call is available to view on the Department's website.

Ms Dillon: Can the Minister update the House on whether there are any plans for a new school on a new site for St Joseph's Primary School in Galbally? I had the previous Minister out there. Not only is its current site unsafe, but it is not fit for purpose. The number of children who go to the school is growing. The school is unable to accommodate that number of children. St Joseph's in Galbally really needs a new build.

Miss McIlveen: I thank the Member for her question. It will not surprise her to know that I am not aware of the specific plans for St Joseph's. However, I will commit to writing to the Member with an update. If the Member feels that it would be useful for me to visit, I would be happy to agree to any request to do so.

Mr Harvey: I wish the Minister well in her position. She will be familiar with the need for a new build, which is long overdue, for Down High School and the challenges that there have been in making it a reality. Can she provide an update on that highly anticipated project?

Miss McIlveen: I thank the Member for his question. The major works project at Down High School is now nearing the end of the design phase. Progress has been delayed due to the need for a significant archaeological excavation on the proposed site. The scope of excavation works required has now been agreed, and work is under way. It is anticipated that the excavation works will be completed in the first half of 2022, allowing the project to proceed to tender in the financial year 2022-23, subject to detailed analysis of the findings from the dig. I understand the Member's comment that the project has been anticipated for a long time. Certainly, young people from our constituency who go to Down High School have been calling out for it for some time. It will be good to see the project moving forward.

Miss Woods: I welcome the Minister to her position. With regard to the major capital works programme, the Minister will be aware that a number of climate commitments now have to be met. Will she consider writing a carbon-zero requirement into any future major capital works in the school estate?

Miss McIlveen: I thank the Member for her question. I will certainly take that on board and speak to officials about how that can be progressed.

Primary Schools: Enrolment Numbers

6. **Mr Gildernew** asked the Minister of Education whether she will review the process by which primary schools can have their official enrolment number increased. (AQO 2313/17-22)

Miss McIlveen: Any significant change required to a primary school, including an increase in its approved enrolment number, currently requires the publication of a development proposal (DP). The DP process is a statutory process. The Department's guidance circular 2017/09, which is available on its website, provides a comprehensive overview of the process to be followed. My Department also has the power to grant additional places to individual schools by way of a temporary variation (TV) to a school's approved admissions and enrolment numbers. TVs are granted in areas where a demographic pressure exists and are for one year only.

The Department is considering a process to approve increases to a grant-aided school's approved numbers that may not require a DP. The process is designed to normalise

admissions and enrolment numbers where there is evidence demonstrating an historical pattern of enrolment in excess of a school's approved number.

Mr Deputy Speaker (Mr Beggs):

Unfortunately, that is the end of the period for listed questions. We now move to topical questions. I advise Members that topical questions 3 and 10 have been withdrawn.

2.30 pm

Independent Counselling Service for Schools: West Belfast

T1. **Mr Sheehan** asked the Minister of Education, who will be aware that the independent counselling service for schools (ICSS), which provides important support to post-primary schools, has been coming under increased strain as a result of the pandemic, with school leaders in his West Belfast constituency outlining particular problems, to state whether she is aware of the issues in West Belfast and, if so, whether she plans to offer further support or interventions to ensure that ICSS is supported. (AQT 1491/17-22)

Miss McIlveen: I thank the Member for his question. Certainly, the independent counselling service for schools provides an essential support service to our young people, and I understand that there has been an increase in referrals since young people returned to on-site learning. While the demand for counselling has increased, the service overall, I think, has not been overwhelmed. That said, I understand from speaking to the Member outside the Chamber that he has a particular concern about West Belfast and has been involved in multi-agency discussions in an attempt to address that issue. I understand that, as of yesterday, 10 young people were awaiting counselling services in West Belfast, and I understand that that is progressing, although those are only the young people who have identified themselves as having need. That does not mean that there are not many others who require service. I will speak to officials to ascertain the pressures that exist and see if there is anything additional that we need to do.

Mr Sheehan: Gabhaim buíochas leis an Aire as ucht a freagra. I thank the Minister for her answer. The emotional health and well-being framework was a welcome intervention in mental health policy. I have some concerns that it was mainly developed prior to the pandemic. Will the Minister give a commitment to review

the framework and ensure that it is resilient, given the many challenges that young people face as a result of the pandemic?

Miss McIlveen: I thank the Member for his question. The emotional health and well-being of our young people, along with our staff, is a priority and should be a priority for my Department. There have been significant challenges for school staff as they support children and young people coming through the pandemic. While I understand the Member's point about the terms of the development of the policy, he might recognise that the proposals and their implementation allow for adaptability and flexibility that we have not, perhaps, seen before in some of the projects that have been put forward by the Department. He will be aware that this has been supported by COVID well-being support finances. A number of projects have come online and, I understand, have been very successful to date, including Text-a-Nurse, the EA Youth Service's resilience education assisting change to happen (REACH) programme and a well-being hub, and other projects are due to come online, such as a new CAMHS emotional well-being team in school services. There are projects there that will hopefully address some of those problems, but I am content to see whether anything further needs to be done.

'A Fair Start': Implementation of Recommendations

T2. **Mr Robinson** asked the Minister of Education whether she will commit that her Department will, as soon as possible, implement the recommendations in the recently published 'A Fair Start' report on educational underachievement in Northern Ireland, given that although reports on that subject have been produced in the past, little has been achieved. (AQT 1492/17-22)

Miss McIlveen: I thank the Member for his question. Again, I pay tribute to my predecessor for driving forward this work but also to Dr Noel Purdy and the expert panel for their commitment to it. I am really keen to see it progress quickly, because it is an important programme of work. There are 47 actions that are spread across at least six years. My focus at the moment is on what we can achieve in the short term, and £4 million has already been set aside in this year's budget to progress the work. Officials will work with policy leads in the Department of Education, alongside other Departments and arm's-length bodies, to progress the expert panel's action plans. Governance structures are being established to

oversee the implementation of the action plan and, as was agreed by the Executive, the First Minister and deputy First Minister have undertaken to oversee the delivery of that plan. That will require a considerable Budget commitment. It is a cross-cutting Executive commitment, and I hope that the requests to fund it will be honoured.

Mr Robinson: I thank the Minister for her answer. Will the Minister agree to visit Drumrane Primary School in my constituency with Councillor Scott and me to see at first hand how the lack of some facilities — that is, an additional classroom that is needed due to rising pupil numbers — impacts on the issues that the report addresses?

Miss McIlveen: I thank the Member for his question. My diary secretary will love me at the end of this session. I am more than happy to go on that visit with Mr Robinson and Councillor Scott.

Temporary and Substitute Teachers: Budget Cuts

T4. **Mr McGrath** asked the Minister of Education, after welcoming her to the post of Minister of Education, with responsibility for the Youth Service, and wishing her well, to outline how the budget cut that was discussed at last week's meeting of the Education Committee, when members received an update on the Education budget and in-year monitoring and were told that £12 million of cuts is envisaged following a review of temporary and substitute teachers, was achieved. (AQT 1494/17-22)

Miss McIlveen: I thank the Member for his question. I think that he is referring to the workforce review project, which is part of the April 2020 agreement to end the long-running teachers' industrial dispute. I understand that, from that, a number of work streams were agreed to look at improving attendance and so on. It is not anticipated that the £12 million will be realised within the next financial year. It will take some time, but I am happy to come back to the Member with more detail regarding what was said at the Committee and with anything that needs to be added to that.

Mr McGrath: I thank the Minister very much for that response. Will the Minister give a commitment that there will not be any cuts to temporary or substitute teachers, and will she give some recognition to the valuable contribution that those teachers make to the overall staffing complement of our schools?

Miss McIlveen: I thank the Member for his question. As somebody who was a substitute teacher for a time, I absolutely agree that those teachers add value to the workforce. That question forms part of the previous question about how the review will be undertaken. If the Member is content, I would prefer to come back to him with the detail of that, rather than saying something for the sake of it.

Summer Scheme Funding

T5. **Ms Kimmings** asked the Minister of Education, after welcoming her to her new post and wishing her well, for an update on the total level of investment and plans to support diversionary projects and related schemes over the coming months, in light of the summer scheme programme fund, which has been established by her Department and will provide some support to schools to run various projects, particularly because, as we enter the summer holidays, given the year that our children and young people have come through, it is more important now than ever that we have proper investment in place for summer schemes, youth work and other diversionary activities to meet children and young people's social, emotional and physical needs, which have been badly impacted over the past 15 months. (AQT 1495/17-22)

Miss McIlveen: I thank the Member for her question. This year, 453 schools have been able to avail themselves of the school summer scheme project, and I understand that £4.6 million has been committed to it. We have carried out considerable outreach to young people. I understand that somewhere in the region of 40,000 children will be able to access summer schemes through schools. That is a significant uplift from last year, when it was taken up by a very small number of schools, although the circumstances with COVID were slightly different then.

There was £5 million allocated to the EA Youth Service, which enabled support to be allocated to over 180 schemes. You will be aware that EA also runs the Together: Building a United Community (T:BUC) camps. While I do not have the details of that, it is additional assistance to do what the Member has suggested should be done.

Ms Kimmings: I thank the Minister for her answer. That is good to hear, and I welcome the fact that there is such massive reach. That is so important this year. In the event of an underspend in the programme fund, will the Minister consider making unspent money

available to local community groups or sporting organisations that may be able to apply for it on the basis that they can run the diversionary activities required over the summer months?

Miss McIlveen: I thank the Member for her question. I like to think that there will not be an underspend and that all the money can be drawn down, although there is a risk associated with part of the youth summer programme because in the region of 40% of those schemes require an overnight stay. We need to see what the Executive will agree on Thursday on that. I hope that that will not happen, but I understand that, in the event that a project or scheme does not go ahead, there are projects in reserve that should be able to use the money. I will need to get further information on whether that money can be moved to another project outside the scope of what has been agreed. That may take time and may not be of assistance.

Holiday Hunger

T6. **Miss Woods** asked the Minister of Education whether she will support free school meals continuing indefinitely during holiday periods and to state the other measures that her Department is considering to tackle holiday hunger, given that she will be aware that many children and young people face the reality of hunger over the summer, with her predecessor introducing free school meals payments for the summer and holiday months until 2022. (AQT 1496/17-22)

Miss McIlveen: I thank the Member for her question. I understand that that was a long-running discussion even prior to COVID, although COVID put a focus on the issue of hunger, particularly around the holiday period. A payment scheme for the next period has been approved and signed off recently. That will again be £13.50 per child per week and will be made available on 30 June for nine weeks to all families entitled to free school meals, at a cost of about £12 million.

The issue of hunger does not fall solely within Education but is cross-departmental. I am keen to take it up with Minister Hargey from the Department for Communities.

Miss Woods: I thank the Minister for her answer. On the same theme of food and school, she will know how important it is for children to have access to enough balanced and nutritious meals for growth, health and well-being as well as for brain development and concentration. How does her Department

ensure that the meals served in schools are assessed for their nutritional value?

Miss McIlveen: I thank the Member for her question. I will have to come back to her with the detail on that, if she is content for me to do so.

St Brigid's College: ASD Unit

T7. **Mr Durkan** asked the Minister of Education, after congratulating her on her elevation to her new role and wishing her well, for an update on plans for a new ASD unit at St Brigid's College in the Foyle constituency. (AQT 1497/17-22)

Miss McIlveen: I thank the Member for his question. I understand that a meeting was held today with the EA and officials on the pressures on provision for autism in the area. My feedback from the EA is that the meeting was positive. I acknowledge that there are pressures on how that progresses in the area. I would need to get further information on it for the Member.

Mr Durkan: That was a very topical question, then. Let us hope that what is positive in the EA's eyes is also positive for the school and the many young people living with ASD who hope to transfer there.

The problems with SEN provision are not exclusive to Foyle. What plans does the Minister have to improve access to such services across the North?

Miss McIlveen: I thank the Member for his question. The number of children who present with special educational needs has increased considerably over the past number of years. That puts pressure on assessment and on making sure that there are appropriate placements for those children.

2.45 pm

I understand that some £9.5 million of capital and £10 million of resource funding have been allocated to address specific needs. Forty-two additional classrooms have been provided at 16 of the 39 special schools to accommodate 237 pupils. There has been a repurposing of the youth provision in Cookstown, and the Fortwilliam site in north Belfast is being used for, hopefully, temporary accommodation for the next two or three years in order to address the pressures experienced by Harberton Special School.

I understand that the main pressures are in Armagh, south Down, Belfast and mid-Ulster. I also understand that the EA is working to address those and is developing an area plan. That will be particularly useful in deciding how we move forward.

Mr Deputy Speaker (Mr Beggs): That is the end of our period for questions to the Minister of Education. I ask Members to take their ease for few moments before the next item of business.

Question for Urgent Oral Answer

Justice

Capita: Troubles-related-incident Victims' Payment Scheme

Mr Deputy Speaker (Mr Beggs): Mr Jim Allister has given notice of a question for urgent oral answer to the Minister of Justice. I remind Members that if they wish to ask a supplementary question, they should rise continually in their place to indicate that they have a question to ask. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Allister asked the Minister of Justice, in relation to the Troubles-related-incident victims' payment scheme, how she will ensure that victims of the Troubles are protected from the "systemic maladministration" identified in Capita by the Northern Ireland Public Services Ombudsman's (NIPSO) recent report.

Mrs Long (The Minister of Justice): From the outset, I wish to say that the recommendations in the Northern Ireland Public Services Ombudsman's report are a matter for the Department for Communities. It is with that Department that responsibility for personal independence payments (PIP) rests. Any issues with the administration of PIP should be raised with the Minister for Communities. It is also quite wrong and unfair to victims to seek to read across from the issues with PIP to the arrangements being put in place for the Troubles permanent disablement payment scheme. The assessment process for the new scheme is based on different underpinning legislation, and the assessment arrangements are unique to that scheme.

Under the rules of the scheme, the Victims' Payments Board would be unable to make payments to eligible victims without medical assessments. I assure the Member that there has been engagement with the main groups that represent victims of the Troubles to inform them of the implementation of the scheme and the development of the assessment guidance in particular. Medical assessments will be carried out only by suitably qualified personnel across a range of medical disciplines. That will ensure that an assessment can be made across the full range of injuries, physical and psychological, that victims of the Troubles may have suffered.

There will be a robust training programme for the assessors, which will involve theoretical and simulated assessments, to ensure that they meet the competence and knowledge requirements. Following four weeks of intensive classroom-based learning, the health professionals must undergo written and practical assessments to ensure that the competence required has been achieved. All healthcare professionals supporting the new scheme will be subject to a 100% audit until they have met an appropriate quality standard. That will be for a minimum of six months and will be in addition to a regular ongoing audit of their work.

Mr Allister: I am disappointed by the complacency of the Minister's reply. Capita is a company whose services have been dispensed with in other parts of the United Kingdom because of its failures. It is the object of a devastating ombudsman's report. We heard on public radio this morning a whistle-blower speak about Capita's training and auditing to the effect that it aims to deny as many people as possible access to PIP benefits. Why was Capita chosen? Were there no alternatives? What is the public finance commitment to Capita?

Mrs Long: The Member is wrong to suggest that there is any complacency in my answer. I focused on the facts of the Troubles permanent disablement payment scheme, as Members would expect. It is not appropriate for me to comment on wider issues regarding Capita or, indeed, its delivery of the PIP scheme. The reason why Capita was appointed is clear: Capita was appointed on the basis of a tender process that took place in the early part of this year following a public procurement exercise.

The contract is subject to robust monitoring arrangements, including those to ensure that the healthcare professionals undertaking the assessments meet the necessary performance standards. For example, all healthcare professionals supporting the new scheme will be subject to 100% audit of the assessment reports that they complete until they have met the appropriate quality standards and for a minimum of six months. Arrangements will be in place for the Victims' Payments Board to monitor, on an ongoing basis, the quality of reports produced by medical assessors. That will assist with quality improvement and maintenance of the clinical competence of the assessors.

There is no complacency on my part. Prior to the NIPSO report that was published last week, we all had experience, as constituency MLAs, of the impact of Capita. It is for that reason that

the scheme has been designed in such a robust and victim-focused manner.

Mrs D Kelly: The Minister said that it was not for her to comment on the "wider issues regarding Capita". However, I have repeatedly represented victims of the conflict in disputes about their PIP awards. I have little confidence in how Capita manages that contract, and we can see a lack of confidence in the NIPSO report. What confidence can you give victims, particularly those who have had mental health trauma and post-traumatic stress disorder, about the skills and expertise of those who will make the assessment?

Mrs Long: It is fair to say that I took responsibility for the scheme not because it fits comfortably within my Department's remit but because I am passionate about delivering it. It is incumbent on the Executive and the Assembly to deliver for victims of the Troubles. No decision that I take would in any way seek to jeopardise or re-traumatised those who have already suffered greatly.

The scheme that has been designed is not the PIP scheme. It is not the assessment scheme. A dedicated, specialist team in Capita has been recruited specifically for dealing with victims and the victims' payment scheme. It is a novel scheme, and its operational aspects have been designed with victims at the centre. Victims' groups have been involved in co-designing the scheme, and Capita engaged with the main victims' groups during the development of the medical assessment guidance.

Training for the assessors is designed to place the specific needs of victims of the Troubles at the very heart of every decision made in the scheme. For example, the training programme to which I referred will include specific trauma-related modules that will be delivered with support from the victims' sector. It is important for the sake of the mental health of victims and for the avoidance of their re-traumatisation that we do not conflate the two schemes.

Mr Storey: I urge and encourage the Minister to listen to the clamour, concern and worry out there about this. The medical assessment service will be established, but, Minister, you also said recently:

"Engagement has continued with the Police Service of Northern Ireland, Public Record Office, Health and Social Care Trusts and GP representatives to provide for information flows to the Victims' Payments Board".

What will take precedence in determining the outcome, and who will have the final say? Will it be the GP's history of the individual or — this is my worry — the medical assessment that will be driven by Capita? Given its assessments in the past, we have much to be concerned about.

Mrs Long: I would accept the Member's point if that were indeed how the scheme will work. However, decisions will be made where there is sufficient evidence for a paper-based assessment based on the victim's submission. When we designed this scheme, it was crucial to ensure that victims were not subjected to further medical assessment in person when the information was already available from their GP, from historical records or from previous disablement awards that had recognised the validity and extent of their disability. Only in cases where that information is not readily available will someone be requested to attend for an in-person assessment under the auspices of this scheme. In cases where people are dissatisfied, the applicant or the Victims' Payments Board will be able to review all the information. Appeals will be undertaken by a three-member cohort. As Members will recall, the panel is comprised of legal and medically qualified professionals.

Ms Dillon: Minister, can you confirm that you will meet victims' groups, victims' organisations and individual victims to give them reassurance on this issue? The Committee for Justice has offered to meet again the groups and organisations that represent victims, and we will do so, probably over the summer recess, to give them that reassurance. If victims have any concerns, a meeting would allow them to raise those directly with you and the Committee so that we can work together.

Mrs Long: The Member is aware that I have continued to meet the victims' organisations and groups. Throughout this period of design, we have continued to co-design the system with them. I was absolutely determined, given my personal experience of dealing with benefit claimants, for example, that I would not have victims of the Troubles put through the same hoops. The assessment required by the scheme is proportionate. It has been co-designed with victims' representative groups and organisations that work with them, and we continue to meet those organisations regularly, as, in fairness, does Capita, to ensure that the design of the scheme puts victims at its very heart.

Furthermore, as members of the Justice Committee will be aware — indeed, Members

of the wider House may be aware — the Department is funding support workers in victims' organisations to support applicants, to ensure not only that the best possible evidence is provided initially but that victims are not put through the re-traumatising process of having to repeatedly iterate their applications to make it through the system. Training sessions will start with the support workers in place. In fact, having discussed this with the victims' organisations and with the president of the board, I know that it is one of the reasons why the president decided to delay the scheme until 31 August. It was to ensure that the entirety of the medical assessment scheme would be in place and that the guidance was attached so that the support workers could be trained to provide that service.

Mr Nesbitt: It would be entirely and deeply regrettable if this session were to undermine the faith and confidence of those who have waited years, decades and, in some cases, 49 years for this scheme to come forward. However, there are legitimate concerns. The Minister appears to be focusing on the design of the scheme, whereas the concern in the House seems to be about its potential implementation. Victims may wonder about the Minister commenting as a constituency MLA on her experience of Capita assessing PIP claims.

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question?

3.00 pm

Mr Nesbitt: They may also wonder what happened to collective responsibility, when the Minister refuses to comment on the NIPSO report and PIP delivery through the Department for Communities. Perhaps she can address those issues.

Mrs Long: With respect, the Member is more than aware that, were I to stand here and make statements on behalf of the Health Minister, he and his colleagues would be some of the first to their feet to tell me that it is not in my vires and not my business to do so. Equally, I will not get into a space where I answer on behalf of the Minister for Communities. It is the job of the Minister for Communities to answer on her behalf about the detailed NIPSO report and the concerns that she will have about it. She has already made many public statements to try to reassure people. It is not for me, however, to delve into that area, because it is not a matter for me as Minister of Justice, nor is it a matter of which I would be sufficiently sighted, irrespective of collective responsibility. To be

clear, at no time did I suggest that the Minister for Communities was not doing her job, so the Member should understand the meaning of collective responsibility.

On my comments about my constituency experience, it is entirely valid for me to make them, in the context that I have the same awareness of the problems and challenges that other Members of the House do. For that reason, I have made sure that the design, operation and audit of the scheme will be sufficiently robust.

The Member said that I focused only on the design, but that is not true, because I have pointed out that, as the scheme goes forward, there will be 100% audit of assessment reports until people meet the required quality standard for a minimum of six months. There will also be arrangements in place for the Victims' Payments Board to monitor, on an ongoing basis, the quality of reports produced by the medical assessors. Moreover, the Victims' Payments Board will create the appeals panels, so it will have full oversight of the quality of those reports and any flaws in them in order that we can improve any issues that arise in the system.

Mr Dickson: Minister, you referred to the fact that the scheme has been co-designed by the Department, the board and the company providing the service, together with victims and victims' organisations. Have the victims' organisations indicated to you how satisfied they are with how that co-design work has happened? Perhaps that will solve the problem of some in the Chamber wishing to undermine the scheme before it even commences.

Mrs Long: We worked very carefully on a co-design approach from the inception, when we offered to take on the scheme, right through each of the stages of design and delivery. We have worked very closely with the representative groups, including the Victims and Survivors Service (VSS), and with non-statutory provision in the victims' sector. We have worked to keep them informed not only of the development of the actual outcome, which is a service that is fit for purpose and able to deliver the scheme, but of any challenges that we faced with that delivery, on the basis that I promised them a no-surprises approach. There have been no surprises for those organisations this week, because the contract was awarded a considerable number of months ago, prior to the NIPSO report on PIP. They were aware that it was Capita, and they have met Capita on a number of occasions to go through the detail of

the scheme, how it will operate, and the checks and balances that will be in place.

It is fundamental to me that, above all else, victims have confidence in the scheme. I have a duty to implement the scheme as designed by the Secretary of State. I cannot deviate from that. It requires a medical assessment to be created. Within the regulations, I have sought to ensure that that medical assessment will be proportionate and as light-touch as possible, given the vulnerability of the individuals with whom we will be dealing.

I am committed to seeing the scheme through to its conclusion, I am committed to seeing victims be able to receive their payments, and I am absolutely committed to ensuring that they are not re-traumatised by the application process.

Miss Woods: I thank the Minister for coming here today. I understand and share the concerns of many Members and have raised a number of concerns myself about the behaviour and conduct of Capita over the years.

For this scheme, the Minister mentioned a number of oversight mechanisms and spoke about quality assurance. Is the Minister confident that enough oversight is built into the contract with Capita by her Department? If there are issues, can the Department revoke the contract, and how long is the contract for?

Mrs Long: I will need to revert to the Member with respect to the length of the terms of the contract, because I do not have that in front of me. The Department proposed the taking forward of the scheme on behalf of the Victims' Payments Board, which, at that stage, had not been constituted. We did those things in parallel to ensure that it was able to start work without undue delay and to meet the deadlines that we had set for ourselves in the Department for the delivery of the scheme in a time frame that was acceptable.

I am confident that the oversight mechanisms are there. I will, however, not be complacent about how those oversight mechanisms will work. I will continue to pay interest to and heed the operation of the scheme, as is my duty when public money is being expended on it.

I have full confidence in the president of the board and in his commitment to ensure that victims are treated with respect and dignity and are at the heart of the scheme. His role and the role of the board in the oversight of the contract will be significant. As I said, such was his desire to ensure that victims were fully apprised of the

medical assessment guidance and the detail of the process and that those who were to be tasked with offering them support were properly trained that he actually delayed the scheme, with the agreement of the victims' sector, until 31 August. I have no doubt whatsoever that he is committed to delivering the scheme and to the oversight mechanisms that are in place. However, I absolutely assure the Member also that neither of us would be complacent.

Mr Carroll: Minister, we cannot pretend that the issues around Capita emerged only over the last week. Those issues have been raised for many, many years. It seems that the Executive have an approach of rewarding horrendous behaviour, especially towards Capita.

Given Capita's repeated failures and its systemic maladministration when working with disabled and vulnerable people, how confident is the Minister in Capita's delivering this contract in a fair way? Respectfully, I say that there is no conflation of these issues. This is the same organisation that we are talking about.

Mrs Long: With respect to the Member, I say that there is considerable conflation of these issues. Let me be clear: I do not believe that the PIP assessment process was designed to assist the applicants. That is my first position on that. Others may disagree with it, as a political statement, but that is my view and it is why I voted against welfare reform in Westminster. I believe that the maladministration of the system, as I have said elsewhere, is a matter for the Minister for Communities.

However, the entire design of this scheme has been to place victims at the centre. It is to enable people who are vulnerable, who have been affected by the Troubles and who have been injured psychologically and physically to a significant degree to be able to access the funding and support that is available to them. That is the purpose of this scheme. That is the spirit in which it has been designed and co-designed with victims, and that is the basis on which it will, I am confident, be taken forward.

It will be subject to robust scrutiny, as it should be. Irrespective of the reports that have been produced in recent days, the Member is, of course, right that we are all aware, as constituency elected representatives, of the challenges that many disabled people have faced in applying for disability benefits. All of us would wish to see a more compassionate approach taken on these issues. It is that compassionate, victim-centred approach that I have sought to deliver.

Mr Deputy Speaker (Mr Beggs): There are five Members still interested in asking a question. I ask Members to come to their question quickly.

Mr Weir: I do not think that anyone in the House is interested in undermining this scheme, but we want to make sure that every aspect of it is carried out properly. If any Member was hiring an employee and got a CV from an applicant who had shown horrendous problems in previous employment, none of us would touch that applicant with a barge pole.

The Minister is keen on facts. Capita was awarded the contract by way of a procurement exercise. Will the Minister spell out specifically what level of weighting, when assessing Capita and any other organisations that were seeking this contract, was given to the past performance of the organisation before awarding and in scoring this for procurement?

Mrs Long: The former Minister will be aware from his own experience that procurement has to follow the procurement rules that are set down by the Department of Finance, and so it is in this case. We followed those procurement rules. If the Member wants further information in respect of the weighting of the various aspects of the scheme, we are more than happy to provide that to him in writing.

Dr Aiken: I thank the Minister for her answers so far. Bearing in mind the volume of complaints about Capita on everything from PIP failure to incorrect TV licensing and the appalling management of recruitment into the armed forces, and bearing in mind that it has stated that its entire desire is to squeeze value out of every contract that it has, has the Minister conducted due diligence on the company? If she has, can she assert in the Assembly that she has full confidence in that company, to which she has awarded the potentially multi-million, multi-year contract, bearing in mind that it has already been assessed as having shown "systemic maladministration"?

Mrs Long: As I said, I will not comment on the NIPSO report because it falls well outside my jurisdiction of Justice. However, although I cannot and should not comment on the administration of PIP and other specific concerns that have been raised, the assessment guidance in this scheme has my confidence. The structure of this scheme has my confidence. I have full confidence in the role of the payment board to have oversight of the medical assessment reports, and in the

robustness of the audit. I assure the Member that, in circumstances where there is any failure, systemic or otherwise, we will not be behind the door in revisiting that issue.

Mr Catney: Minister, your Department covers the appeals service. Did you take into consideration or look into the number of appeals pending because of decisions made by Capita before awarding the contract?

Mrs Long: Again, it would be wrong for the Member to assume that, because the appeals service lies in the Northern Ireland Courts and Tribunals Service, we, as a Department, are responsible for the operation of appeals. That is not the case. We facilitate the holding of appeals in Northern Ireland Courts and Tribunals Service buildings. We are not responsible for the running of individual appeals, nor would we necessarily be sighted on the decision-making in those individual tribunal appeals or other appeals that come forward. That is a matter for the independent panels and the tribunals themselves to monitor. We look at backlogs in all elements as part of our recovering justice system. However, it would be difficult for us, as a Department, to disaggregate how many of those cases are as a result of delays due to COVID and the inability to continue to physically assess people for disablement payments, and how many are as a result of a disagreement over the appeal decision itself.

Mr Muir: I thank the Minister for her update to the House, and I thank her Department for stepping forward to deliver the scheme. What plans does she have to ensure that suitably qualified professionals are contracted to assess the eligibility of victims for the scheme?

Mrs Long: I thank the Member for his question. It is hugely important that those who do the assessments have the right professional qualifications, so the range of disciplines that will be recruited will span from those who deal with physical disability right through to those who deal with psychological harm. Each member will have to be registered with a registration authority. They will need to have two years' experience and experience of dealing with trauma-informed practice. There will, of course, also be additional training, as I have already described. In addition, there will be a flexible approach to the medical assessment process for applicants to the Troubles permanent disablement payment scheme. The aim is to ensure that the assessment process is applicant-centred and that applicants do not have to attend

unnecessary face-to-face assessment where sufficient information is available to determine the levels of permanent disablement without a formal assessment.

That, of course, will depend on the extent of the medical evidence available, bearing it in mind that many of the cases will be historical cases.

Healthcare professionals carrying out the medical assessments will undergo trauma-related training that will be delivered by one of the main victims' groups. That will ensure that they are alert to the importance of ensuring that applicants to the scheme are treated appropriately, sensitively and are not re-traumatised in the process.

3.15 pm

Mr Newton: The Minister has expressed her concerns about the running of the PIP appeals and has indicated that she has no confidence in that system, which is, obviously, run by Capita; indeed, around 64% of people who receive a negative decision from Capita make an appeal against that decision. She has, nevertheless, expressed her confidence in the victims' payment scheme. Can she outline the appeals mechanism where a negative decision is made?

Mrs Long: I already have. The appeals mechanism is through the permanent disablement payments board, the Victims' Payments Board itself. Three members of that larger panel will undertake any appeals that are referred to the payments board, and that is how that will be conducted. The board itself is comprised of lay, legal and medically qualified individuals.

Mr Irwin: As has already been said, the Minister is aware that many Members have concerns about Capita's systemic failings. She said that she does not want victims to be re-traumatised, but will she accept that if this is not got right, there is real potential for victims to be re-traumatised?

Mrs Long: If it is not got right, there is, of course, potential for victims to be re-traumatised. If it is not done, there is also potential for that to happen. The victims have waited for a long time. Over 10 years ago, I travelled with the members of the WAVE seriously injured group to Downing Street to campaign for the scheme. I never once thought that, 10 years later, we would still be discussing when it would open.

I volunteered to do this work. It does not fit comfortably in my Department's remit, but I am absolutely committed to the delivery of the scheme. I hope and trust that the Victims' Payments Board is similarly committed.

Anything that I have seen, in terms of the work and investment of time and energy that the president and his colleagues have put into the scheme, suggests that that is the case. For those reasons and because of the huge energy that has been expended by the victims' sector in working to co-design the scheme with us, I have confidence that we will get the scheme right. However, I am not complacent, and that is why robust checking mechanisms have been put in place.

It is incredibly distressing for victims to have the scheme, which they have helped to design and shape, conflated with the PIP scheme, which was designed at Westminster under an austerity-led Government and was not there to assist and enable victims. Conflating the two is unfair and causes distress to victims. What I wish to do today — I welcome the opportunity to do so — is to put on record the difference in the two schemes and my absolute commitment to ensuring that victims are protected throughout the process.

Mr Deputy Speaker (Mr Beggs): That concludes the item of business. I ask Members to take their ease for a few moments before we return to the Final Stage of the Licensing and Registration of Clubs (Amendment) Bill.

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

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Final Stage

Debate resumed on motion:

That the Licensing and Registration of Clubs (Amendment) Bill [NIA 10/17-22] do now pass.
— [Ms Hargey (The Minister for Communities).]

Mr Allister: I spoke against key principles of the Bill at Second Stage. At Consideration Stage, I sought unsuccessfully to make amendments. The burden of what I had to say on both occasions was my unease and dissatisfaction, first, with the lack of deference shown in the legislation to the key Christian occasion of Easter, but the House and the Committee were deaf to that. I then presented public health arguments in the House about the adverse impact on health of extended licensing hours and the consequences of that, and the Committee and the House were deaf to that.

They were also deaf, of course, to the powerful evidence delivered to the Committee by the Public Health Agency (PHA). The agency reminded the Committee of the Audit Office report that showed that alcohol abuse costs £900 million per annum, that, at any given time, 200 of our hospital beds are occupied by those afflicted with such addictions and that, in 2018, 284 deaths were directly attributed to alcohol abuse. The Committee and the House were deaf to all of that. They were also deaf to the evidence of Mr Meehan from the Public Health Agency, who said clearly that, if you increase opening hours, you increase access to alcohol. The two key components in all of this are the affordability of alcohol, which the Bill does not really address and kicks down the road, and the availability of alcohol, which the Bill addresses by making it more available to the point at which, every weekend, if the provider so wishes, premises can have drinking facilities up to 3.00 am.

Mr O'Toole: I appreciate the Member giving way. There is, of course, a public health component to all alcohol sale, whether on or off premises. I speak as someone who has spent many years working in pubs. Does the Member agree that there is a difference in public health terms between the controlled sale of alcohol on

premises and uncontrolled consumption in people's homes, particularly when there is agreed to be a broader economic, social, cultural and often communal benefit to pubs, particularly in rural areas? The availability of alcohol for sale to drink at home is a slightly different thing from its availability in public houses.

Mr Allister: The Member's colleague made that same point at Consideration Stage, and I give the Member the same answer: the logic of that argument is that you never close the public houses; you just have 24-hour opening, if that is thought to be the sole manner in which to dissipate home drinking. That is the ultimate logic of the argument. I described it as "fatuous", and it remains so.

On the other public health issues, Professor Fitzgerald told the Committee about the Norway study, which showed that every extra hour that premises are open increases the need for police attendance for public disorder by 16%. That is a staggering figure, but the Committee and the House were deaf to all of that. They were also deaf to the evidence from the Public Health Agency and of Dr O'Donnell. The Committee and the House did not want to hear; they do not want to face the public health issues.

Yes, they will preen themselves when we come to talk about health issues and tell us how desperately concerned they are about the state of our health service, how our hospitals cannot cope and how they are bulging and breaking at the seams. At the same time, however, they will feed the problem by intensifying the licensing hours to the point where more people become dependent on our health service. It is a matter of regret to me that the House was and remains deaf to all those issues. No doubt it will continue to be so.

I put on record my opposition, based on those reasons, to this unnecessary extension of licensing hours and the unnecessary destruction of any deference towards Easter.

Miss Woods: I am glad that we have reached this stage of the Bill, and I look forward to Royal Assent, when some of the much needed changes can come in. I do not wish to speak on the Bill for long, as Members will have heard me speak on it a number of times before. I declare an interest, as I have done previously, as a former employee of a pub in my constituency; in fact, in many pubs in my constituency.

Whilst there is much more that I would like to have seen in the Bill, I am pleased to see the amendment submitted in my name at Further Consideration Stage, under section 43. It is crucial that appropriate information be produced so that those using and engaging with the legislation can understand it and know what it means for them.

I would like again to draw Members' attention to an issue that has been the focus of much the debate on the Bill: the new local producers' licences.

Before I mention some wider issues, I will make a brief comment on communication, information sharing and working together between Departments and how legislation is scrutinised when changes are being made, particularly in relation to complex issues such as licensing law. I recently asked the Minister of Finance what discussion his officials had had with officials in DFC in relation to the local producer's licence and the associated rating requirements in the Bill. He responded that there had been no discussions but he was aware of the questions that Members had raised at Consideration Stage and his officials would now be doing so on any implications for business rates in the proposed changes for local producers.

3.30 pm

I asked the Minister for Infrastructure the same question. Members will know that I raised issues about the planning permission requirements at Consideration Stage too. The Minister responded by saying that she was not aware of any contact between the Department for Communities and her Department on them and that, under the planning system, issues relating to applications for clubs are most certainly matters for the relevant council. I hope that the Minister for Communities and her Department, in conjunction with officials, ensure that local authorities have sufficient guidance and information at hand to deal with queries about planning permissions and any impact on building regulations and on section 23 of the Planning Act (Northern Ireland) 2011.

The same applies to guidance and information from the Department of Finance. The impacts and changes that may come down the line for local producers that apply for the licence need to be explored. I raise those issues again, as I did at the two previous stages, because I am unclear about the details and do not have direct access to them. I do not know if the details have been worked out properly or fully, and, on the basis of the answers that I have received to

my questions, I do not know if officials have the details.

When Members look at legislation that deals with a complex area and expands Departments' work — for example, licensing — it is important that all those things are fully explored and worked out before we get to Consideration Stage, for example. If we are putting legislation through from one Department that has an impact on one or more of the other Departments, why are we not taking those issues into consideration and working out the unintended consequences that we, as MLAs, have to think about? If we do not know what they are, how can we know what they might be?

The Bill is welcome. I am glad that some of the provisions are coming into law, but I will continue to seek clarity about others. The proof of a lot of it will be in the uptake and use of the Bill, especially when it comes to taproom licences. I suspect that the Bill will not be the end of licensing reform but is merely a step in the right direction. There is much more that we need to do. Aside from my comments on taprooms, I do not think that we will be back here again soon to discuss, say, supporting the night-time economy. However, I think we will be back soon to discuss in particular the impact of clause 3 and the tying of entertainment licences to the liquor licence and to deal with issues that may arise from the review.

The Bill will also have an impact on the wider hospitality industry, as many others have mentioned, and much of it will be welcome. However, other parts will mean that the opening hours will have an impact on rotas and staff. Some public houses will not avail themselves of the later opening hours, the Sunday opening hours or the Easter opening hours, but some will. Some of the changes will be felt not immediately but in years to come. Some changes will help with the impact of COVID, and some will not. There is much more that we need to do.

We have already experienced a mass exodus from the industry, particularly with chefs leaving kitchens. We talk about the brain drain, but we are experiencing a real skills drain. Many owners and head chefs will know that it is a struggle to get chefs and that was the case even before last March. Now it is near impossible. There are people who have worked in the industry for over 30-plus years who are leaving because it is so precarious. Those people can feel undervalued and underappreciated, and they are definitely underpaid for the often ridiculously long,

gruelling hours they have to work. Members may watch programmes on Netflix like 'Chefs Table' and think that is what life is like for people in the industry: it is not. It covers neither the 14-plus-hour shifts when you are on your feet with little time to rest, let alone eat, nor the impact that some of those jobs can have on family life and mental and physical health. Whilst an 80% furlough payment of an already limited salary was welcome, it did not cut it. Many workers have rightly re-evaluated what they want to do and their work-life balance.

I hope the Minister for Communities, in conjunction with her Executive colleagues, will consider that. By taking a different path with the Education Minister, we can encourage the relevant Committees to engage with the unions, sector representatives, colleges, universities and those who actually work in the industry as we try to build back better after COVID. Action is needed. We need to encourage more people into the industry. Do not get me wrong: it is an absolutely fantastic industry to work in. Northern Ireland has some of the best products — the best food and the best drink — in the world.

Mr Allister said much about the health impacts of alcohol misuse. Of course, we need a strategy and stronger support mechanisms in place to deal with misuse, but I do not agree that licensing hours are exactly what we need to talk about; rather, we need a wider, fundamental system change in how we deal with alcohol and substances in our society. I have said this before, and I will say it again —.

Mr Carroll: Will the Member give way?

Miss Woods: I will indeed.

Mr Carroll: On that point, does the Member agree that we need to tackle issues such as alienation, poverty and deprivation? Obviously, it is not exclusively people with alcohol problems who suffer from those, but they are major causes of people becoming addicted to alcohol, so it is not just about opening hours.

Miss Woods: I thank the Member for his intervention, and I agree. We have a lot to look at, such as the impact of trauma and intergenerational trauma. We could look at mechanisms like the Icelandic model, which invests in its young people. We have seen massive positive changes in Icelandic society in the last 20 years, so the Executive need to look at that.

I note the Minister of Health's announcement today on the 10-year mental health strategy, and I look forward to learning more about how dealing with alcohol and substance misuse fits into that. People of all ages should be properly educated on the risks and health effects of drinking, as well as on leading a healthy, active lifestyle. We know that alcohol misuse has been identified as a significant public health and social issue over many years, and we need to take much greater steps to deal with it.

We have much to do to help those working in the hospitality industry post COVID and to address the things that we knew about beforehand. We need to support the fantastic people working in and running hospitality businesses here, showcasing the best of Northern Ireland. We need to support all who will be impacted on by the Bill.

Mr Carroll: I will make a few brief comments. There are a lot of welcome changes in the Bill, including but not limited to the change that means that small breweries will be able to challenge the monopoly that the big drinks companies hold. Most Members welcomed that during discussions on the legislation.

I want to emphasise that the Bill has missed an opportunity — I tried to amend the Bill, and I referenced this a number of times throughout the debates — to extend support and protection for workers in hospitality. Without them, there is no hospitality to speak of. There is nobody to pull the pumps, serve the punters or wait on tables. Without the workers, there is no hospitality to promote to tourists or whomever else.

On the exclusion of workers' rights from the Bill, the Unite hospitality branch, just last week, said:

"This is a disgraceful position to take, particularly considering that the rights and interests of local residents and other stakeholders are clearly considered within the scope of this legislation."

It is important to underscore that and to recognise and remember that — after the legislation is given Royal Assent and the changes come through, we will, no doubt, come back to those issues again — unfortunately, the decision was taken not to provide protection for workers in the Bill. I am, however, happy to support the rest of it.

Mr Principal Deputy Speaker: As no other Members have indicated that they wish to

speak in the debate, I call the Minister to respond to it.

Ms Hargey (The Minister for Communities):

Thank you to everybody who has contributed today. This has been a long time in the making, as was said. Carol, who is one of my officials, has been working on this since 2005, and it has taken a few decades to get to this point. However, we are at this point now, and I am glad that we have been able to get here within a shortened Assembly mandate and even in the midst of dealing with a global pandemic.

I have said from the start that this is a balanced Bill. It tries to balance the relaxation of moving our legislation on liquor licensing into 2021, which is long overdue — not just the industry but the public, broadly, agree with that — with the health messaging. Of course, there are additional protections around how supermarkets, for example, can advertise drinks promotions. There is work to be done through the Department of Health on minimum unit pricing, which, I know, was raised by some Members today, and I wholeheartedly support that approach.

In the legislation, there are additional protections around local residents' rights and their right to object to extended opening, particularly on week nights, when, the next day, people have to get up to go to work and children have to go to school. Those additional protections have been built into the Bill.

I completely agree with Members on workers' rights. A bill of rights should be introduced in the Assembly; I completely support that. Workers' rights need to be a fundamental part of a bill of rights. It is, however, disingenuous to say that that can be done in this Bill, because, legally, it cannot. I have scoped out the Bill's remit. It is not right to lead people down a path by saying that it can be done. That is not to say that we do not need to enhance workers' rights here to deal with a variety of issues. Again, I completely support that. I am keen to engage with the Minister for the Economy on those issues and on banning zero-hours contracts and addressing other workers' rights issues.

Ms Dillon: Will the Minister give way?

Ms Hargey: I would prefer not to, if that is OK, as I am winding. Sorry.

A review is built into the legislation to look at the issues. I am glad that I have been able to work with the Committee and with Members in the Chamber who have genuine ambitions to make

the Bill as good as it can be. I completely agree that, if we were to overhaul the Bill completely, we would probably be here for another two mandates. I was keen that we make progress with legislation in this shortened mandate, so I am glad that, finally, we are today on the cusp of taking forward the process. We are updating our laws and bringing them into 2021, where they should be. The review will look to the future. It will look at where there are shortcomings.

Some of the potential negative impacts have been raised. I raised and shared those concerns about some of the amendments that were placed. I did say, particularly in discussions with DOF, that there could be implications and that more work needed to be done to ensure that we had evidence-based assessments from which firm proposals could come. That was not accepted. No doubt, however, there will be the opportunity to do that in the review that has been built into the Bill.

I end by quickly thanking my team of Carol, Liam and Suzanne, as well as Claire, who also helped. I thank the Chair, the Deputy Chair and, indeed, the whole Committee for Communities, Members in the Chamber and, importantly, those outside the Chamber who have been campaigning for change and for the additional protections that we have brought into this balanced legislation. I know that it will not be the end of their work. They will want to make further improvements, and I will want to work with them to do so in the time ahead.

There have been many false dawns with the legislation. The sun is out today, however. It is shining, and I am glad that we are now at the point at which we can move ahead with the legislation so that it is up and running for October this year. With that in mind, I commend this long-awaited Bill to the House.

Question put and agreed to.

Resolved:

That the Licensing and Registration of Clubs (Amendment) Bill [NIA 10/17-22] do now pass.

Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021

Mrs Long (The Minister of Justice): I beg to move

That the draft Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021 be approved.

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

Mrs Long: The Justice Act (Northern Ireland) 2016 introduced a new approach to the collection and enforcement of unpaid fines and other penalties, introducing a range of new options designed to help people pay their fines and, importantly, to reduce the number of committals to prison for fine default.

3.45 pm

A key change was the introduction of deductions from a list of specified benefits. The new method of collection and enforcement of fines has been very successfully implemented and is now being used in around a third of default cases. The total recovered under deduction orders recently passed the £1 million mark. The 2016 Act lists income support, jobseeker's allowance, state pension credit and employment and support allowance as the benefits from which deductions may be made. It also includes the power to allow my Department to add to the list of specified benefits by order, subject to the draft affirmative procedure.

Universal credit did not exist when the Act was passed but is now the main benefit for new claimants. It will ultimately replace existing income-based benefits under the Department for Communities's roll-out plans. Adding universal credit to the list of benefits specified in the Act will allow the deduction arrangements introduced under the Act to continue. It will ensure equality of treatment for fine defaulters, regardless of whether they are in receipt of universal credit or any of the other benefits that are currently specified in the Act. This is a cross-cutting issue, as it is the responsibility of the Department for Communities to make any deductions and forward them to the court. Minister Hargey has confirmed her support for the making of this amendment.

In considering taking this work forward, I have been conscious that the COVID-19 situation has resulted in large numbers of new benefit claimants and that financial stress is a particularly sensitive matter at present. I wish to assure the Assembly that deduction arrangements carry a number of important safeguards. A person can appeal the decision to apply for a deduction order and can appeal the making of an order. A deduction order for

fines is limited to the greater of 5% of the personal allowance element of the claimant's benefit or £5 per week, and there can be no more than three deductions applied at any time. Importantly, an order cannot reduce the personal allowance element of the claimant's benefit below 75%.

In the statutory debt recovery priority list, the recovery of fines sits below recovery of essential living costs, such as housing costs, fuel costs and child maintenance. This important amendment will help those who have been fined and are in receipt of universal credit to manage that debt and will ultimately protect them against imprisonment for fine default. Therefore, I commend the draft order to the Assembly.

Mr Principal Deputy Speaker: Thank you, Minister. The first person on my list — cue dramatic pause — is the Chair of the Justice Committee, Mr Mervyn Storey.

Mr Storey (The Chairperson of the Committee for Justice): I thank the Minister for outlining the reasons why this is being considered by the House today. I will make a few comments on behalf of the Committee. This is the first occasion on which I have spoken as Chair of the Committee.

As the Minister outlined, the statutory rule will add universal credit to the list of benefits from which deductions may be made under a collection order for the payment of a fine or other penalty. Universal credit was under development but had not been introduced when the Justice Act was passed in 2016, and it now needs to be added to ensure that the arrangements under the Act will be able to continue as universal credit is rolled out.

The Committee first considered the proposal for the statutory rule at its meeting on 10 September 2020 and requested further information on a range of issues, including the legislative safeguards that are in place with regard to the levels of deduction from benefits, the criteria used to evidence hardship and the position if deductions are already being made in respect of other matters, such as the repayment of a loan. Members also asked for information on how the addition of universal credit to the list of benefits from which payments can be taken will be communicated to applicants and the advice sector.

When consideration was given to additional information provided by the Department at the Committee meeting on 8 October 2020, members noted that, before an application is

made for a deduction order for payment of an outstanding fine, efforts are made to engage with the defaulter and to agree the best way to recover the fine. When deductions are considered to be the best option, an application is made to the Department for Communities, which then decides whether to make a deduction order and the level of those deductions. Officials in the Department for Communities also confirmed that deductions from universal credit can be made only in respect of the standard element of the benefit and not any additional amounts for individual needs, such as housing, children and disability. The Committee was reassured that, when making a deduction order, the Department for Communities will consider the hardship, and the relevant debt team will review any deductions that are in place. Social security regulations provide safeguards to ensure that claimants are protected. Fine deductions are relatively low on the debt recovery priority order, and deductions for a fine will be considered only if all other conditions to apply a deduction are met.

The Committee noted that the scheme protects claimants from imprisonment for non-payment of fines. It also limits the number and amount of deductions taken from the benefit. The Committee agreed that it was content with the proposal for the statutory rule to be made. The Department laid the statutory rule on 12 May 2021 and, at the Committee meeting of 20 May 2021, members noted an update from the Department regarding the delay in bringing forward the rule. According to the Department, the process was paused pending the outcome of two judicial review applications brought against the Department for Work and Pensions. The legal challenges were resolved, and the grounds on which the court found against Department for Work and Pensions will not arise in Northern Ireland as our regulations do not provide for similar discretion.

The Committee also noted that the key aim of the deduction policy was to reduce the number of prison committals for fine default, and that that had been working well in relation to the current list of benefits. The statutory rule was subsequently considered at the Committee meeting on 17 June, when the Committee noted that the Examiner of Statutory Rules had drawn the Department's attention to the required clarification to the drafting of the rule, which had been made by way of a correction slip laid in the Assembly on 8 June, clarifying that the rule will come into operation 21 days after the order is made. The Committee therefore agreed to recommend that the statutory rule be approved by the Assembly. I

support the motion on behalf of the Committee for Justice.

Ms Dillon: My remarks will be very brief. I support what the Chair said: the Committee has agreed to this.

Mr Principal Deputy Speaker: Thank you. I call Mr Matthew O'Toole.

Mr O'Toole: I am surprised that I have been called [*Laughter*], but, on behalf of my party, I support the proposed statutory rule. Thank you very much.

Mr Principal Deputy Speaker: I actually pointed down to you and went, "Do you want in?", and you gave me the thumbs up. Maybe you thought that I was giving you the thumbs up down the Chamber or something. I do not know. [*Laughter*.]

Mr O'Toole: [*Inaudible*] the passing of the Licensing Bill, to be honest, so I was giving a thumbs up for that. I thought that that was what the thumbs up was about. [*Laughter*.]

Mr Principal Deputy Speaker: Well, at least we know that you are in favour of it.

Mr Blair: Mr Principal Deputy Speaker, you and others will be glad to know that I, too, will be brief. I am not sure that I can match the brevity of the previous two speeches, but I will try. [*Laughter*.] On behalf of the Alliance Party, I join others in supporting the order, which allows for deductions to be made from universal credit when a fine or a compensation order has been imposed on a person by a court to meet the sums due in respect of such fines and compensation orders.

As I said, my comments will be brief. They will relate to the collection and enforcement of financial penalties. I will also refer to associated matters, such as the fact that, as a member of the Policing Board, I am all too familiar with statistics surrounding the likelihood of those who fall into the justice system reoffending. For many years, significant numbers of fine defaulters have ended up in prison for non-payment of their fines or other financial penalties. It is vital that we support those who have not committed serious offences and who have ceased offending, because, once the custodial sentence cycle is entered into, they are more susceptible to repeat offending.

The Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021 creates an entirely new regime for the

collection and enforcement of financial penalties. It creates collection officers whose function will be to operate and enforce collection orders, as imposed by the courts. The changes to fine collection and enforcement will continue to significantly reduce the number of people who go to prison for fine default, with the addition of universal credit into the system and the list of relevant benefits. Until recently, several thousand defaulters went to prison each year for short periods, often for relatively minor offences. We must do all that we can to keep people out of the justice system. In addition to the points that I made earlier regarding custodial sentences, it is prudent not to ignore the obvious impact on police resources.

In opening the debate, the Minister explained the background rationale and the process involved in the changes being brought forward, and we are grateful for that. I support the amendments to the Justice Act and urge others to do the same.

Mr Carroll: It seems to be that some are making the briefest of brief comments. Mine will be slightly shorter than Mr Blair's, but longer than Ms Dillon and Mr O'Toole's. I have a few comments. I have concerns about the difference in the way that social security claimants are and can be treated compared with others who rack up fines or break the law in other areas of society. For example, the Assembly would not dream of accessing in the same way the income of business owners to make deductions to pay off fines, yet it is seemingly OK to do so to those who need income from the state and need welfare to get by. The Assembly has not argued for the pursuing of tax dodgers in the same way. Although its powers do not allow it to pursue them, it has not pressed the point, despite the fact that there is a massive disparity in what is lost from those who do not pay fines and those who do not pay large sums of tax, such as the people about whom we are talking today.

I understand that there is an argument that the measures could prevent benefit claimants from defaulting or even ending up in prison over their failure to pay. However, I fear that the method ultimately shifts away autonomy over personal finances. The DWP, which was referred to earlier, recently ended up in hot water in the courts for making those kinds of deductions and leaving people with too little money for food or fuel. Our system may have more protections — I am sure that the Minister will elaborate — but that example from across the water shows the unfairness at the heart of that kind of deduction system.

I am aware that the Committee supports the change, so I do not expect to be able to oppose or block it in any real sense with a Division. However, there are far better ways to help people who are on low incomes and are being punished by welfare reform who face fines and are at the sharp end of the justice system — maybe more so than other people from wealthier backgrounds — than by removing what financial autonomy they are afforded through social security. Those issues have to be put on the record as well.

Mr Principal Deputy Speaker: No other Members have indicated at this juncture that they wish to participate. Therefore, I call the Minister to wind on the debate.

Mrs Long: I welcome today's brief debate on the draft order. I thank all Members for their contributions, particularly the short contributions.

I will turn to the points that Members made. Obviously, there is the issue, which Gerry Carroll raised, of the vulnerability of those in receipt of benefit payments and the need to ensure that they are treated with respect and dignity. That is absolutely crucial.

As my colleague John Blair indicated, it is important to recognise that a fine is the most commonly imposed criminal penalty. Fines count for almost 60% of all court disposals, and the problem of fine default has been a constant issue in the criminal justice system. Prior to the enactment of the Justice Act in 2016, options were limited to granting further time for payment, distress of goods, imprisonment and remitting the fine. Numbers of people being imprisoned for default were unacceptably high in my view and in that of the Justice Minister at that time, peaking at 500 to 600 people a year in 2016 to 2018, and the value of unpaid fines had risen above £20 million, with those in default exceeding £13 million. It is not a marginal issue.

Returning 500 to 600 people a year to the justice system and placing people in prison for their financial vulnerability is a much worse outcome than the controlled deductions that are made here at the discretion of DFC. As I explained earlier, we will not deduct from those who have other pressures on their finances that cannot be met from within the hierarchy of need. It is important that, where a defaulter is in receipt of a benefit, the court collection officer may apply to the Department for Communities — is it not automatic — which can then decide whether to make the order and apply the deductions.

Those deductions and benefits orders are now in place for over a third of defaulters on fines. The amount recovered through deductions since the provisions commenced recently passed the £1 million mark. The number of prison receptions in 2019-2020 had fallen to 222. It is fair to say that imprisoning anyone purely on the basis of defaulting on a fine is a serious matter. It is therefore important that the justice system, working in conjunction with others, does as much as lies within our power to avoid that circumstance.

With that, I hope that have I answered Members' primary queries. Perhaps I did not answer Mr O'Toole's query about why he was called in the first place [*Laughter*] although I am absolutely delighted that he got to put his support on the record. I hope that I also satisfied Members, including those with understandable reservations, of the importance of passing the order today and ensuring that we do not end up sending people to prison for fine defaults.

4.00 pm

In closing, the draft order will make a positive difference to those who are struggling to pay financial penalties and help to address the continuing challenges that are presented to the criminal justice system by fine defaults. If we continue down a road where fine defaulters are not able to pay their fines, it is clear that the alternative would be that the number of people who are fined as a resolution will decrease and the number of people who are automatically remitted into custody will increase. I do not think that any of us would wish to see that for relatively minor offences for which fines are the most appropriate penalties. It is important that there is balance. On that basis, I commend the draft order to the Assembly.

Question put and agreed to.

Resolved:

That the draft Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021 be approved.

Mr Principal Deputy Speaker: I ask Members to take their ease for a few moments. We will then move on to the next item in the Order Paper.

The Rating (Coronavirus) and Directors Disqualification (Dissolved

Companies) Bill: Legislative Consent Motion

Mr Frew (The Minister for the Economy): I beg to move

That this Assembly agrees to amendments to Northern Ireland legislation dealing with disqualification of company directors to enable the conduct of directors of companies that have been dissolved to be investigated and, where appropriate, disqualification action taken and compensation for creditors sought, being included in the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill as introduced in the House of Commons on 12 May 2021.

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

Mr Frew: The Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill was introduced in Parliament on 12 May 2021 by the Secretary of State for Housing, Communities and Local Government. Clause 2 of the Bill amends the Company Directors Disqualification Act 1986, which applies to England, Scotland and Wales.

Entrepreneurship drives economic growth. Setting up in business on your own account can bring rich rewards, but there is a risk. If your business gets into financial difficulty, you will be personally liable for its debts. If you cannot pay those debts, you could end up being made bankrupt, which could mean that you lose all your personal assets, including your family home. Therefore, limiting your liability by trading through a limited company can be a safer option. However, if a company does not pay its debts, that in turn may have serious consequences for creditors, who may also face financial difficulty and insolvency. Therefore, there is a need to ensure that limitation of liability is not abused by individuals who set up companies and allow them to accumulate debt that goes unpaid.

Under the law as it stands, the conduct of directors of live companies and those that are subject to insolvency proceedings can be investigated. Under company director disqualification legislation, if evidence of misconduct is found, directors can be disqualified for a period of between two and 15 years. Directors who have been disqualified can also be required to pay compensation if their conduct has caused loss to creditors of a company that has become insolvent. There is a

gap, however. A company can be dissolved by the simple expedient of applying to have it struck off the register of companies. It can be struck off without having been subject to insolvency proceedings. No legislative provision in GB or Northern Ireland currently permits the conduct of directors of dissolved companies to be investigated or disqualification action to be taken. Before an investigation can take place, a company has to be restored to the register, which is a complex and time-consuming process that involves an application to the High Court at public expense.

In order to close that gap, clause 2 amends the Company Directors Disqualification Act 1986 that applies in GB. The amendments will ensure that directors of companies that have been dissolved without having been through insolvency proceedings are subject to the same regime as directors of companies that have been through such proceedings. It will ensure that directors can no longer use dissolution to evade their corporate responsibilities or escape liability for compensating creditors for losses that they have suffered.

My Department's policy and practice has always been to keep director disqualification legislation in Northern Ireland in parity with that which applies in the rest of the United Kingdom. Corresponding changes to the Company Directors Disqualification (Northern Ireland) Order 2002 therefore need to be made. Clause 3 makes those changes.

Normally, such amendments would be taken through our Assembly process. However, there is an urgency that necessitates the amendments being dealt with by Westminster legislation rather than by an Assembly Bill. The amendments need to be in place in Northern Ireland at the same time as in the rest of the United Kingdom. That is because they form a key element of the UK Government's initiative to tackle fraud in connection with loan and grant schemes set up to assist companies during the pandemic.

The investigation and enforcement powers bestowed by the Bill are intended to be used where company directors have been party to the making of fraudulent claims under those schemes and have attempted to conceal their actions by applying to have their companies dissolved. The powers need to exist to discourage the use of dissolution as a way of fraudulently avoiding repayment of government-backed loans given to businesses to support them during the coronavirus pandemic.

It would take a minimum of 12 to 18 months to bring in corresponding provision for Northern Ireland by an Assembly Act. It would therefore not be feasible to do so during what remains of the current mandate. That is why I seek the Assembly's consent for provisions for Northern Ireland to be included in the Westminster Bill. I commend the motion to the Assembly.

Ms McLaughlin (The Deputy Chairperson of the Committee for the Economy): I will be relatively brief and, perhaps, a little bit repetitive. The Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill was introduced on 12 May 2021. MPs considered the Bill at Second Reading yesterday. The Committee welcomes the purpose of the Bill, but members have some comments following the Committee's brief consultation on it. I will detail those later.

The Bill addresses public concerns about the abuse of limited liability by extending the powers of the Department for the Economy to investigate the conduct of company directors to include former directors of dissolved companies, to commence disqualification proceedings against them where public interest criteria are met, and to seek compensation where their conduct has caused loss to creditors.

The Bill ensures that a gap is closed, as no provision currently enables investigations to be carried out or disqualification actions to be taken where a company has been dissolved by being struck off the register of companies. Legislation dealing with insolvency and company directors is a devolved matter, so legislative consent is required. The Minister indicated to the Committee that it would take considerably longer to pass an Act of the Assembly to introduce the measures into law here than it would to use the Westminster Bill and the legislative consent motion (LCM).

The Committee recognises that the timing of the Bill is important, given concerns about potential fraud in relation to the loan and grant schemes that were established to assist companies through the COVID-19 pandemic. The legislation will enable investigations to be carried out and disqualification proceedings to be taken in the case of company directors who have acted fraudulently or dishonestly in claims made to the schemes.

The Committee agreed that, whilst an LCM is generally not the preferred way for the Assembly to legislate, it is necessary in order to give effect to the provisions in the Bill, as amendments to an Act of the Assembly would

take at least one year and we are nearing the end of the current mandate. The legislative consent memorandum was laid in the Assembly on 28 May 2021. The draft motion was in the memorandum, and the motion was laid on the same day. On 4 May 2021, the Department wrote to inform the Committee of the introduction of the Bill and to inform it that the Minister intended to introduce the LCM in order to enable amendments to legislation here to be tabled in the Bill.

Given the limited time frame, at that stage the Committee wrote to stakeholders to seek their views by 21 May. The brief consultation was based on the information that the Committee had already received from the Department at that time. However, at that point, it did not include the Bill or the legislative consent memorandum. The Committee received responses from the Irish Congress of Trade Unions, the Federation of Small Businesses, Newry Chamber of Commerce and Trade and Deloitte. Due to considerable time restrictions, the Committee was not able to take oral evidence on the Bill or the LCM. The Committee is very grateful for all the responses that it received.

The responses indicated a general support for the rationale of the Bill. Stakeholders recognised that the amendments should provide a further deterrent against fraud, particularly given the various government schemes to provide loans of public money during the pandemic. One respondent called for the provisions to be accompanied by additional resources to support the Insolvency Service in carrying out its investigatory role under the legislation. Another respondent, while supporting the provisions, highlighted the general inefficiencies in the powers to deal with director fraud. The response highlighted that it was likely that any director attempting to commit the types of frauds or fraudulent actions that the legislation is aimed at would have the foresight and ability to do exactly the same and render it meaningless. The point was also raised about efficiencies in the investigative methods, suggesting that the enforcement regime needs to be changed in order to compel such directors to comply and that there should be repercussions that actually impact on their activities. The Committee asks that the Minister engage with stakeholders about the issues on the Bill that have been raised.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to speak, so I call the Minister to respond.

Mr Frew: I thank the Committee's Deputy Chairperson, for her very helpful comments and her support for the motion. She commented on the necessity for it. I also thank my colleagues on the Executive and, of course, the Committee more widely for considering the matter in such a timely manner. That allowed the motion to be debated today. The speed with which the matter has come has not been lost on me, and the impact of the need for that speed on not having time to consult properly has rightly been pointed out by the Deputy Chairperson. That consultation is very important to me, and, if it could have been done in any other way, I certainly would have liked that. I take on board the wider issues that the Member raised, and I give her the commitment that I will look into enforcement and into how that will work in reality. Without further ado, I commend the motion to the Assembly, and I thank Members for their support.

Question put and agreed to.

Resolved:

That this Assembly agrees to amendments to Northern Ireland legislation dealing with disqualification of company directors to enable the conduct of directors of companies that have been dissolved to be investigated and, where appropriate, disqualification action taken and compensation for creditors sought, being included in the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill as introduced in the House of Commons on 12 May 2021.

Assembly Business

Mr Principal Deputy Speaker: The Speaker has accepted a question for urgent oral answer from Mr Philip McGuigan to the Minister of Health asking for an update on the review of radiology reports in the Northern Health and Social Care Trust. Unfortunately, the Minister of Health is unavailable to answer the question before 6.00 pm. Ministers are expected to ensure that they are available to come to the Assembly every sitting day, and I hope that the Minister will be in a position to explain why he was unable to come sooner to the Chamber to answer this question for urgent oral answer. The sitting is, by leave, suspended.

The sitting was suspended at 4.15 pm and resumed at 6.00 pm.

Question for Urgent Oral Answer

Health

Mr Principal Deputy Speaker: Before we start the question for urgent oral answer, Members will be aware of the general expectation that Ministers make themselves available to the Assembly on plenary days. I appreciate that the Minister of Health, more than most, has a very busy portfolio, and he attends the Chamber regularly and makes himself available to Members for scrutiny. It is disappointing that the Minister was unable to attend at an earlier time today, rather than the Assembly having to be suspended for more than an hour. However, we should move on.

Mr Philip McGuigan has given notice of a question for urgent oral answer to the Minister of Health. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place so that I can take a note and add them to the list. The Member who tabled the question will be called automatically to ask a supplementary.

Review of Radiology Reports

Mr McGuigan asked the Minister of Health for an update on the review of radiology reports, involving 9,091 patients in the Northern Health and Social Care Trust.

Mr Swann (The Minister of Health): Mr Principal Deputy Speaker, first, thank you for your indulgence in recalling the House. I

apologise for the situation that I found myself in today. As you indicated, I make myself available to the House quite regularly.

As Members will be aware, the Northern Trust has written to over 9,000 patients to inform them that a review is under way of the work of a locum consultant radiologist who was involved in their care whilst working for the trust between July 2019 and February 2020. The review period is from 21 June to 29 October 2020. Letters were issued by first-class post yesterday, 28 June, and a patient advice line and website portal went live on the same day.

The trust is working through the review on the basis of clinical priority: looking at the highest-risk categories first to identify any potential for misdiagnosis. Therefore, as part of the review, it may be necessary to recall some patients for clinical assessment. However, at this stage, it is too early to say how many patients may need to be recalled.

The background to the review is that my Department was notified by the Northern Trust on 29 April 2021 that the General Medical Council had sought information about the consultant's work, prompting the trust to review a random sample of 30 CT reports generated by the locum consultant radiologist during her tenure with the trust. The outcome of that review was such that a wider review of the consultant's work was deemed necessary in the interests of patient safety. Some 22 of the 30 reports were deemed to be satisfactory, and eight were deemed to be unsatisfactory, with two of those eight graded as grade 1, a serious error, and those will now be subject to a serious adverse incident (SAI) review.

Mr McGuigan: I am disappointed, Minister, that I have had to wait until 6.00 pm to ask this question. Indeed, I could go further: perhaps, given the seriousness of the issue, the Minister should have come to the House of his own volition and made a statement to MLAs and, beyond MLAs, to the wider public, rather than having to be asked.

Like other MLAs, I presume, I have been contacted today by constituents who have received the letter. In conversation with one lady, she said that it was "a massive shock", especially as, to her, the wording of the letter was very vague and, given her shock, she had to read it a couple of times to comprehend what it contained.

This is not the first review. The Department has seen a number of reviews and recalls in the past few years. Given my comments about the

vagueness of the letter, what lessons will the Department learn from this and previous reviews on how it communicates with patients in instances such as this and, indeed, how it supports patients in instances such as this?

Mr Swann: I apologised earlier and addressed the issue of where I was today. It goes without saying that incidents of this nature are of the gravest concern to me as Health Minister.

I assure members of the public that correct and appropriate steps are being taken by the trust to identify, quickly and thoroughly, any potential for harm to those patients and to take any follow-up action that may be necessary. It is not possible to provide further detail without speculating. I am, however, happy to provide updates to the House as we learn more.

In the meantime, I am assured that the exercise will be conducted with the utmost care and with the utmost attention paid to the patients' needs, including the provision of advice and psychological support as required. As the Member will be aware, the Northern Trust issued a communication this morning to all elected representatives in the area containing an email address and telephone number directly linked to the recall. Those details were supplied in the letter that was sent to those patients of concern.

Mr Clarke: Unlike others, I am not terribly perturbed about your absence earlier, Minister, but I am glad that you are here now. I am thankful that there are systems in place to catch incidents such as this. We would have been in a much worse place if this had not come to light and your Department had no system in place to find out about errors made.

That having been said, over 9,000 people got letters, whether vague or otherwise. According to some media reports today, although the number of scans reviewed may be small now, there are still 9,000 people who are very anxious tonight. Given that some of the reports date back to 2019, what assurances can you give those who received a letter that whatever review has to be done will be carried out in a timely manner in order to take away the concerns of some of the patients and that those who require additional treatment because of errors will see that treatment expedited, given the time that has already passed?

Mr Swann: I thank the Member for his comments. It is unfortunate that such incidents happen. I thank the Member for indicating that, when an incident like this does come to light,

there are the appropriate measures in place, be they look-back reviews or callbacks, to determine how it is graded.

I said in my statement how the 9,000 patients who received letters are being prioritised. The trust is working through the review on the basis of clinical priority. It is looking at the highest-risk categories first in order to identify any potential misdiagnoses so that those patients are called back first. As part of that review, it may therefore be necessary to recall some patients for further clinical assessments and upgrades.

As I said, it is too early to say how many of the patients may need to be physically recalled, but that work is ongoing in the trust, having already started. If any patient who received one of those letters requires additional supports or inputs, the telephone number and email contact are there.

Mr Principal Deputy Speaker: Members, the rules governing questions for urgent oral answer are set out in Standing Order 20B. Although no time limit is prescribed in Standing Orders, it is convention in the House that a question for urgent oral answer result in half an hour's business. I have more Members than time left, I think, so I ask Members' questions to be focused.

Ms Hunter: I thank the Minister for making himself available for what is an extremely urgent matter. Like many other MLAs, I have been contacted by many constituents who have yet to receive a letter but are afraid that they will.

We have become aware today that the radiologist in question continues to work in the UK. Have you had any conversations with the Northern Trust about that? It is very concerning that the trust believes that 7% may have suffered a delayed diagnosis. I am really curious to know what conversations you have had about that radiologist continuing to work in the UK.

Mr Swann: I thank the Member for making that point. The radiologist is no longer working for the Northern Trust or in Northern Ireland. The incident and concern about it were highlighted to my Department via the Northern Trust. The General Medical Council had sought information about the consultant's work, so there was concern raised through the appropriate regulatory body, which brought it to the attention of the Northern Trust in the first instance.

Dr Aiken: I thank the Minister for coming here and urgently dealing with the question. I must make a declaration of interest because, of course, I have been seen by a radiologist in the Antrim Area Hospital within the past couple of months.

Will the Minister indicate how quickly the serious incident review is likely to report and, when it does, how quickly he will be able to respond to it?

Mr Swann: I thank the Member for his point. The serious adverse incident investigation will be conducted through the trust. The trust advised that the SAI has been declared to review the individual circumstances of two patients with a grade 1 error, finding an example and the outcome of the radiology look back on radiology activity that was undertaken by the locum radiologist who was in practice and worked across a number of hospitals in the Northern Trust. The chief executive of the Northern Trust will commence that work as soon as possible.

Ms Bradshaw: Minister, you will recall that, when the neurology recall process took place, the Belfast Trust was 20 neurology consultants down. I heard it said on the radio this morning — I think that it was said by Dr O'Brien — that that trust is seven or eight urology consultants down. The neurology recall put so much pressure on the existing service. What extra measures or resources are you putting into the Northern Trust to make sure that the system does not collapse in its entirety because of the review?

Mr Swann: I thank the Member for her point. It is about how we support an already overstretched workforce in radiology. We have a number of vacancies not just in the Northern Trust but across Northern Ireland, and it takes time to train the radiologists to the degree to which they need to work in Northern Ireland. The Northern Trust is working with other trusts to identify any additional resource that may be available to support the radiologists in the Northern Trust while it conducts the look-back review.

Mr M Bradley: Minister, this is a serious matter. You said that letters will be sent out to all the patients affected, but what about letters to those who are unaffected to give them some reassurance that they are not at risk?

Mr Swann: I thank the Member for his point. I understand why he raised it, but the Northern Trust has been clear: if anybody who has been

scanned or seen by a radiologist in the Northern Trust over the same period has not received a letter or been identified, they have nothing to be worried about because that piece of work was not conducted by that radiologist. If they are concerned, the number is there and they can get in contact, but I ask patients who have not received a letter to be reassured because, if they needed to be contacted by the Northern Trust, they already would have been.

Ms Dillon: I thank the Minister for coming to the House. Apologies, Minister; I am not sure whether it is my hearing or your mic, but I am really struggling to hear you. You mentioned psychological services for those who have received a letter. How exactly will people be able to access those psychological services? Is there the capacity in the health service? It is my experience that there is not currently the capacity to deal with those with mental health issues who need psychological services. There will now be, potentially, up to 9,000 additional people. I do not for one minute suggest that all 9,000 will need psychological services, but, even if it is 1,000 — or even if it is 100 — that will be a real pressure. Do we have the capacity? How will people be offered the service?

Mr Swann: I thank the Member. That indication has already been put out in the media notices from the Northern Trust and the letters. It is something that we have seen during the past number of recalls in regards to putting in psychological support. A helpline and dedicated email address have been established for anyone who receives a letter and is particularly concerned. A Freephone number — 0800 0234377 — has been set up and can be called from 8.00 am to 8.00 pm, Monday to Friday, and 10.00 am to 4.00 pm, Saturday, Sunday and public holidays. There is also a dedicated email address that has been established in the Northern Trust, which is radiologyreview@northerntrust.hscni.net. Any patient who has concerns about their treatment and would like information should contact the Northern Trust via the helpline or the website.

It will put additional stresses and strains on our psychology services, but, in regards to what we have seen in the past and through engagement with the Patient and Client Council about other recalls, this is the right thing to do to provide support and reassurance for people who are concerned about the recall and may be concerned about what is included or intimated in the letters.

That additional support is there for them as well.

6.15 pm

Mr Beggs: Like other Members, I recognise the importance of urgent reviews for the 9,091 patients who have to have their diagnosis reassessed. I noticed that, last year, the Royal College of Radiologists indicated on its website that vacancies for radiologists in each part of the United Kingdom were at about 30%. To what extent is the over-reliance on locums contributing to the difficulty? Is the Minister in discussions with other Health Ministers so that there is a long-term plan to have a sustainable radiology workforce that will be able to meet increasing demand for radiology and diagnosis?

Mr Swann: The Member has highlighted a problem that not only affects this incident and the look back but, as I have said before, has to do with long-term underinvestment in staff. That is why there is an unfortunate reliance on locums, which puts additional financial pressures on the health service and the trusts.

With regard to the recruitment of radiologists, we are looking to our allied health professionals to increase the number of training places so that we can reduce the number of locums. As the Member will know, the transformation of health and social care in Northern Ireland is a priority. The Department has undertaken significant work to alleviate the workforce pressures across the health and social care system and is examining all the potential options and implications to address rising expenditure on locum services.

Mr Gildernew: It is concerning to see another large-scale recall, which is symptomatic of the pressure that the workforce and the services are under. Given the central importance of radiology in imaging and diagnostics, and given the existing waiting list situation, what is the Minister's assessment of the impact that this recall will have on radiology services across other trusts?

Mr Swann: I thank the Member for making that vital point. I do not see it having a knock-on effect. This will be additional work for our radiologists to undertake, but it should not stop or hinder the work that we need to do while we build back the service that is in place in the Northern Trust. As I said, we are working with radiologists across different trusts to make sure that the review does not have any direct impact on the timeline of work that we need to do in

order to rebuild our services, especially in diagnostics.

Mrs Cameron: I welcome the opportunity to get an update from the Minister on the very concerning news from the Northern Trust. Given the distress that the recall will cause the affected patients, clear and speedy communication is of utmost importance. Will the Minister give us an assurance that patients will be regularly and properly updated throughout the review process should concerns arise relating to their particular case?

Mr Swann: I thank the Member for that, and I want to assure Members and all patients and their families that the investigation into these matters will be comprehensive and that anyone whose case needs to be reviewed will be contacted as quickly as possible. The Northern Trust has written to over 9,000 patients or parents and guardians and, as I said in an earlier answer, patients who receive the letter do not need to take any action. The Northern Trust plans to run a process of review and recall in tandem, which means that every patient will be contacted again as soon as the trust knows the outcome in relation to their images. The trust will make the necessary arrangements very quickly for those patients who may require further imaging or a follow-up appointment. Again, I stress that a helpline and a dedicated email address have been established and are available for anyone who receives a letter or is particularly concerned.

Ms Sheerin: We have already heard that this locum has worked, or is currently working, in the UK. Do we know whether the locum had previously been employed in any cross-border work or in any other trust in the North?

Mr Swann: I do not have that detail, but I can get back to the Member on that. The specific timeline of concern is while they were working in the Northern Trust between July 2019 and February 2020. The review period will be between 21 June and 29 October 2021.

Adjourned at 6.20 pm.

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

- ✉ Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**
- ☎ 028 9052 1135**
- ✉ simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

- ✉ Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**
- ☎ 028 9052 1463**
- ✉ hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)